COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. Borgsmiller MUP N-DRC2022-00047 and Variance N-DRC2023-00019 ED23-171

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.

☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Public Services
☐ Agriculture & Forestry Resources	☒ Hazards & Hazardous Materials	☐ Recreation
☒ Air Quality	☐ Hydrology & Water Quality	☐ Transportation
☒ Biological Resources	☒ Land Use & Planning	☐ Tribal Cultural Resources
☐ Cultural Resources	☐ Mineral Resources	☐ Utilities & Service Systems
☐ Energy	☐ Noise	☐ Wildfire
☐ Geology & Soils	☐ Population & Housing	☒ Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation, the Environmental Coordinator finds that:

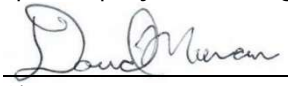
☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ 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			7/10/2023
Prepared by (Print)	Signature		Date
Eric Hughes		For Airlin Singewald, Environmental Coordinator	11/3/2023
Reviewed by (Print)	Signature		Date

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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: Request by **Bill Borgsmiller** for a Minor Use Permit ("MUP") to allow grading on slopes between 20 and 30 percent, and a Variance to allow grading on slopes exceeding 30 percent for the purpose of constructing a 6,144 square foot ("sf") single family residence with attached garage, a 642 sf covered patio, an in-ground swimming pool, and other site improvements that will include an all-weather access road, utilities and a septic leach field. Grading will result in an estimated 10,000 cubic yards (cy) of cut and 9,100 cy of fill and 900 cy to be exported. The area of site disturbance is estimated to be approximately 2.84 acres extending across two adjacent parcels with a combined area of 43.5 acres located at 8781 Tassajara Creek Road, about 1.8 miles west of US Highway 101. The project site is within the Agriculture land use category and within the Salinas River sub area of the North County Planning Area.

The project will be constructed in a single phase.

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

Table 1 – Project Components

Components	Quantities (approx.)
Single Family Residence	4,745 sf
Attached Garage	1,399 sf
Covered Patio	642 sf
Grade and construct a new 14 foot wide all weather access road. Extend utilities to building site.	111,624 sf
Septic leach field	4,300 sf
In Ground Pool	1,000 sf
Total Area of Disturbance:	**123,710 sf/ 2.84 acres**
10,000 cy of cut, 9,100 cy of fill; 900 cy of export	**--**

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Baseline Conditions

The project site is located in a rural area of the County where the dominant land use is ranching and small-scale crop production on parcels ranging in size from 7 acres to over 40 acres. The project site consists of two, irregularly-shaped parcels with a total area of 43.5 acres located on the north side of Tassajara Creek Road about 1.8 miles west of US Highway 101 (shown as Parcels 1 and 2 on Figure 2). Tassajara Creek Road is a County maintained rural collector; traffic counts taken by the County in 2021 revealed an average daily traffic volume of 285 and an afternoon peak hour volume of 39. The project site is within the boundaries of the Highway 41 wildfire that occurred in 1994. Tassajara Creek is a 'blue-line' creek that crosses the southern portion of both parcels; the creek supports a well-established corridor of riparian and riverine vegetation that lies outside the area of disturbance.

The new residence, septic leach field and the majority of improvements associated with the new all-weather access road will be constructed on Parcel 1 (APN 070-062-027) which is vacant and consists of 36.5 acres. Historical aerial photography taken in 2011 shows a mobile home and accessory building on Parcel 1 on the north side of Tassajara Creek; these buildings were apparently removed sometime after 2011. The imagery also shows extensive grading was conducted near the ridgeline of Parcel 1 sometime between 2010 and 2011; there is no record of a grading permit being issued for this site.

The topography of Parcel 1 consists of moderate to steeply sloping hills that extend northward from Tassajara Creek to an east-west trending ridgeline where the residence will be constructed. The hills contain scattered oak trees and annual grasses on the south facing slopes as well as dense stands of chaparral. Existing improvements to Parcel 1 include a paved driveway that extends northward from Tassajara Creek Road to a bridge over Tassajara Creek. The bridge connects to a series of unimproved ranch roads that provide access to the interior of site; no improvements to the bridge or the paved portion of the access road are proposed. A well has been constructed on Parcel 1 near Tassajara Creek; the well is connected to a series of water tanks located near the ridgeline (Figure 3). No data were provided on the pumping capacity/yield of the well. There is no evidence of previous or ongoing commercial agriculture or livestock grazing.

Parcel 2 (APN 070-062-028) consists of 7.0 acres located adjacent to Parcel 1 to the south and east (Figure 3). Parcel 2 has been improved with a single-family residence located on a level bench between Tassajara Creek and Tassajara Creek Road. The topography and existing vegetation are similar to Parcel 1. Pacific Gas and Electric Co. maintains an easement across Parcel 2 for high voltage transmission lines. No new structures are proposed for Parcel 2; however, improvements associated with construction of the new all-weather access road will extend across the northwest corner. There is no evidence of previous or ongoing commercial agriculture or livestock grazing.

Ordinance Modification. No ordinance modifications have been requested for this project.

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ASSESSOR PARCEL NUMBER(S): 070-062-027, 070-062-028

Latitude: 35º 23' 3.0" N **Longitude:** 120.º 39'' 59"W **SUPERVISORIAL DISTRICT #** 2

B. Existing Setting

Plan Area: North County **Sub:** Salinas River **Comm:** Rural

Land Use Category: Residential Rural

Combining Designation: None

Parcel Size: 43.5 acres

Topography: Moderately sloping to steeply sloping

Vegetation: Scattered Oaks Grasses

Existing Uses: Undeveloped single-family residence(s)

Surrounding Land Use Categories and Uses:

North: Rural Lands; undeveloped

East: Residential Rural; vacant single-family residence(s)

South: Residential Rural; single-family residence(s)

West: Residential Rural; single-family residence(s)

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Figure 1 -- Project Location

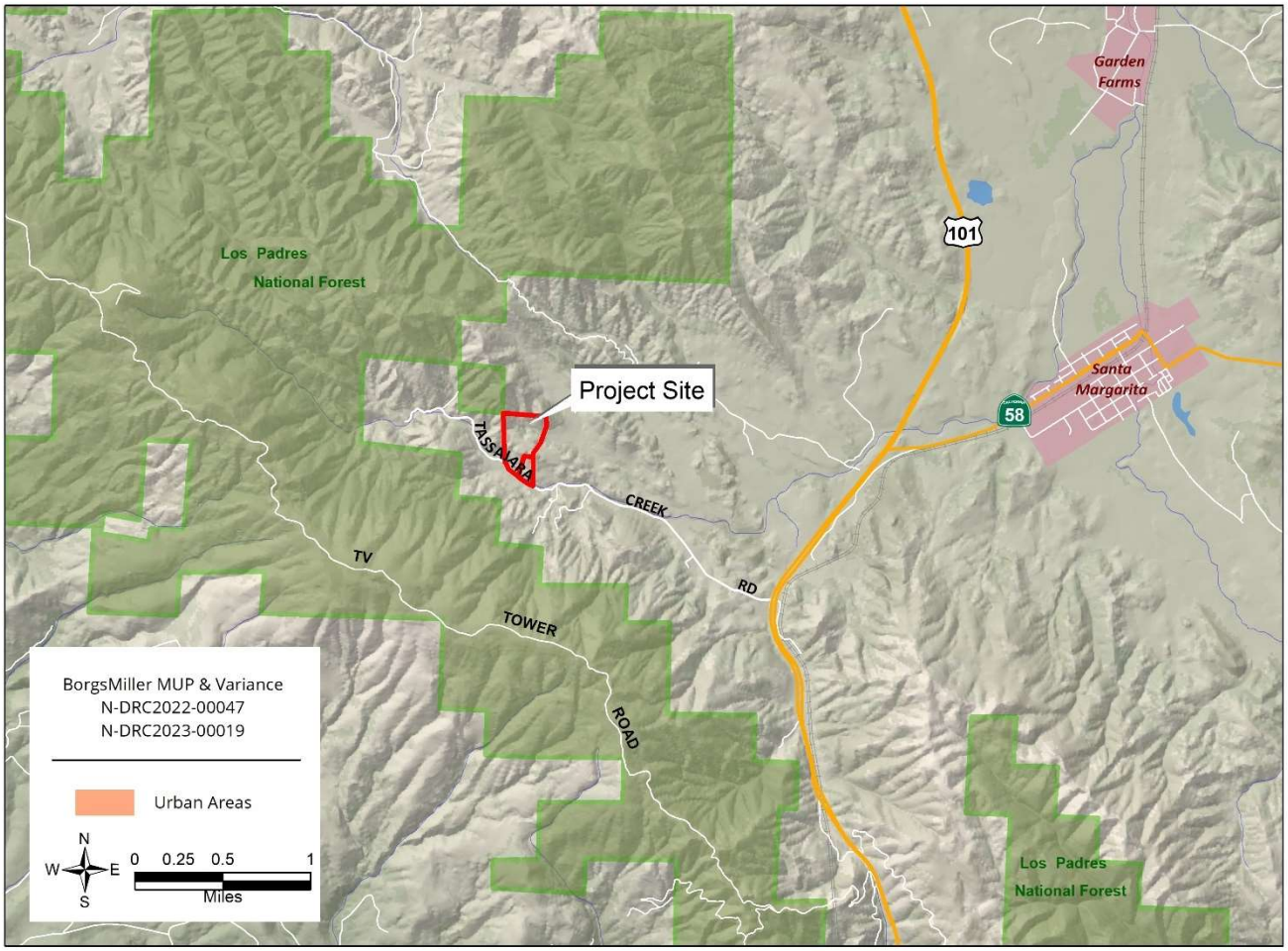

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Figure 2 – Aerial View of the Project Site and Area of Disturbance

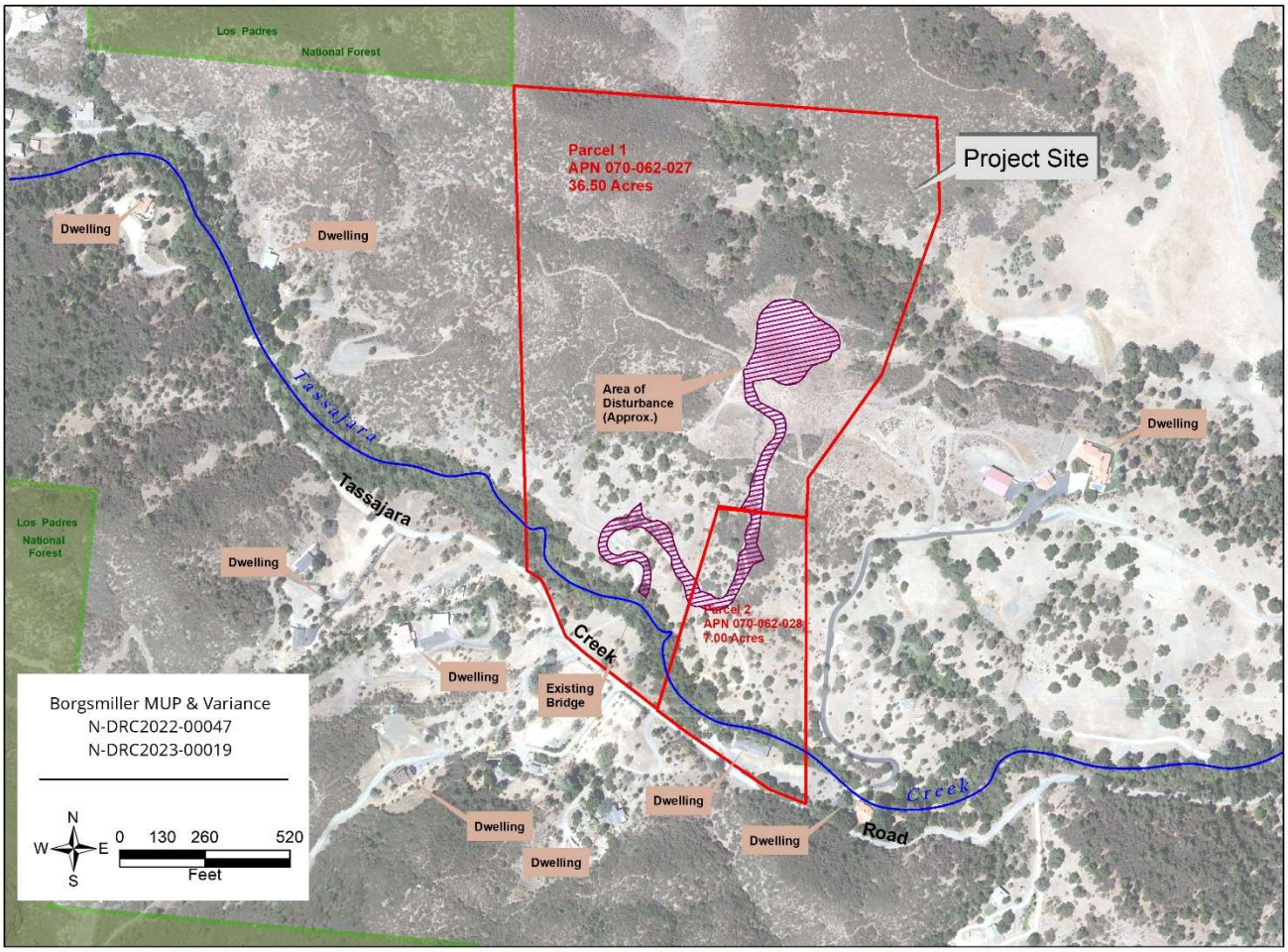

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Figure 3 – Overall Site Plan and Area of Disturbance

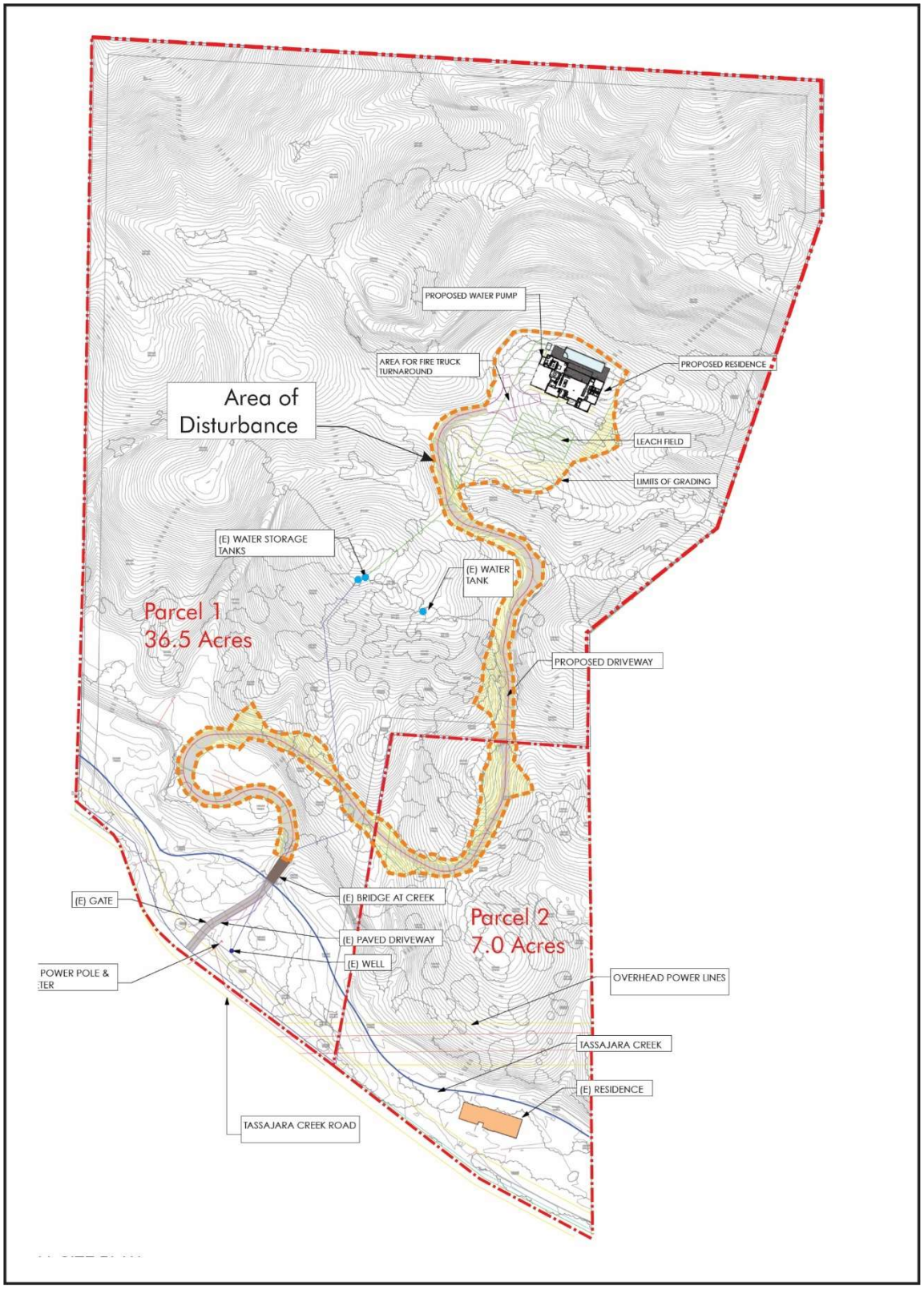

Figure 4 – Elevations – Single Family Residence with Attached Garage



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C. Environmental Analysis

The Initital 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
Except as provided in Public Resources Code Section 21099, would the project:					
(a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
(b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
(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?	☐	☐	☒	☐
(d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Setting

Based on the description provided in the Baseline Conditions, the visual qualities of the project site and surrounding area are considered moderately high.

The primary vantage for public views in the area is provided by Tassajara Creek Road, a county-maintained rural roadway that extends west from State Highway 101 through gently-to-steeply sloping hills on the north side of Cuesta Grade. The road follows a meandering course through dense stands of oak trees and annual grasses; views from the roadway are generally confined to the roadway and adjacent rural residences by intermittent stands of oak trees and riparian vegetation associated with Tassajara Creek. Traffic counts for Tassajara Creek Road taken west of Highway 101 in 2021 revealed a PM peak hour volume of 39 and an average daily traffic count of 285.

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

- 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. In addition, LUO Section 22.10.095 sets forth highway corridor design standards that apply to new development along portions of Highway 41 and Highway 101. Lastly, Section 22.14 establishes a combining designation for visual resources; the project lies outside the areas where these regulations apply.

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 moderate-to-high scenic value and an appealing rural and agricultural character, it is not considered a scenic vista as it 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) and does not provide expansive views of a highly valued landscape for the benefit of the general public. It does not lie within the areas subject to the

Highway Corridor Design standards set forth in LUO Section 22.10.095 nor is it subject the Combining Designation for visual resources. The project may result in the removal of up to three mature oak trees; however, these trees are not visible from Tassajara Creek Road. Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and *no impacts would occur.*

(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?*

Parcel 1, where the residence and about 80 percent of the access road improvements will be constructed, contains steep slopes with scattered stands of oak trees, annual grasses and chaparral. The access road will extend northward from Tassajara Creek Road generally following the alignment of an existing unimproved roadway that follows a meandering path up the hill and through a portion of Parcel 2 to a relatively level building site located at the top of the ridge (Figure 2). As discussed in the setting, above, Tassajara Creek Road carries an average daily traffic volume of 285 and a peak hour volume of 39. Therefore, public viewership of the project site from the road is currently very low.

Figure 5 -- View of Parcel 1 Looking East From Tassajara Creek Road



Figure 6 -- View of Parcel 2 Looking East From Tassajara Creek Road



Construction of the all-weather access road and residence will change the visual and aesthetic character of the project site. The overall site plan (Figure 3) shows the proposed all weather access

road extend northward from an existing bridge following the general alignment of an existing unimproved ranch road. The new roadway will pass through areas of scattered oak trees and annual grasses to a relatively level building site located at the top of an east-west trending ridge on Parcel 1 where the residence, swimming pool and septic leach field will be constructed. Construction of the roadway will require grading on slopes greater than 30 percent; up to three mature oak trees are proposed for removal. Preliminary exterior colors and materials for the residence (Figure 4) show a single-story structure with a hip roof that will extend about 19 feet above the graded building site.

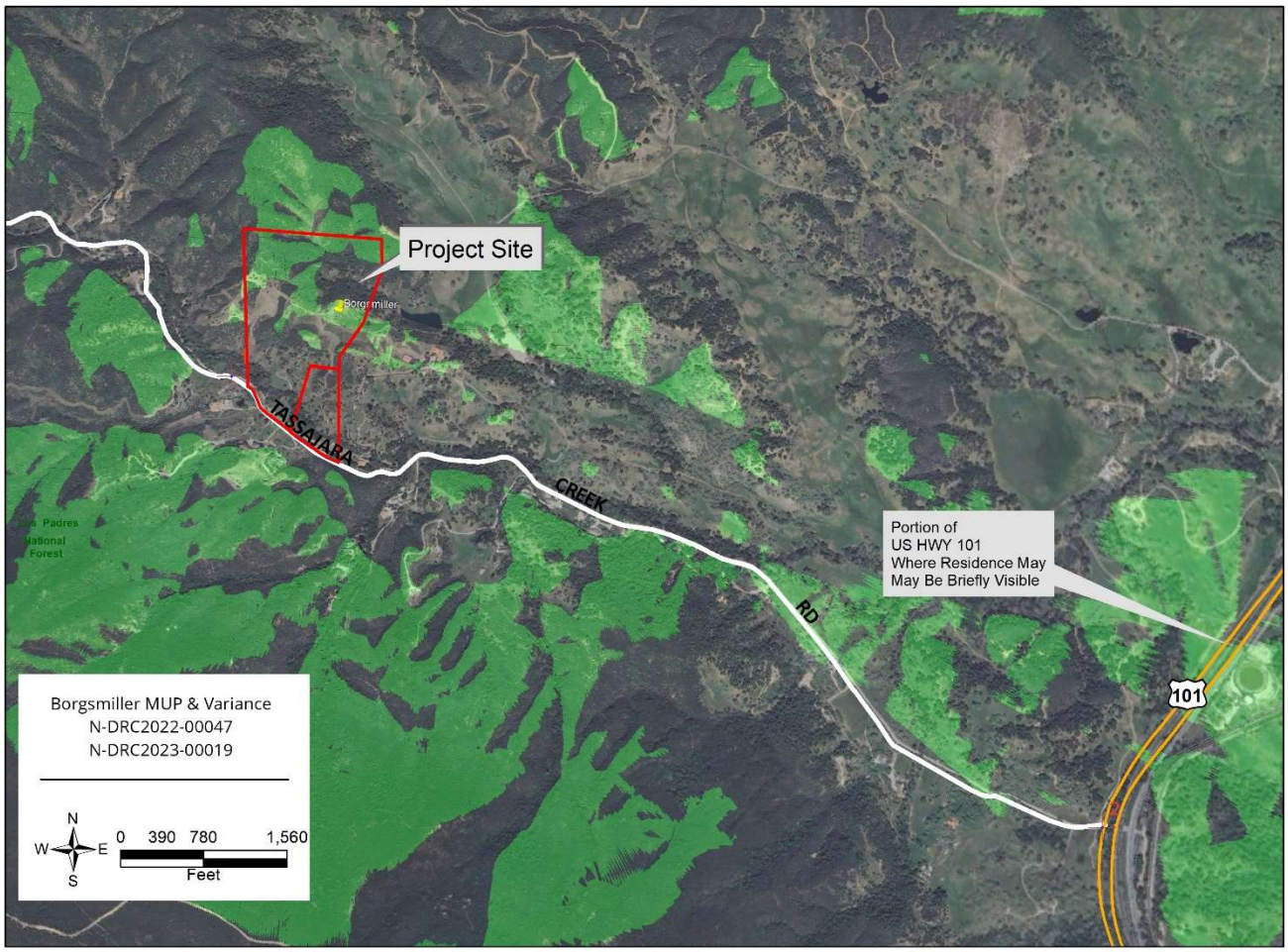
Figure 7 provides an illustration of areas (shown in green) with a line-of-sight view of the residence, assuming a building height of 23 feet at the highest point above the existing grade *and assuming no intervening visual obstructions such as terrain or vegetation*. As shown in Figure 7, the residence will not be visible from Tassajara Creek Road but may be briefly visible at a distance from southbound Highway 101.

However, 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 along Tassajara Creek Road in the vicinity consist of rolling hills with scattered oak trees, rural residences and grasslands. The size, scale and character of development associated with the project are consistent with the visual character of existing surrounding development.
- The primary opportunity for the public to view the project site is associated with motorists travelling on Tassajara Creek Road. As shown in Figures 5 and 6, views of the access road and residence will be completely screened from view by dense vegetation located along the creek corridor adjacent to the roadway.
- As shown on Figure 9, the residence may be briefly visible to passing motorists from a 0.2 mile section of the southbound US Highway 101 located about 1.8 miles east of the project site. Assuming an average speed of 60 miles per hour, the residence may be in view for about 12 seconds to southbound motorists at a distance of about 1.8 miles. Although US Highway 101 carries a high volume of daytime traffic, views of the project site will be very brief and at a distance where the residence will be largely indistinguishable from the surrounding terrain.

Based on the preceding analysis, project impacts associated with the potential degradation of the existing visual character or quality of public views are expected to be *less than significant*.

Figure -- Areas With A Line of Sight View of Project Components (shown in green)



(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 visible 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 dwelling will introduce new sources of light to the project site associated with a new single family residence. The project will be conditioned to comply with county standards for exterior lighting which require light to be confined to the site of the source. Therefore, potential impacts associated with the creation of a new source of substantial light would be *less than significant.*

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.

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II. AGRICULTURE AND FORESTRY RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
(a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
(b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
(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))?	☐	☐	☐	☒
(d)	Result in the loss of forest land or conversion of forest land to 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?	☐	☐	☒	☐

Setting

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts to California's agricultural resources. Agricultural land is rated according to soil quality as well as current and previous land use. For purposes of

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CEQA compliance, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land as "agricultural land." Non-agricultural designations include Urban and Built-up Land, Other Land, and Water.

Chapter 6 of the County Conservation and Open Space Element (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 the 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.

Cuesta-Henneke families complex, 15 to 60 percent slopes

Component: Cuesta family (50%)

The Cuesta family component makes up 50 percent of the map unit. Slopes are 15 to 60 percent. This component is on mountains, mountains. The parent material consists of residuum weathered from serpentinite. Depth to a root restrictive layer, bedrock, paralithic, inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is high. 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 1 percent. Nonirrigated land capability classification is 7e. This soil does not meet hydric criteria.

Component: Henneke family (30%)

The Henneke family component makes up 30 percent of the map unit. Slopes are 15 to 60 percent. This component is on mountains, mountains. The parent material consists of residuum weathered from serpentinite. Depth to a root restrictive layer, bedrock, lithic, inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is high. 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 1 percent. Nonirrigated land capability classification is 7e. This soil does not meet hydric criteria.

Lodo-Hambright-Millsholm families association, 30 to 60 percent slopes

Component: Lodo family (60%)

The Lodo family component makes up 60 percent of the map unit. Slopes are 30 to 60 percent. This component is on mountains, mountains. The parent material consists of residuum weathered from shale. Depth to a root restrictive layer, bedrock, lithic, inches. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is low. 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 1 percent. This component is in the F019XG913CA Loamy Hills <30"ppt ecological site. Nonirrigated land capability classification is 7e. This soil does not meet hydric criteria.

Component: Millsholm family (15%)

The Millsholm family component makes up 15 percent of the map unit. Slopes are 30 to 60 percent. This component is on mountains, mountains. The parent material consists of residuum weathered from shale. Depth to a root restrictive layer, bedrock, lithic, inches. The natural drainage class is well drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is low. 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 1 percent. This component is in the F019XG913CA Loamy Hills <30"ppt ecological site. Nonirrigated land capability classification is 7e. This soil does not meet hydric criteria.

Component: Hambright family (15%)

The Hambright family component makes up 15 percent of the map unit. Slopes are 30 to 60 percent. This component is on mountains, mountains. The parent material consists of residuum weathered from shale. Depth to a root restrictive layer, bedrock, lithic, inches. The natural drainage class is excessively drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is low. 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 1 percent. This component is in the F019XG913CA Loamy Hills <30"ppt ecological site. Nonirrigated land capability classification is 7e. This soil does not meet hydric criteria.

As shown in Table 2, none of the soils present on the project site are considered prime farmland by the COSE.

Table 2 – Farmland Classifications of the COSE and Corresponding Acreages

Soil	COES Classification	Acres
Lodo-Hambright-Millsholm families association, 30 to 60 percent slopes	Not Prime	36.01
Cuesta-Henneke families complex, 15 to 60 percent slopes	Not Prime	7.49
	Total:	**43.50**

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 as determined by the FMMP. As shown in Table 3, none of the soils are considered important farmland for crop production by the FMMP.

Table 3 – Farmland Classifications of the FMMP and Corresponding Acreages

FMMP Classification	Acres
Non-Agricultural Land	43.50
Total:	**43.50**

Source: Department of Conservation Farmland Mapping and Monitoring Program, 2023

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 Santa Margarita Agricultural Preserve but is not subject to an active Williamson Act contract.

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.

(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?*

As shown in Table 3, according to the FMMP, the project site does not contain any soils mapped as Prime Farmland, Unique Farmland or Farmland of Statewide Importance. Therefore, there would be *no impact*. In addition, owing to the steep slopes and lack of irrigation water, the project site is not suitable for crop production.

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

The project site is located within the *Residential Rural* land use category and is not subject to a Williamson Act Contract; a single family dwelling is an 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?*

According to the project plans, up to three mature oak trees may be removed to construct the access roadway. However, the project site does not contain stands of oak trees that meet the definition of "forest land" as prescribed in Public Resources Code Section 12220(g). Therefore, the project will result in *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 large (ie, >20 acres) parcels some of which are used for livestock grazing and small-scale crop production. As discussed in the project description, there is no evidence of crop production associated with the project site, owing to the steepness of the terrain and the absence of suitable soils and irrigation water.

Surrounding agricultural uses may be temporarily affected by noise and dust generated during the construction 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.*

Initial Study – Environmental Checklist

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

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:					
(a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
(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?	☐	☐	☒	☐
(c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
(d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☒	☐	☐

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 that provides guidance to the SLOAPCD and other local agencies on how to attain and maintain the state air quality standards. 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 emissions, thereby improving air quality. Project consistency with the CAP is determined by considering whether the project incorporates the relevant 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_{10} 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_X) as well as fugitive dust emissions (PM_{10}) and exhaust particulates.

SLOAPCD Criteria Pollutant Thresholds

The SLOAPCD has developed a CEQA Air Quality Handbook (most recently updated with a November 2017 Clarification Memorandum) to help local agencies determine the significance of project-specific air quality impacts and to determine whether mitigation measures are needed. To assist in this task, the 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 results in the movement of 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM_{10}).

Initial Study – Environmental Checklist

The 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. 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 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 are single-family residences to the south and east that are less than 1,000 feet from areas to be graded for the access road.

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 located in an area identified as having the 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.

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 that would typically be occupied by three full-time residents. Therefore, the project would not generate a significant number of employees and 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 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 a non-attainment area for ozone and PM_{10} 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_X) as well as fugitive dust emissions (PM_{10}).

Construction Emissions

Based on the project description, the project will have an area of disturbance of about 2.84 acres and will involve 10,000 cubic yards (cy) of cut, 9,100 cy of fill and 1,000 cy of export that will be spread on a portion of the 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.

Table 4 -- Estimated Construction-Related Emissions

Pollutant	Total Estimated Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO_x) (combined)	215.43 lbs./day[1]	137 lbs./day	**Yes**
	1.07 tons /quarter[1]	2.5 tons/quarter	No
Diesel Particulate Matter (DPM)	9.36 lbs. /day[2]	7 lbs./day	**Yes**
	0.04 tons/quarter[2]	0.13 tons/quarter	No
Fugitive Particulate Matter (PM_{10})	2.13 tons[3]/quarter	2.5 tons/quarter	No

Notes:

1. Based on 19,100 cubic yards of material moved and 0.113 pounds of combined ROG and NOx emissions per cubic yard of material moved and 10 construction days.
2. Based 19,100 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved.
3. Based on 2.84 total acres of disturbance and 0.75 tons of PM10 generated per acre of disturbance per month and 10 days of construction.

As shown in Table 4, project construction related emissions are expected to exceed the daily emissions thresholds for ozone precursors and diesel particulates. 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 that will likely generate about 9.0 average daily trips. Accordingly, project-specific and cumulative operational impacts are considered a *less than significant* and *less than cumulatively considerable*.

The project will result in travel on an a 0.25 mile unpaved roadway. However, the small number of trips and short distance travelled are not expected to exceed the daily threshold for particulates of 25 lbs per day.

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

(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 less than 1,000 feet from the area of disturbance. 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.*

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

Construction activities have the potential to emit odors from diesel equipment, paints, solvents, fugitive dust, and adhesives. Any odors generated by construction activities would be intermittent and temporary, and generally would not extend beyond the construction area. Following construction of site improvements and the residence, the project site would be limited to residential uses and would not include any components or operational activities that would generate substantial long-term adverse odors. Therefore, odors generated by the project would be short-term, intermittent, and *less than significant*.

The project site is located in an area identified as containing NOA which may be mobilized during ground disturbance activities. This impact is considered less *than significant with mitigation*. Mitigation Measures AQ-3 and AQ-4 are recommended that require implementation of SLOACPD testing, notification, and disposal protocol to reduce the potential to release NOA during proposed ground disturbance activities and to mitigate health risks if NOA is detected.

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 have *no impact* relating to substantial air pollutant emissions from such activities.

Conclusion

The project would be consistent with the SLOAPCD's Clean Air Plan but diesel emissions associated with construction activities could adversely impact surrounding sensitive receptors. In addition, the project site may contain NOA. 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:

a) Reduce the amount of the disturbed area where possible;

b) 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. When water use is a concern due to drought conditions, the contractor or builder shall consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control.;

c) All dirt stock-pile areas shall be sprayed daily as needed;

d) 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;

e) All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code (CVC) Section 23114.

f) "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified.

g) All of these fugitive dust mitigation measures shall be shown on grading and building plans; and

h) The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork, or demolition (Contact the Compliance Division at 805-781-5912).

i) Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities.

j) Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.

k) All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.

l) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

m) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.

n) Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

o) **AQ-2 ROG, NO_x, DPM Emissions.** The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NOx), 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 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. Use on-road heavy-duty trucks that meet the CARB's 2010 or cleaner certification standard for on-road heavy-duty diesel engines and comply with the State On-Road Regulation.

g. 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.

h. Electrify equipment when possible.

i. Substitute gasoline-powered in place of diesel-powered equipment, when available. and,

j. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-3 **Naturally Occurring Asbestos Survey. Prior to issuance of grading or construction permits**, the applicant shall retain a registered geologist to conduct a geologic evaluation of the property, including sampling and testing for NOA in full compliance with SLOAPCD requirements and the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105). This geologic evaluation shall be submitted to the County Department of Planning and Building upon completion. If the geologic evaluation determines that the project would not have the potential to disturb NOA, the applicant must file an Asbestos ATCM exemption request with the SLOAPCD. Evidence of APCD approval must be provided to Planning staff.

AQ-4 **Naturally Occurring Asbestos Remediation.** If NOA are determined to be present on-site per AQ-3, proposed earthwork, demolition, and construction activities for initial site improvements and future residential development shall be conducted in full compliance with the various regulatory jurisdictions regarding NOA, including the CARB ATCM for Construction, Grading, Quarrying, and

Surface Mining Operations (17 CCR 93105) and requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP; 40 Code of Federal Regulations [CFR] Section 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:

1. Written notification, within at least 10 business days of activities commencing, to the SLOAPCD;
2. Preparation of an asbestos survey conducted by a Certified Asbestos Consultant; and

Implementation of applicable removal and disposal protocol and requirements for identified NOA.

Sources

Provided in Exhibit A.

Initial Study – Environmental Checklist

IV. BIOLOGICAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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?	☐	☒	☐	☐
(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?	☐	☒	☐	☐
(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?	☐	☐	☐	☒
(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?	☐	☒	☐	☐
(e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
(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?	☐	☐	☐	☒

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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).

State Law and Regulations

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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.

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 (CNDDB)

"Special Plants" and "Special Animals" are broad terms used to refer to all the plant and animal taxa inventoried by the CNDDB, regardless of their legal or protection status (CNDDB 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 CNDDB (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 1.5.1and 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).

Global and State Ranks

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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 CNDDB 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 CNDDB 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)

- **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 October, 2022 by Padre Associates which is incorporated herein by reference and available for review in its entirety at the Department of Planning and Building. The following is a summary of the findings and recommendations of that study.

The Project Site is located on Tassajara Creek Road, approximately 1.8 miles northwest of Highway 101 in rural Santa Margarita, San Luis Obispo County, California, in the eastern slope of the Santa Lucia Mountain Range. The topography of the region consists of moderate to steep rolling hills. Surrounding properties contain rural residential structures and infrastructure, paved roads, ranchlands, and open space supporting grassland, shrubland, woodland, and riparian habitats. Tassajara Creek runs parallel to Tassajara Creek

Road in a generally northwest to southeast direction. The Project Site includes a paved driveway leading to a concrete and steel bridge that crosses Tassajara Creek approximately 100 feet northeast of Tassajara Creek Road.

Methodology

Prior to conducting the field survey, a query of the CDFW California Natural Diversity Data Base (CNDDB) was conducted to identify documented occurrences of special-status plant and wildlife species, and sensitive habitats within the vicinity of the BSA. The CNDDB 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 CNDDB are considered "special animals" in which the CDFW is interested in tracking, regardless of their legal protection status. The Project Site is located within the Atascadero 7.5-minute United States Geological Survey (USGS) quadrangle, and the CNDDB search was focused on this and eight adjacent quadrangles within approximately ten miles of the BSA, including Templeton, Creston, Santa Margarita, Lopez Mountain, San Luis Obispo, Morro Bay South, Morro Bay North, and York Mountain. 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.

On September 1, 2022, the biologists 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 September, 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 the Project region.

Vegetation within the BSA was divided and classified into vegetation types based on A Manual of California Vegetation, Second Edition (Sawyer, et. al., 2009) or described as site-specific vegetation and/or land use cover types not treated in the MCV2. 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 of Vascular Plants of California (Baldwin et. al., 2012).

The biologists also completed subsequent, suitably timed field surveys focused on the presence/absence of special-status plant species on March 16 and May 2, 2023. The results of that survey are incorporated herein by reference and available for review in its entirety at the Department of Planning and Building. The biological survey area (BSA) encompassed the access road and Project disturbance footprint. Field survey methods consisted of walking paths of opportunity throughout the BSA. Plant species observed within the survey area were documented and incorporated into the comprehensive plant list. Special-status plants were recorded using a hand-held Global Positioning System (GPS) unit.

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Habitats/Vegetative Communities

Star-thistle fields alliance occurs in fallow fields, rangelands, grasslands, roadsides, levee slopes, disturbed coastal scrub, riparian areas, cleared roadsides, waste places and soils are clays to sandy loams and is characterized by yellow star thistle (*Centaurea solstitialis*) as 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 in the southwest portion of the BSA, adjacent to the existing access road with yellow star thistle as the dominant species. Co-dominant to component species included wild oats (*Avena barbata*), redstem filaree (*Erodium cicutarium*), sparse occurrences of coyote brush (*Baccharis pilularis*) and one multi-trunk valley oak (Quercus lobata) tree with a Diameter at Breast Height of approximately 12 inches. This alliance is not considered sensitive by the CDFW and is not protected under CEQA.

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 (Bromus hordeaceus) and or foxtail barley (Hordeum murinum) as dominant or 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 at the southern boundary of the BSA and appeared to be recently mowed. Dominant to co-dominant species Included remnant wild oats and redstem filaree, with a small cluster of grey pines (Pinus sabiniana). This alliance is not considered sensitive by the CDFW and is not protected under CEQA.

Deerweed scrub (*Acmispon glaber* [*Lotus scoparius*] Shrubland Alliance). The Deerweed scrub alliance occurs on lower to upper slopes and ridges, typically exposed, somewhat steep open settings, and often in areas of recent disturbance, such as through clearing, fire, or intermittent flooding and is characterized by deerweed (*Acmispon glaber*) as the dominant species in the shrub canopy with shrubs such as chamise (*Adenostoma fasciculatum*), buckbrush ceanothus (*Ceanothus cuneatus*) and California buckwheat (*Eriogonum fasciculatum*); canopy is open to intermittent (Sawyer et. al., 2009). As observed during the field survey, this alliance was located primarily in and adjacent to the proposed building site, water line corridor, and upper access road in the northeastern portion of the BSA with deerweed as the dominant species at sparse to moderate cover. Component and intermittent species included remnant wild oats, coyote brush, and golden fleece (*Ericameria arborescens*). This alliance is not considered sensitive by the CDFW and is not protected under CEQA.

Chamise chapparal (*Adenostoma fasciculatum* Shrubland Alliance). The Chamise chapparal alliance is found on varied topography with soils that are commonly shallow over colluvium and many kinds of bedrock and is characterized by chamise as the dominant species with component species such as manzanita (Arctostaphylos sp.), moneky flower (Diplace auranticus), scrub oak (Quercus berberidifolia), and Ceaonothus (Ceanothus sp.); canopy intermittent to continuous (Sawyer et. al., 2009). As observed during the field survey, chamise was the dominant species with co-dominant to component species including scrub oak, bush poppy (*Dendromecon rigida*), golden fleece, greenbark ceanothus (*Ceanothus spinosus*), manzanita (*Arctostaphylos* spp.), deerweed, and remnant wild oats, and intermittent occurrence of sand buck brush (*Ceanothus cuneatus* var. *fascicularis*). This alliance is not considered sensitive by the CDFW and is not protected under CEQA.

Black sage scrub (*Salvia mellifera* Shrubland Alliance). Black sage scrub Alliance occurs on dry slopes and alluvial fans with shallow soils and is characterized by the presence of black sage (*Salvia mellifera*) as dominant or co-dominant in the shrub canopy; canopy is continuous to intermittent and herbaceous layer is variable and seasonal (Sawyer et al., 2009). As observed during the field survey, this alliance occurred on a steep slope between the access road and proposed solar array location in the northeast portion of the Project Site. Black sage was the dominant species with co-dominant to component species including bush poppy, coyote brush, deerweed, and remnant annual grasses. Black sage scrub is not considered sensitive by the CDFW and is not protected under CEQA.

Pine scrub. Within this Report, Pine scrub is a site-specific vegetation community classification consisting of an assemblage of grey pine in the tree canopy with intermittent occurrences of oaks, manzanita, and sand buck brush in the shrub layer and sparse cover of remnant annual grasses in the herbaceous layer. As observed during the field survey, this vegetation community occurred adjacent to the access road in the central/southern portion of the BSA. Pine scrub is not considered sensitive by the CDFW and is not protected under CEQA.

Mixed oak forest and woodland (*Quercus* [*agrifolia*, *douglasii, garryana, kelloggii*, *lobata, wislizeni*] Forest and Woodland Alliance). Mixed oak forest and woodland Alliance occurs in valleys, gentle to steep slopes on soils that are moderately deep and is characterized by coast live oak (Quercus agrifolia), blue oak (Quercus douglasii), Oregon oak (Quercus garryana), California black oak (Quercus kelloggii), valley oak (Quercus lobata), and/or interior live oak (Quercus wislizeni) with buckeye (*Aesculus californica)*, madrone (*Arbutus menziesii*), grey pine, douglas fir (*Pseudotsuga menziesii*), and/or California bay (*Umbellularia californica*); canopy is open to continuous, shrubs are infrequent or common, and herbaceous layer is sparse or abundant and may be grassy (Sawyer et. al., 2009). As observed during the field survey, this alliance occurred adjacent to the access road in the central/south portion of the BSA. Valley oak and interior oak were the dominant tree species with intermittent occurrences of grey pine and coast live oak. Sparse to moderate cover of component and understory species included wild oats, deerweed, fiddleneck (*Amsinckia* sp.), deerweed, and coyote brush. Black sage scrub is not considered sensitive by the CDFW and is not protected under CEQA however, individual oak trees and oak woodlands are protected under San Luis Obispo County regulations.

California sycamore – Coast live oak riparian woodlands (*Platanus racemosa – Quercus agrifolia* Woodland Alliance). The California sycamore – Coast live oak riparian woodlands alliance occurs in gullies, intermittent streams, springs, seeps, stream banks, and terraces adjacent to floodplains that are subject to high-intensity flooding with soils that are rocky or cobbly alluvium with permanent moisture at depth. This alliance is characterized by California sycamore (*Platanus racemosa*) and/or Coast live oak as dominant to or co-dominant in the tree canopy in riparian habitats with cottonwood (Populus fremontii), valley oak, arroyo willow (Salix lasiolepis), red willow (Salix laevigata) and other native species; tree and shrub canopy is open to intermittent, and herbaceous layer is sparse or grassy (Sawyer, et. al., 2009). As observed during the field survey, this alliance comprised the riparian corridor along Tassajara Creek adjacent to Tassajara Creek Road. California sycamore was the dominant species with co-dominant to intermittent species including coast live oak, valley oak, cootnwood (Populus fremontii), grey pine, and redwood (Sequoia sempervirens) in the tree canopy, and moderate to dense cover of understory species including coffee berry (*Frangula californica*), coyote brush, arroyo willow, red willow, poison oak (Toxicodendron diversilobum), tall Cypress (Cyperus eragrostis), poisoin hemlock (Conium maculatum), and horsetail (Equisetum sp.). This alliance is not considered sensitive by the CDFW and is not protected under CEQA; however, this

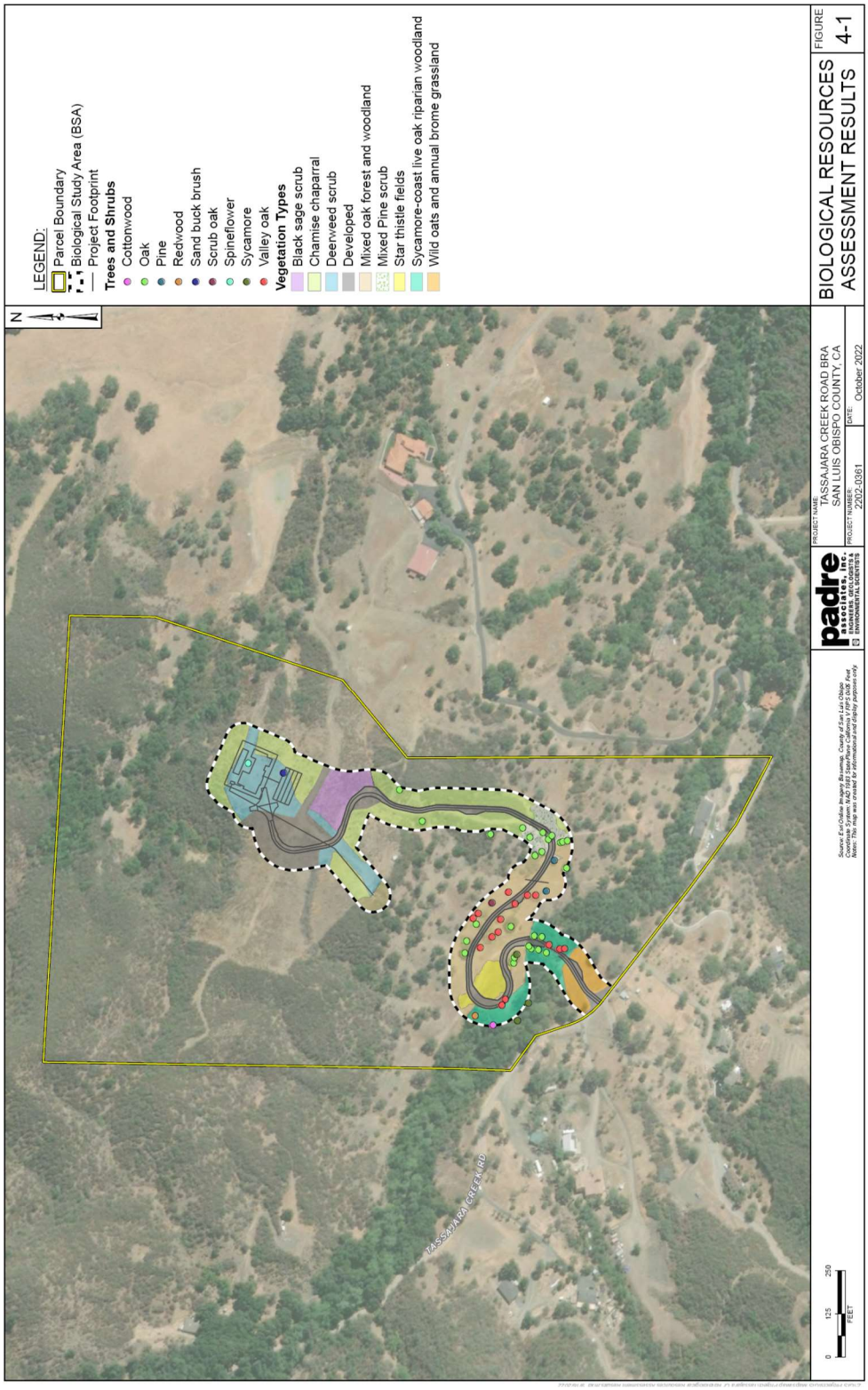
assemblage of vegetation comprises the Tassajara Creek riparian corridor and as such, is a protected resource under CDFW regulation 1602 (Lake and Streambed Alteration Agreement).

Developed. Within the BRA, Developed is a term that describes areas where the land surface has been modified for infrastructure, such as paved and unpaved roads, graded areas and water tank locations. Developed lands typically do not support vegetative cover due to the presence of impervious surfaces, however, disturbed areas that are not paved can support vegetative cover. As observed during the field survey, Disturbed areas included the paved driveway and bridge near Tassajara Creek Road, the unpaved access road, and several graded slopes adjacent to the access road throughout the BSA.

Oak Trees. Mixed oak forest and woodland vegetation community mapped within the BSA was comprised of sparse to moderate occurrences of oak trees (valley oaks, coast live oak, interior live oak, and scrub oak) that were observed within or overlapping the Project footprint (primarily along the access road). A total of 40 oak trees, with a DBH of five inches or greater, were documented within the BSA. Of these 40 oak trees, six were located within the proposed road disturbance footprint, 19 oak trees had canopy overlapping the proposed road disturbance footprint, and the remaining 15 oak trees were located outside of the proposed Project footprint (trees outside the footprint were documented for informational purposes only).

Initial Study – Environmental Checklist

Figure 8 – Vegetative Communities of the Project Site



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Wildlife Habitats

The upland and riparian habitats within the BSA were vegetated with sparse to dense herbaceous, shrub, and tree cover that provided suitable habitat for birds to nest, forage, and roost throughout the year. The soil within the upland areas was generally loose and friable, providing suitable conditions for burrowing reptiles and mammals. In addition, areas of bare ground and minimal vegetation also function as suitable denning and foraging habitat for reptiles.

Wildlife was identified during the field survey through indirect sign and direct observations of individuals. Species observed and detected included western side-blotched lizard (Uta sranburiana), western scrub jay (Aphelocoma californicus), red-tailed haw (Buteo jamaicensis), California quail (*Callipepia californica*), gopher (*Thomomys bottae*), ground squirrel (*Otospermophilus beecheyi*), and woodrat (*Neotoma fuscipes*). 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, one Riverine feature (Tassajara Creek) and associated Forested/Shrub Wetland habitat was recorded in the USFWS NWI and was verified to occur within the BSA. As observed during the field survey, Tassajara Creek was approximately 40 feet wide and 10 feet deep measured at the top of the banks at the bridge crossing within the BSA. Shallow pools of standing water were present, and vegetation within the channel and banks consisted of an assemblage of hydrophytic and riparian plant species.

Sensitive Resources

Results of the nine quadrangles (approximately ten miles surrounding the Project Site) CNDDB query for regional occurrences of special-status plant and wildlife species, and sensitive vegetation communities can be found in Appendix D (CDFW, 2022a). 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 and presence of suitable habitat.

Critical Habitats and Special Status Natural Communities

Waters and Wetlands

No sensitive natural communities as defined by CDFW were documented within the BSA. There were two sensitive natural communities within five miles of the BSA including Northern interior cypress forest and serpentine bunchgrass.

USFWS Designated Critical Habitat

The survey area and proposed project is located within USFWS-Designated Critical Habitat for California red-legged frog (USFWS 2022a). Critical habitat for CRLF consists of the following four physical or biological features essential to the conservation of the species, previously known as Primary Constituent Elements (PCE):

- Aquatic breeding habitat: Standing bodies of fresh water (with salinities less than 4.5 ppt), including natural and manmade (e.g., stock) ponds, slow-moving streams or pools within streams, and other ephemeral or permanent water bodies that typically become inundated during winter rains and hold water for a minimum of 20 weeks in all but the driest of years.

- Non-breeding aquatic and riparian habitat: Freshwater pond and stream habitats, as described above, that may not hold water long enough for the species to complete its aquatic life cycle but which provide for shelter, foraging, predator avoidance, and aquatic dispersal of juveniles and adults.
- Upland habitat: Upland areas adjacent to or surrounding breeding and non-breeding aquatic and riparian habitat up to a distance of 1 mile (1.6 km) in most cases (i.e., depending on surrounding landscape and dispersal barriers) including various vegetational types such as grassland, woodland, forest, wetland, or riparian areas that provide shelter, forage, and predator avoidance..

Special-status Plant Species

Based on the CNDDB query completed as part of the desktop review, there were 44 special-status plant species documented within approximately ten miles of the BSA (Appendix D of the BRA). Of these species, six have a greater potential to occur within the Project Site based on proximity of documented occurrences (less than one mile). Special-status plant species that have been documented within a five-mile radius include Brewer's spineflower (*Chorizanthe breweri*), Cuesta Pass checkerbloom (Sidalcea hickmanii ssp.) hooked popcorn flower (Plagiobothrys uncnatus) and San Luis Obispo sedge (Carex obispoensis).

Two special-status plant species were observed during the September 2022 field survey: elegant buckwheat (*Eriogonum elegans*), a CNPS California Rare Plant Rank (CRPR) 4.3 species (plants of limited distribution; not very threatened in California), and sand buck brush, a CNPS CRPR 4.2 species (plants of limited distribution; fairly threatened in California) (CNPS, 2022). Note that the field survey was conducted outside of the typical blooming period for potentially occurring special-status plant species of the region and as such, many plants were not identifiable in September.

Special-status Brewer's spineflower, a CNPS CRPR 1B.3 species (plants rare, threatened, or endangered in California and elsewhere; not very threatened in California) is documented to occur in the project region. The biologists observed spineflower (*Chorizanthe* sp.) within the BSA, however it was not identifiable to species. Accordingly, the biologists completed suitably timed field surveys focused on the presence/absence of special-status plant species on March 16 and May 2, 2023. The biological survey area (BSA) encompassed the access road and Project disturbance footprint. Field survey methods consisted of walking paths of opportunity throughout the BSA.

Plant species observed within the survey area were documented and incorporated into the comprehensive plant list. Special-status plants were recorded using a hand-held Global Positioning System (GPS) unit. 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) and Jepson eFlora (Jepson, 2023). The surveys were scheduled to capture the blooming period of early spring and later spring flowering plants.

Special-status Wildlife Species

Based on the CNDDB query completed as part of the desktop review, there were 50 special-status wildlife species documented within approximately ten miles of the BSA. Of those 50, there are 15 special-status wildlife species with the potential to occur within the Project Site based on suitable habitat and regional documented occurrences within approximately five miles of the BSA. These species include crotch bumblebee (*Bombus crotchii*), California red-legged frog (*Rana draytonii*), foothill yellow-legged frog (*Rana boylii*), coast range newt (*Taricha torosa*), lesser slender salamander (*Batrachoseps minor*), western spadefoot (*Spea hammondii*), coast horned lizard (*Phrynosoma blainvillii*), Northern California legless lizard (*Anniella*

pulchra), western pond turtle (*Emys marmorata*), burrowing owl (*Athene cunicularia*), white-tailed kite (*Elanus leucurus*), ferruginous hawk (*Buteo regalis*), American badger (*Taxidea taxus*), pallid bat (*Antrozous pallidus*), and Townsend's big-eared bat (*Corynorhinus townsendii*).

One special-status wildlife species was observed during the September 2022 field survey: woodrat (*Neotoma fuscipes*). This species is not formally listed as endangered or threatened; however, it is a species of special concern with the CDFW. No other special-status wildlife species were observed during the 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.

Sensitive Insect Species

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 September 2022 field survey; however, suitable scrub habitat for Crotch bumble bee is present within the Project Site. Due to presence of suitable habitat, regional occurrences, and the transitory nature of bumble bees, this species has a potential to occur within the Project Site.

Sensitive Mammal Species

American Badger. American badger (SSC) which typically inhabits grasslands, farmland and forest edges with friable soils associated with their primary prey resources, fossorial rodents (CDFW, 1999). Badgers dig dens with eight to twelve-inch elliptical burrows that they use for cover, sleeping, hunting, caching food, and breeding. They generally breed within the months of July and August. Badgers are generally nocturnal but can also be active during the day. No large burrows or sign (i.e., scat, tracks, prey remains, etc.) were identified during the September 2022 survey. However, based on presence of suitable habitat and documented occurrences less than five miles from the BSA, there is a potential for these species to occur within the Project Site.

Bats. Pallid bat (SSC) and Townsend's big-eared bat (SSC) have been documented to occur within five miles of the BSA. Suitable roosting habitat for these bat species include crevices in rocky outcrops, caves, mines, hollow trees, cliff faces, and man-made buildings/structures. Maternal colonies for most bats occur between April and August. Most bat species will migrate in the fall from maternal roosts to wintering sites. No bats were observed during the September 2022 survey, however, stands of trees within and adjacent to the Project Site provide suitable habitat for bats and as such there is the potential for common and/or special-status bat species to occur at this Project Site.

Woodrat. Woodrats can be found in multiple habitats including woodland, chaparral, and shrub habitats. Woodrats construct a nest structure with twigs, sticks, cactus parts, and various other materials which are used for denning, food caching, and predator escape (CDFW, 2008). These stick piles are easily identified and are considered active if fresh green material is mixed in with older debris. One woodrat nest was observed within the BSA during the September 2022 survey, outside of the disturbance footprint.

Sensitive Amphibian Species

Western spadefoot toad (Species of Special Concern [SSC]), California red-legged frog (Federal Threatened), foothill yellow-legged frog (State Endangered), coast range newt (SSC), lesser slender salamander (SSC), and western pond turtle (SSC) are semi-aquatic species that utilize both wetland and upland habitats for their life/reproductive cycles (Stebbins, 2003). The Tassajara Creek riparian corridor and surrounding upland habitat (leaf litter, areas of loose soils, and small mammal burrows) within and adjacent to the Project Site provide suitable aquatic and upland habitat for these species. No amphibians were observed during the September 2022 survey but have the potential to migrate through, or utilize, the Project Site for breeding and/or upland refugia. Tassajara Creek may provide suitable aquatic breeding habitat for western spadefoot, California red-legged frog, foothill yellow-legged frog, and coast range newt when flowing water and/or pools are present. The moist soils, rocky crevices and/or animals burrows along the Tassajara Creek riparian corridor may provide suitable breeding habitat for lesser salamander. The upland habitat along and adjacent to the riparian corridor may provide suitable migratory and foraging habitat for these amphibians. Western pond turtle that have the potential to occur within Tassajara Creek may utilize the upland habitat within the Project Site for nesting.

Sensitive Reptile Species

Two terrestrial special-status reptile species have the potential to occur within the Project Site. Northern legless lizard (SSC) 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. The coast horned lizard (SSC) inhabits open areas of sandy soil and low vegetation in valleys and foothills throughout northern California to Baja California. It is found in grasslands, coniferous forests, woodlands, and chaparral, with open areas and patches of loose soil, including sandy washes and along dirt roads (Stebbins, 2003). No northern legless lizards or coast horned lizards were observed during the September 2022 survey however, these species have the potential to utilize areas of leaf litter and loose soils within the Project Site.

Sensitive Bird Species

Several special-status bird species have been documented within five miles of the Project Site and have potential to occur within the BSA based on presence of suitable habitat including burrowing owl (*Athene cunicularia*), white-tailed kite (*Elanus leucurus*), and ferruginous hawk (*Buteo regalis*). These bird species have the potential to nest, breed, roost, forage, and/or temporarily pass through the BSA, depending on each species' life history and habitat requirements. No evidence of active nests or prior bird nesting was observed within the BSA during the September 2022 field survey. Vegetation and other substrates (e.g., areas of open ground, fences, trees, etc.) present within or adjacent to the Project Site provide suitable nesting habitat for a variety of bird species. Nesting birds and their nests/eggs are protected under the federal Migratory Bird Treaty Act of 1918 and California Fish and Game Code. Nesting bird season generally occurs between February 1 and August 31. Refer to Section 6.0 for recommended mitigation measures for protection of potentially occurring burrowing owl and nesting birds during Project activities.

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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

During the suitably timed spring botanical field surveys, species that were not previously identifiable were further investigated. The spineflower that was not positively identified during the September 2022 field survey was observed and identified as (*Chorizanthe obovata*). This species of spineflower is not considered rare. The individual plant identified in the BRA Report as (*Eriogonum elegans*) was later determined to be a common species, longstem buckwheat (*Eriogonum elongatum*) during subsequent surveys when the plant was blooming.

However, the suitably timed spring botanical field surveys identified one special-status plant species, sand buck brush, within the area of disturbance. This plant's distribution is limited to San Luis Obispo and Santa Barbara counties (Calflora, 2023). It has a California Rare Plant Rank of 4.2 which is defined as plants of limited distribution, fairly threatened in California (CNPS, 2023). Sand buck brush is a variety of a very common, widely distributed species in California, buck brush (*Ceanothus cuneatus*) (Calscape, 2023). Construction of the project would result in the removal of several specimens of sand buck brush. This impact is considered *less than significant with mitigation*.

Special Status Wildlife

Mammals

Impacts to pallid bat and Townsend's big-eared bat may occur if mature trees with roosting cavities are impacted during project implementation. Short-term construction activities in the vicinity of roosts may temporarily deter use of the area by bats.

Monterey dusky-footed woodrat may be impacted directly or indirectly during construction which poses several direct risks, such as vehicle strikes and destruction of resources, like middens. Further, construction may impact or deter use of valuable habitat, yielding it unsuitable for these species. Increased short- and long-term anthropogenic activity in the vicinity of viable populations has potential to indirectly impact these species as a result of permanent habitat conversion, increased light pollution, and primary and secondary exposure to residential-use chemicals including rodenticides.

With implementation of the recommended mitigation measures, potential impacts to special status mammals are considered *less than significant with mitigation*.

Amphibians and Reptiles

If listed amphibians (including CRLG, CYLG, lesser salamander, western pond turtle, western spadefoot, and Coast Range newt) are using the drainages and ponds in the vicinity of the project site, juveniles and adults may disperse through the upland habitat on site, particularly during the rainy season. Further, California legless lizard and Coast horned lizard may be present within the leaf litter of the oak woodland habitat areas on site. Individual amphibians and reptiles could be crushed by vehicles and equipment during construction. In addition, there is potential for these species to use small mammal burrows and debris for refugia on site. As such, excavation or crushing of burrows and clearing of vegetation during construction may result in direct impacts to these species. These impacts are considered *less than significant with mitigation*.

Invertebrates

The BRA determined that the study area has a moderate potential for the occurrence of Crotch's bumble bee (*Bombus crotchii*), a candidate for listing as Endangered under the California Endangered Species Act (CESA). This species is known to inhabit rodent burrows and other refugia in scrub and grassland habitats. California ground squirrel burrows were observed in the study area during surveys. Implementation of the recommended mitigation measures would avoid or reduce potential direct and indirect impacts to *less than significant with mitigation*.

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

Tassajara Creek crosses both project parcels south of, and outside, the area of disturbance. The creek provides suitable aquatic and riverine habitats for a host of species that may include, but is not limited to, listed amphibians and reptiles. Direct impacts to upland and/or dispersal habitat for species could include removal of intact woodland habitat which provides shelter, forage, and predator avoidance. Permanent structures, such as roadways, may also decrease natural dispersal corridors. Indirect impacts to downstream water quality may occur from erosion, sedimentation, and/or discharge of hazardous materials, such as fuel, from construction equipment.Therefore, project impacts to riparian habitat or other sensitive natural communities are considered *less than significant with mitigation*.

(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 surrounding 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 between 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 to attain sufficient food resources for their energetic demands; to locate proper resting, burrowing, and/or nesting sites; to facilitate long distance travel or migration to seek out mates or resources; and for the safe and successful dispersal of young. The project site is in a rural area of northern San Luis Obispo County. Land cover within and adjacent to the project site is a mix of natural sloped woodland, grassland, and chaparral, with patches of active agriculture (e.g., grazing and wine grapes) and rural residential properties. Bands of natural habitat remain, particularly in drainages and ridgelines, providing movement corridors for wildlife species and habitat for wildlife and natural populations of plants to persist. The project as planned may reduce the quality of natural habitat on site but is not expected to substantially increase the current level of habitat fragmentation in the region nor is it expected to create a significant barrier to wildlife movement. The Project does not introduce significant features that would be expected to affect wildlife movement through surrounding natural habitats and impacts to 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 ESA, all native avian species are protected by state and federal legislature, most notably the Migratory Bird Treaty Act and the CDFW Fish and Game Code. Collectively, these regulations make it unlawful to collect, sell, pursue, hunt, or kill native migratory birds, their eggs, nests, or any parts thereof. Avian species can be expected to occur within and adjacent to the project site during all seasons and throughout construction of the proposed project. The potential to encounter and disrupt these species is generally highest between February 1 and August 31, when nests are likely to be active, and eggs and young are present. Oak woodland and grassland habitats within the survey area provide suitable foraging and nesting habitat for many species. With implementation of 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 five inches in diameter at breast height) 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. Mature coast live, valley, and blue oak trees compose the mixed oak woodland habitat on site. Based on the current grading plans it is expected that as many as three mature oak trees may be removed as a result of the proposed development. Additional impacts to oak trees may include trimming, compaction, or excavation within the critical root zone (typically defined as 1.5 times the distance from the trunk to the drip line), and placement of year-round or summer watering within the critical root zone.

Therefore project impacts associated with conflict with local ordinances or policies protecting biological resources are considered *less than significant with mitigation*.

(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 site 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-6 potential impacts to biological resources would be *less than significant with mitigation*.

Initial Study – Environmental Checklist

Mitigation

BIO-1 **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Department of Planning and Building to perform the training and monitoring activities described in the adopted mitigation measures for biological resources.

BIO-2 **Environmental Awareness Training –** An environmental awareness training shall be presented to all construction 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 with potential to occur, as well as other sensitive resources requiring avoidance during construction. The training shall also include a description of protection measures required by discretionary permits, an overview of the federal and California Endangered Species Acts, and implications of noncompliance with these regulations. This will include an overview of the required avoidance, minimization, and mitigation 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 environmental awareness trainees will be kept. A fact sheet conveying the information provided in the environmental awareness training will be provided to all project personnel.

BIO-3 **Site Maintenance and General Operations** - The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- All work activities shall be completed during daylight hours (between sunrise and sunset) and outside of rain events.
- The Project impact area shall be clearly marked or delineated with stakes, flagging, tape, or signage prior to work. Areas outside of work limits shall be considered environmentally sensitive and shall not be disturbed.
- All equipment and vehicles shall be checked and maintained daily to prevent spills of fuel, oil, and other hazardous materials. A designated staging area shall be established for vehicle/equipment parking and storage of fuel, lubricants, and solvents. All fueling and maintenance activities shall take place in the staging area.
- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).

- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated staging areas. These activities will occur at a minimum of 100 feet from sensitive habitat. Sandbags and/or absorbent pads and spill control kits shall always be available on site to clean up and contain fuel spills and other contaminants.
- Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- Plastic monofilament netting (erosion control matting) or similar material will not be used on site due to the potential to entangle special-status wildlife. Acceptable substitutes are coconut coir matting, biodegradable fiber rolls, or tackified hydroseeding compounds.
- The use of pesticides (including rodenticides) and herbicides on the property shall be in compliance with all local, state, and federal regulations to avoid primary and secondary poisoning of sensitive species that may be using the site.
- After completion of the project's construction, all protective fencing/flagging used to delineate sensitive biological resources shall be removed from the project area and disposed of in appropriate waste receptacles or reused.

BIO-4 Oak Tree Protection. To the maximum extent feasible, impacts to oak trees and oak woodland habitat shall be avoided and minimized. The following measures shall be implemented:

- Grading and/or construction plans shall provide a 'Native Tree (Oak) Inventory' that accurately identifies the canopy edge and trunk locations of all native trees within 25 feet of the proposed project limits (including ancillary elements, such as trenching); For each of the trees shown, they shall be marked with one of the following 1) to be removed, 2) to be impacted, or 3) to remain intact/protected. This should be noted as the "Native Tree Impact Plan". Trees identified as 'impacted' or 'to remain protected' shall be marked in the field as such and protected to the extent possible.
- Impacts to the oak canopy or sensitive root zone shall be avoided to the extent feasible. Impacts may include pruning, ground disturbance, or placement of impervious surfaces (e.g., asphalt, permanent structures) within the sensitive root zone; installation of year-round irrigation or other supplemental water within the sensitive root zone; and trunk damage.
- Prior to ground-breaking, tree protection fencing shall be installed as close to the outer limit of the sensitive root zone as practicable for construction operations to protect trees located within 50 feet of construction that will be preserved. The fencing shall be in place throughout the duration of construction. Plastic orange safety fencing shall not be used as it may entangle wildlife. Other demarcation such as t-posts and yellow rope are adequate. Protective measures shall be visible to work crews and be able to remain in good working order for the duration of the construction work. Waterproof signage at protective edge is recommended (e.g., "TREE PROTECTION AREA – STAY OUT"). Grading, trenching, compaction of soil, construction material/equipment storage, or placement of fill shall not occur within these protected areas.

- All construction activity shall occur outside delineation fencing installed for protection of oak trees.
- A licensed arborist or qualified botanist shall be hired to oversee all removal or trimming of existing roots and necessary branch trimming. To minimize impacts from tree trimming, the following approach shall be used:
    - Removal of larger lower branches shall be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs" (due to wind), 2) to reduce the number of large limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) to retain the wildlife that is found only in the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, creates greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree.
    - If trimming is unavoidable, no more than 10% of the oak canopy shall be removed.
    - If trimming is done, either a certified arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used. Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.
- Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots are exposed during construction, they shall be covered with a layer of soil to match existing topography.
- Impacts to oak trees shall be assessed by a licensed arborist or qualified botanist prior to final inspection and reported to the County.

BIO-5 Oak Tree Mitigation. For oak tree removals or impacts during project implementation, the applicant shall provide mitigation (on site if feasible) per the County's guidelines, typically 4:1 for removals and 2:1 for impacted trees. This shall include development of an oak tree mitigation plan and establishment of an oak tree planting site or conservation easement that shall be protected in perpetuity. A mitigation plan shall be prepared that details the methods and requirements for oak tree mitigation. At a minimum, the plan shall:

- Include a detailed inventory of the species and quantity of all oak trees to be removed or impacted.
- Discuss the proposed construction methods, construction schedule, and the implementation schedule of activities proposed as part of the plan.
- Quantify and describe the anticipated impacts to individual oak trees and/or oak woodland habitat, as applicable.
- Identify all appropriate methods for fulfillment of required mitigation (e.g., on-site plantings, conservation easement, or in-lieu fee).
- Describe detailed planting methods, as appropriate.

- Identify suitable areas for establishment of new oak trees and/or protection of existing oak woodland habitat, as appropriate.
- Describe short-term and long-term monitoring protocols and/or vegetative growth performance criteria for mitigation success.

The plan shall be prepared by a licensed arborist or qualified botanist and be submitted to the County for approval prior to the start of construction.

BIO-6 **Preconstruction Survey for Dusky-footed Woodrat.** Prior to the start of work within 50 feet of suitable woodrat habitat, a survey shall be conducted by a qualified biologist to identify and flag woodrat middens for avoidance. A minimum 10-foot buffer area shall be clearly delineated around any woodrat middens that are discovered during the survey. Due to the likelihood for woodrats to flee the midden as a result of nearby construction activity, a biologist shall monitor initial vegetation clearing and earth work within 25 feet of woodrat midden. If woodrats are observed fleeing middens, work shall be temporarily halted until woodrats flee outside the area of impact and/or are relocated to nearby suitable habitat areas by the qualified biologist.

Any woodrat houses that are deemed unavoidable shall be carefully dismantled mechanically (e.g., excavator with thumb) or with hand tools from the top down, allowing any woodrats to escape unharmed. A biological monitor shall be present for dismantling. Due to human health concerns associated with disturbance of woodrat middens and inhalation of dust and particles, the monitor shall not assist in physical woodrat house dismantling and shall position themselves upwind during the activity.

BIO-7 **Preconstruction Surveys for Pallid Bat and Townsend's Big-Eared Bat.** Prior to the start of work, all suitable roosting habitat (e.g., mature oak or sycamore trees and buildings) within 100 feet of work areas shall be surveyed to determine if bats are roosting in these areas. If bats are detected and impacts are deemed unavoidable, a bat exclusion plan shall be developed and submitted to CDFW for approval prior to implementing any exclusion methods. If no bats are detected, no further action is required.

BIO-8 **Preconstruction Survey and Monitoring for Special-status Amphibians and Reptiles.** A qualified biologist shall conduct a preconstruction survey immediately prior to the start of work within 50 feet of suitable habitat for Northern California legless lizard, coast horned lizard, coast range newt, California Yellow Legged Frog, western pond turtle, lesser salamander, western spadefoot, and California Red Legged Frog. Surveys will be conducted by gently disturbing scrub understory and upper layers of oak tree duff. 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, or vegetation removal including tree removal) within suitable habitat. If Northern California legless lizards, coast horned lizards, or coast range newts are discovered during surveys and monitoring, they will be hand captured and relocated to suitable habitat outside the area of impact. If CRLF are discovered, they shall be allowed to leave on their own volition and the resource agencies shall be contacted.

BIO-9 **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-10 Preconstruction 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 activity beginning on site. In addition, if work is planned to occur as early as January 1, a qualified biologist shall complete a focused survey for nesting golden eagles within one-quarter mile of the project site, as feasible based on access. 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 non-disturbance buffer of 150 feet will be placed around non-listed, passerine species and a 500-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate buffer is determined in consultation with CDFW, and/or the USFWS.

BIO-11 Crotch's Bumblebee Survey and Minimization Measures. Within 30 days prior to initiation of ground disturbance between March and September, the Project footprint will be surveyed for Crotch's bumble bee using a photograph survey methodology. The site will be slowly walked by two biologists equipped with >8-megapixel point and shoot or DSLR cameras using transects to obtain 100% coverage of the project site. All insects observed during the survey will be photographed with attention to family Apidae (bees). All bees observed will be photographed to the greatest extent feasible without handling. Photographs should clearly show the entire top side of the abdomen, the side of the thorax/abdomen and the face/head. Several photos should be taken of each specimen to obtain an identification. If a bee is observed entering a burrow or other cavity, a GPS point should be recorded and attention should be focused on the cavity to determine if multiple individuals may be entering/exiting, indicating the potential presence of a colony. Biologists will submit photos to

Bumble Bee Watch (www.bumblebeewatch.org), BeeSpotter (https://beespotter.org), or a similar website that employs bumble bee experts to verify the identifications. Qualified scientific experts may also be used to verify photographic records. CDFW will be notified as soon as possible if a *B. crotchii* observation is verified. If a *B. crotchii* colony is detected on the Project site, the colony will be mapped and avoided. No vegetation or soil disturbance will be permitted within a 50-foot radius of the colony. If avoidance is infeasible, CDFW will be consulted regarding potential conservation measures.

BIO-12 Other Agency Permits. The applicant acknowledges that state or federal permits may be needed from one or more of the following resource agencies: California Department of Fish and Wildlife, U.S. Fish & Wildlife Service, Army Corps of Engineers, for construction activities including grading, road improvement, or maintenance work involving any riparian area or drainage feature. Where required, the Applicant shall obtain a Section 404 Nationwide Permit from USACE, a Section 401 Water Quality Certification from RWQCB, and a Section 1602 Streambed Alteration Agreement from CDFW to authorize project-related impacts in all areas potentially under the jurisdiction of these regulatory agencies and provide satisfactory evidence to the County, as follows:

A. Prior to initiating ground-disturbing activity, the applicant shall provide to the County, for each of these resource agencies, that either a) evidence that a permit was not necessary, or b) a copy of the required permit(s). When such permits are required, the County shall review the permit(s) for consistency with County measures prior to issuance or start of construction. All applicable field requirements of the agency permit(s) shall be shown on applicable construction drawings and adhered to during construction.

B. The following measures would apply where waters of the U.S. or waters of the State cannot be avoided:

1) Based on final site designs, the applicant shall confirm with a qualified biologist, or from the Corps, that a Clean Water Act (CWA) Section 404 permit will not be required for activities within the Tassajara Creek riparian habitat. Assuming a Corps permit is not required, RWQCB compliance will need to occur via the Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction (Water Quality Order No. 2004-0004-DWQ).

2) If the project design requires fill within waters of the U.S., the applicant shall obtain and implement all the terms and conditions of a Corps Nationwide Permit to the satisfaction of the Corps. Compliance with Corps regulatory permitting would also include obtaining and CWA 401 Water Quality Certification from the RWQCB that would satisfy approval of work in California waters of the State.

3) The applicant shall also obtain Section 1600 regulatory compliance in the form of a Streambed Alteration Agreement from CDFW or a determination that no agreement would be required for impacts to the Tassajara Creek riparian corridor.

4) Compensatory mitigation may be required to be implemented on-site at a minimum ratio of 3:1 to offset permanent impacts to jurisdictional riparian habitat (note resource agencies may require a higher ratio). A mitigation and monitoring plan shall be prepared by a

biologist familiar with restoration and mitigation techniques as part of the permit application packages. The plan shall include, but not be limited to the following components:

- Description of the project/impact site
- Goal(s) of the compensatory mitigation project
- Description of the proposed compensatory mitigation-site
- Implementation plan for the compensatory mitigation-site
- Maintenance activities during the monitoring period
- Monitoring plan for the compensatory mitigation-site
- Success criteria and performance standards
- Reporting requirements
- Contingency measures and funding mechanisms
- Erosion control and landscaping specifications included in the mitigation plan shall allow only natural-fiber, biodegradable meshes and coir rolls, to prevent impacts to the environment and to prevent entrapment of wildlife.

BIO-13 Protection of Potential Jurisdictional Waters. Project activity occurring within and/or within 50 feet of Tassajara Creek of the outer edge of riparian habitats shall occur only if appropriate authorizations have been issued and only during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation plan control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into drainages and wetlands. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standards. BMPs shall be installed and maintained for the duration of the project.

BIO-14 Special-status Botanical Species. The following specific recommendations are made to reduce the anticipated impacts to special status plant populations of sand buck brush (*Ceanothus cuneatus* var. *fascicularis*) to the maximum extent feasible:

- To the extent feasible, ground disturbance will be minimized in areas where special-status plant populations have been mapped during the spring, 2023 surveys as shown in Figure A-1.
- During the appropriate season (i.e., approximately June through August) prior to the start of construction, mature seed will be collected from individual plants that will be removed as a result of the proposed development. This seed will be temporarily stored in paper bags or envelopes in a cool, dry location. Collected seed will be spread in areas of suitable habitat on site that will not be disturbed as part of the proposed development. In particular, the seed should be used to enhance and expand upon existing population patches that were mapped throughout the site.

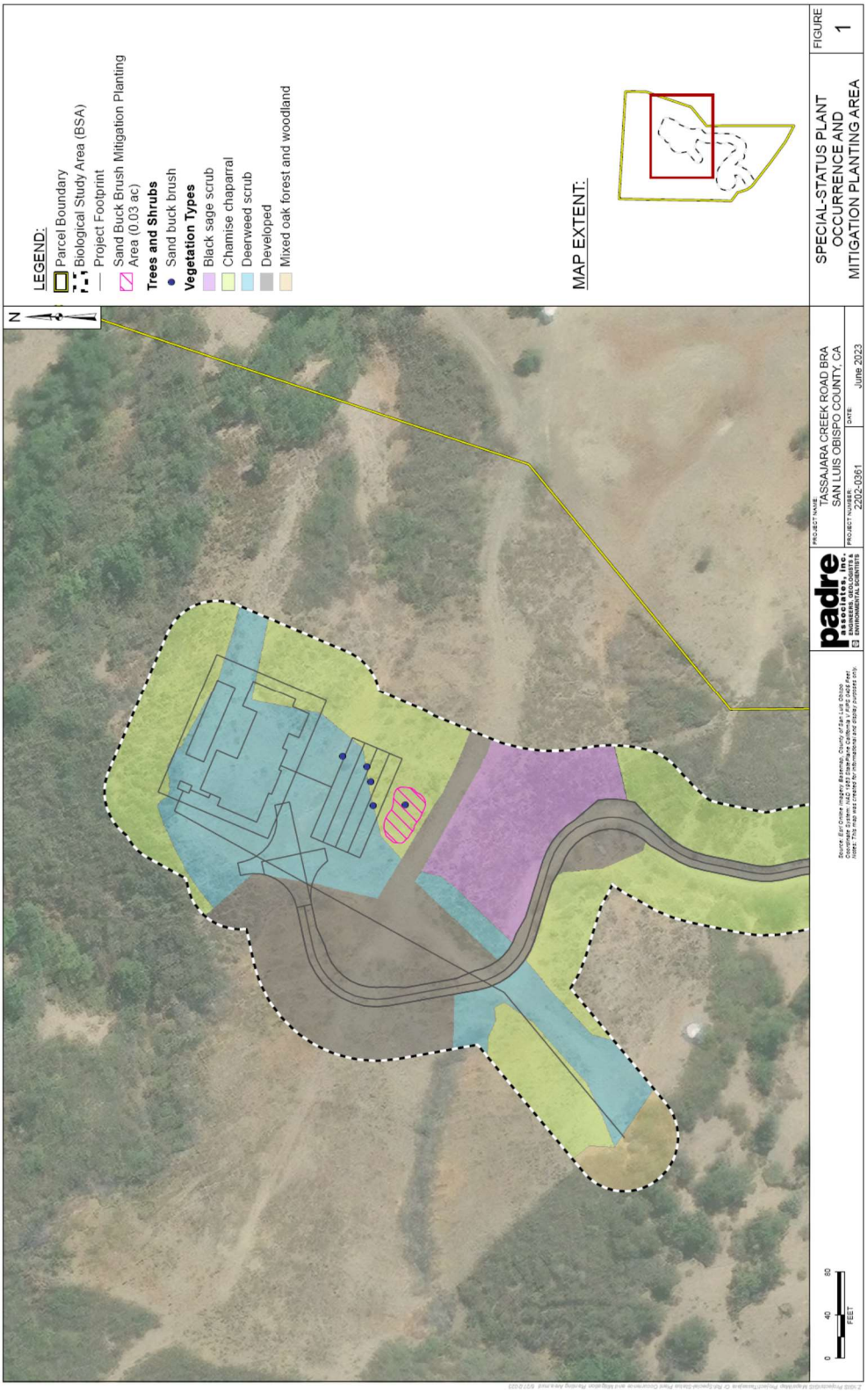
- The top four to six inches of topsoil will be salvaged during initial grading and stored separately. Stored topsoil will be spread in temporary disturbance areas (e.g., road edges, and utility trench lines) following the completion of construction.
- Sand buck brush container stock shall be planted at 8-foot on-center spacing within the designated mitigation area depicted in Figure A-1 to achieve a replacement ratio of 3:1 (planted:removed).
- Monitoring. Sand buck brush shall be monitored for three years to document survival and to ensure the number of plants surviving achieves the 3:1 replacement ratio (planted:removed).

Sources

Provided in Exhibit A.

Initial Study – Environmental Checklist

Figure A-1



Initial Study – Environmental Checklist

V. CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☐	☒
(b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☒	☐
(c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

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?

Based on a review of current and historical aerial photography, the project site does not contain any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. 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 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?

The project site is located on a south facing slope of the Coast Range with steep topography and dense stands of oak trees interspersed with areas of annual grasses. Tassajara Creek flows west to east across the southern portion of both parcels outside the area of disturbance.

The project site is not subject to the Archaeology combining designation. In addition, there are no rock outcroppings or other features that are typically associated with native peoples. For example, there is 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 the immediate vicinity but have not yet been identified.

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, 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.*

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

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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?		☐	☒	☐

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 31% of electricity provided by PG&E is sourced from renewable sources and an additional 43% is sourced from non-renewable GHG-free resources (PG&E 2020).

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.

State Building Code Requirements

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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 *2022 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 (NHSTA), 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_2) 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) missions 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, the Advanced Clean Cars II rule, establishes a year-by-year roadmap so that by 2035 100% of new cars and light trucks sold in California will be zero-emission vehicles, including plug-in hybrid electric vehicles. The regulation realizes and codifies the light-duty vehicle goals set forth in Governor Newsom's Executive Order N-79-20.

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_x) and particulate matter (PM) from off-road diesel vehicles operating within California through the 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 is one occupied building on Parcel 2 that likely consumes an estimated 8,090 kilowatt-hours of electricity per year. 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 2022 Building Energy Efficiency Standards include mandatory energy efficiency standards. A new single family residence is subject to compliance with these standards. Lastly, the new residence will be required to comply with the relevant provisions of the 2022 California Green Building Code and the County of San Luis Obispo's Green Building Ordinance.

Therefore, project impacts associated with wasteful, inefficient, or unnecessary 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.*

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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.

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VII. GEOLOGY AND SOILS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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.	☐	☐	☐	☒
	(ii) Strong seismic ground shaking?	☐	☐	☒	☐
	(iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
	(iv) Landslides?	☐	☐	☒	☐
(b)	Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
(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?	☐	☒	☐	☐
(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?	☐	☐	☒	☐
(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?	☐	☒	☐	☐

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		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?	☐	☐	☒	☐

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 Cambria Faul located about 2.5 miles to the south, and the Rinconada fault located about 4 miles to the east.

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 landslide risk potential and has a low liquefaction potential.

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 Cambria Fault about 2.4 miles to the south which is considered potentially active but does not underly the project site. Therefore, there would be *no impact* associated with potential impacts related to the rupture of a known earthquake fault.

(a-ii) Strong seismic ground shaking?

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Seismic groundshaking 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 Cambria Fault about 2.4 miles to the south 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, 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.*

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

The project would result in approximately 2.84 acres of site disturbance and would require 10,000 cubic yards (cy) of cut, 9,100 cy of fill and 900 cy of export that will be spread on the site. In addition, grading will take place on slopes in excess of 30 percent. Lastly, construction of the proposed all-weather access road and residence will increase surface stormwater flows on the site. Accordingly, during site preparation and grading/leveling activities, there would be a potential for erosion to occur. The project application materials include a preliminary grading, drainage and erosion control plan 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 from potential impacts associated with the construction and occupancy of the project.

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.

However, the project will result in grading on slopes that exceed 30 percent as well as 10,000 cy of cut and 9,100 cy of fill to construct the access roadway consistent with CalFire standards. Therefore, the project will be conditioned to provide a geotechnical investigation of the project site prepared by an licensed engineering geologist or other qualified professional. The purpose of the geotechnical investigation will be to inform the design of grading, drainage, cut/fill slopes, retaining walls, building foundations and other features of the site to ensure compliance with relevant provisions of the CBC and CalFire.

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 NRCS, soils underlying the area of have a low shrink-swell potential. In addition, the residence 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.*

(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 a new septic system to serve the residence. Percolation test bores have not been taken in the general area to be used for the leach field. The project will be required to demonstrate compliance with County and RWQCB standards for septic systems prior to issuance of a building permit.

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

(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 geotechnical investigation, impacts associated with geology and geologic hazards would be *less than significant*.

Mitigation

GEO-1 **Prior to issuance of construction permits**, the applicant shall be required to submit sufficient soil percolation and soil boring information to show how septic systems will comply with the Central Coast Basin Plan for potential constraints identified for the project site. Building/grading permit issuance will not be approved by the Environmental Health Department if Basin Plan criteria cannot be met.

GEO-2 **At the time of application for grading/construction permits,** the applicant shall submit to the County for review and approval a geotechnical investigation of the project site prepared by an licensed engineering geologist or other qualified professional. The purpose of the geotechnical investigation will be to inform the design of grading, drainage, cut/fill slopes, retaining walls, building foundations and other features of the site to ensure compliance with relevant provisions of the CBC and CalFire.

Sources

Provided in Exhibit A.

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VIII. GREENHOUSE GAS EMISSIONS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
(b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

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_2), methane (CH_4), nitrous oxide (N_2O), 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_2) 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. An update to the Scoping Plan was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving

the 2030 GHG-reduction target established in SB 32 and EO S-3-05. The Final 2022 Scoping Plan Update – Achieving Carbon Neutrality by 2045 lays out a path to achieve targets for carbon neutrality and reduce anthropogenic greenhouse gas emissions by 85 percent below 1990 levels no later than 2045, as directed by Assembly Bill 1279.

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 $MTCO_2e$ 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 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 $MMTCO_2e$, which was 7 million MTCO2e below the 2020 GHG target of 431 $MMTCO_2e$ 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[1]. Therefore, application of the 1,150 $MTCO_2e$ 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 $MTCO_2e$ per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 $MTCO_2e$ 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 $MMTCO_2e$ Bright Line threshold (1,150 x 0.6 = 690 $MMTCO_2e$) 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 $MMTCO_2e$ 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, 2022) was utilized to estimate the project's annual carbon dioxide equivalent emissions in metric tons (MTCO2e; Table 6). The estimated emissions were then compared with the interim threshold of 690 MMTCO2e per year to determine significance.

[1] 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.

Table 6 – Existing and Projected Operational GHG Emissions

Project Component	Quantity	Emissions Rate (Annual $MTCO_2e/sf$)		Estimated Projected Annual CO_2 Emissions (MT/year) Without Mitigation[1]
		Construction	Operation	
Existing Single Family Residence On Parcel 2	1	n/a	4.20	4.20
New Single Family Residence On Parcel 1	1	13.5	4.20	17.70
			Total:	**21.90**

Sources: County of San Luis Obispo Department of Planning and Building, 2020, CalEEMOD version 2022

Notes:

1. CalEEMOD CalEEMOD version 2022

As shown in Table 6, project-related GHG emissions will be well below the 690 MTCO2e interim threshold. As stated above, a project estimated to generate less than 690 MMTCO2e 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.

Supporting Action	Project Consistency
Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star	All new energy using fixtures will satisfy current energy efficiency requirements.

appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.	
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 dwelling 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 2023 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The 2023 RTP, which was adopted by the SLOCOG Board in June 2023, provides a collective vision for the region's future balancing transportation and housing needs with social, economic, and environmental goals. The Plan identified and tested growth scenarios to accommodate the coming 42,000 new people, 18,000 new homes, and 18,000 new jobs. The plan helps guide future planning efforts and policy decisions that affect transportation, including its relationship with housing and land use that will reduce greenhouse gas emissions in our region. The 2023 RTP provides recommendations to help our cities and the County of San Luis Obispo make important decisions about transportation, housing, and land-use. The 2023 RTP provides forward looking recommendations out to 2045 because many of our local government decisions will influence the region's long-term growth and development over the coming decades.

The RTP 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 one single family residence located in a predominantly rural 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 a single family residence that would typically be occupied by three residents. Therefore the project would not significantly affect the local area's jobs/housing balance.

California Air Resources Board (CARB) 2022 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 2022 Climate Change Scoping Plan recommends strategies to achieve carbon neutrality by 2045 or earlier, outlining a technologically feasible, cost-effective, and equity-focused path to achieve the state's climate target. The 2022 plan, addressing recent legislation and direction from Governor Newsom, extends and expands upon earlier scoping plans with a target of reducing anthropogenic emissions to 85 percent below 1990 levels by 2045. The 2022 plan also takes the unprecedented step of adding carbon neutrality as a science-based guide and touchstone for California's climate work. The plan outlines how carbon neutrality can be achieved by taking steps to reduce GHGs to meet the anthropogenic emissions target and by expanding actions to capture and store carbon through the state's natural and working lands and using a variety of mechanical approaches.

The strategies described in the 2022 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 would have a *less than significant impact* relating to consistency 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
Would the project:					
(a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
(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?	☐	☒	☐	☐
(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
(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?	☐	☐	☐	☒
(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?	☐	☐	☐	☒
(f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Setting

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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 is not 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 identifies areas of the unincorporated areas in the county within moderate, high, and very high fire hazard severity zones. The project is located within the State Responsibility Area in a very high fire hazard severity zone. Based on the Safety Element map of response times, it would take more than 20 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 San Luis Obispo Regional Airport is located about 15 miles to the south; the project site is not located within an Airport Review Area.

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;

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 including the ephemeral drainage that crosses the area of disturbance. 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 east 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, nor is it 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 San Luis Obispo County Regional Airport located approximately 15 miles south 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.

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(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 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 Very High Fire Hazard Severity Zone and was subject to a wildfire (the 'Highway 41 Fire') in 1994. The project will be conditioned to implement building and site improvements in accordance with the Fire Code, as detailed in the referral response letter from CalFire, 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.

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X. HYDROLOGY AND WATER QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
(b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☒	☐	☐
(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;	☐	☐	☒	☐
	(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
	(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	☐	☐	☒	☐
	(iv) Impede or redirect flood flows?	☐	☐	☐	☒
(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

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Setting

Tassajara Creek, a tributary of the Salinas River, is a 'blue line' creek that crosses both parcels just north of Tassajara Creek Road. There are no other blue line creeks associated with the project site or in the vicinity. The creek supports a robust assemblage of riparian and riverine vegetation that lies outside the area of disturbance. A bridge has been constructed over the creek; no improvements to the bridge are proposed.

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.

In accordance with the LUO, a 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 is required to prepare a drainage plan for review and approval by the County. A drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing. The LUO also requires the preparation of an erosion and sedimentation control plan 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.

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 an existing groundwater well. Water for domestic consumption and fire suppression will be stored in existing water tanks located near the building site for the new residence.

The project does not lie within a Groundwater Basin as defined by the Department of Water Resources (DWR) Bulletin 118.

For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. Areas subject to the 100-year flood of Tassajara Creek have not been mapped by the Federal Emergency Management Agency (FEMA). 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 10,000 cubic yards of cut, 9,100 cy of fill and 900 cy of export and an area of disturbance of about 2.84 acres, including grading on slopes that exceed 30 percent. 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, and BIO-13 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, as conditioned, 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 an existing groundwater well. Future water demand was derived by multiplying a water duty factor for each component of the project as summarized in Table 7.

Table 7 -- Estimate of Total Project Water Demand

Project Component	Quantity	Water Duty Factor	Total Water Demand (Acre-Feet Per Year[1])
Residence	1	0.8 AFY per dwelling unit[2]	0.80
Ornamental Landscaping	0.05 Acres	855 gallons per week[3]	0.01
Net New Water Demand:	**--**	**--**	**0.81 AFY**

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

The project will be required to demonstrate the adequacy of the existing water supply prior to building permit issuance. As conditioned, 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 with mitigation*.

(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 will involve 10,000 cubic yards of cut, 9,100 cy of fill and 900 cy of export and an area of disturbance of about 2.84 acres, including grading on slopes that exceed 30 percent.

As discussed above, Tassajara Creek, a tributary of the Salinas River, is a 'blue line' creek that crosses both parcels just north of Tassajara Creek Road. Grading and construction activities have the potential to result in erosion which in turn could result in the siltation of the creek. The project application materials include a preliminary grading, and erosion control plan that includes drainage collection, storage and conveyance infrastructure to ensure runoff does not adversely impact the quality of downstream surface or groundwater bodies. The project will be conditioned to prepare a final sedimentation and erosion control plan subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120.

In addition, the project will 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 will include the construction of impervious surfaces associated with the proposed all-weather access road and residence. Collectively, these features will increase the volume and velocity of stormwater runoff generated on site. The application materials include a preliminary grading and erosion control plan that includes drainage collection, storage, and conveyance infrastructure to ensure runoff does not adversely impact the quality of downstream surface or groundwater bodies.

In addition, the project will 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 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 will 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 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.* See also the discussion in Section IV. Biology and mitigation BIO-13.

(c-iv) Impede or redirect flood flows?

Based on the County Flood Hazard Map, the area of disturbance is not located within a mapped 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 mapped 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 does not lie within a designated groundwater basin subject to preparation of a sustainable groundwater management plan. 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. See also the discussion in Section IV. Biology and mitigation BIO-13.

Mitigation

None are required.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XI. LAND USE AND PLANNING

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Physically divide an established community?	☐	☐	☒	☐
(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?	☐	☒	☐	☐

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 adjacent properties are all within the Residential Rural land use designation.

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 Salinas River Sub-Area and is not subject to any Combining Designations.

Initial Study – Environmental Checklist

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, as it may be conditioned, 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 through AQ-4, BIO-1 through BIO46, GEO-1 and GEO-2, HWQ-1, 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
Would the project:					
(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?	☐	☐	☐	☒
(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?	☐	☐	☐	☒

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

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
Would the project result in:					
(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?	☐	☐	☒	☐
(b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
(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?	☐	☐	☐	☒

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 polices 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

- 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 describes how noise will be measured for determining compliance with county noise level standards. 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 8 -- Maximum allowable exterior noise level standards(1)

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime (2)
Hourly Equivalent Sound Level (L_{eq}, dB)	50	45
Maximum level, dB	70	65

[1] When the receiving noise-sensitive land use is outdoor sports and recreation, the noise level standards are increased by 10 db.

[2] Applies only to uses that operate or are occupied during nighttime hours.

The existing ambient noise environment is characterized by marginal traffic on Tassajara Creek Road as well as noise associated with ongoing agricultural operations on surrounding properties. The nearest sensitive receptors are offsite residences located about 500 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. Table 9 provides an estimate of noise generated by temporary construction equipment that may be used for construction of the project.

Table 9 -- Estimate of Noise From Construction Equipment

Equipment	Quantity	dBA at 50 Feet[1]	dBA at 250 Feet[1]
Backhoe	1	78	64
Dozer	1	82	68
Excavator	1	81	67
Dump Truck	1	76	62
Generator	1	81	67
Pickup Truck	2	75	61
Total:	7	872[2]	

Notes:

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

The nearest property line to the area of disturbance is located along Tassajara Creek which is about 250 feet away. As shown in Table 9, construction related noise would likely temporarily exceed the maximum hourly daytime levels allowed by the County's noise standards at the nearest property line located to the south of the area of disturbance. 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 San Luis Obispo County Regional Airport located approximately 15 miles to the south. 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*.

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
Would the project:					
(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)?	☐	☐	☒	☐
(b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐

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.

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 residence building 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 public roads, utilities, or other infrastructure to the site that would induce development and population growth in new areas. Therefore, the project would not directly or indirectly induce substantial growth and impacts would be *less than significant.*

Initial Study – Environmental Checklist

(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

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

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 the Santa Margarita Fire station, located approximately 5 miles northeast of the project site in the community of Santa Margarita. Emergency personnel would be able to reach the site in more than 20 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 15 miles to the north in the community of Templeton.

Initial Study – Environmental Checklist

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 Atascadero 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 the 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 will 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 will 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

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

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
(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?	☐	☐	☒	☐

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 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 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
Would the project:					
(a)	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
(b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
(c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
(d)	Result in inadequate emergency access?	☐	☐	☒	☐

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. Parcel 1 of the project site is currently undeveloped and generates a very low volume of traffic. Parcel 2 contains a single family residence that generates an estimated 9.6 trips per day on Tassajara Creek Road and US Highway 101. The project site is served by Tassajara Creek Road a dead-end county-maintained rural roadway that extends westward from US Highway 101 into the Tassajara Canyon. Traffic counts for Tassajara Creek Road taken west of US HWY 101 in 2021 revealed an average daily traffic volume of 285 and an afternoon peak hour volume of 39.

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]). Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts must be implemented statewide. 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 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 add a net increase of about 9.6 average daily trips to Tassajara Creek Road. Construction activities will require temporary construction trips to and from the site. The project is not likely to generate foot or bicycle traffic, or generate public transit demand and would have a less than significant impact on levels of service/conditions for these facilities.

The project was referred to the Public Works Department and to Caltrans. Neither identified any traffic or traffic safety concerns.

Based on the existing low level of traffic on Tassajara Creek Road, and the expected increase in average daily trips, the project is not expected to result in any long-term changes in traffic or circulation or reduce the Level of Service below LOS "C". 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 2023 RTP. 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. And would not conflict with adopted policies, plans or programs for transportation. 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 not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. 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.

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.
- 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 and Caltrans; their responses do not identify any traffic related issues. The project will be conditioned to construct all access improvements to Tassajara Creek Road 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 Tassajara Creek Road consistent with County standards. More specifically, the access road must be improved to an weather surface and must be 14 feet wide with turnouts and an area for emergency vehicles to turn around.

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

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
	(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
	(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.	☐	☐	☒	☐

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).

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, tiṭyu tiṭyu yak tiłhini 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)?*

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 project site does not contain features typically associated with archeological resources within 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

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.*

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
Would the project:					
(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?	☐	☐	☒	☐
(b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☒	☐	☐
(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?	☐	☐	☐	☒
(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?	☐	☐	☒	☐
(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

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).

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 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. 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 the Chicago Grade 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 existing on-site well and a new septic system. Based on the project description, the project, as conditioned, is not expected to result in a substantial increase in the demand for water, wastewater, or stormwater collection, treatment, or disposal facilities that would require the construction of new or expanded facilities other than those on site necessary to serve the project. 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 new water demand of 0.81 AFY and will be served by an existing well. The project will be conditioned to demonstrate the adequacy of the water supply for domestic use and fire protection prior to building permit issuance. As conditioned, impacts related to water supplies would be *less than significant with mitigation.*

(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 15 miles to the north. The landfill has a remaining capacity of approximately four million cubic yards as of 2019. The incremental amount of 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*.

Initial Study – Environmental Checklist

(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 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

Implement mitigation measure HWQ-1.

Sources

Provided in Exhibit A.

Initial Study – Environmental Checklist

XX. WILDFIRE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
(a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(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)	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?	☐	☐	☒	☐
(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?	☐	☐	☒	☐

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 is located within the State Responsibility Area and a "Very High" fire hazard severity zone, and, based on the County's fire response time map, it would take more than 20 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;

- 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 the access road is being designed to accommodate emergency vehicle access. The application materials include an assessment of the existing bridge over Tassajara Creek by a licensed structural engineer (SSG Structural Engineers, November 13, 2022) which states that the bridge meets the loading requirements for emergency vehicles.

Tassajara Creek Road is a dead-end road serving multiple properties with residences in a very high fire hazard area. State fire safety regulations provide standards for dead end roads. Accordingly, in accordance with the referral response from CalFire (Dell Wells, January 23, 2023) the project will be conditioned to demonstrate compliance with the regulations provided in Title 14 of the State Response Area Fire Safety Regulations provided in section 1270.02(b) prior to building permit issuance. As conditioned, 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.*

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

The residence will be located in an area surrounded by dense stands of live oaks. 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. Although the project is proposing a limited amount of disturbance in areas of steep slopes for construction of the access road, such disturbance would not be conducive to the formation of debris flows.

The site is located within a State Responsibility Area and, based on the County's fire response time map, it would take more than 20 minutes to respond to a call regarding fire or life safety. In accordance with the referral response from CalFire (Dell Wells, January 23, 2023) the project will be conditioned to incorporate all required fire safety rules and regulations, including:

- Relevant provisions of the California Uniform Fire Code and Public Resources Code;
- Improvements to the access road and site to accommodate emergency vehicle access. More specifically, the fire access road must comply with the requirements of C.C.R Title 14 and San Luis Obispo County Title 16.
- Vegetation clearing or trimming (fuel management);
- Demonstration of an approved water supply for fire protection which shall be made available as soon as combustible material arrives on the site. Provision of a 5,000 gallon water storage tank for fire protection and the installation of fire hydrants and automatic fire sprinklers.

In addition, the project will be conditioned to comply with all applicable fire protection standards as determined by CalFire, including, but not limited to, preparation of a fire safety plan; the project 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.*

(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?*

As discussed above under item (b), 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 are required for the life of the project and would reduce fire risk (see also the response provided under item b), above). Therefore, potential impacts would be *less than significant.*

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

The residence will be located on a relatively level area at the northerly terminus of the proposed access road in an area surrounded by scattered oak trees, chaparral, and annual grasses. Although the project is proposing disturbance in areas of steep slopes; as described in Section VI., Geology and Soils, the potential for landslides on the project site and the area of disturbance is considered low. The project includes the construction of a residence that would incorporate the provisions of a complete grading, drainage and erosion control plan consistent with County and CalFire standards. Therefore, the project will not expose the occupants to significant risks such as downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes and project 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.

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

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

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 no impact to 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 additiion, construction related emissions could adversely impact sensitive receptors on surrounding parcels. With implementation of recommended mitigation measures AQ-1 through AQ-4, 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-14 potential impacts to biological resources would be less than significant.

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 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 with mitigation*. 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 an additional 4.2 metric tons of CO_2. As stated in Section VIII., a project estimated to generate less than 690 MMTCO2e 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.

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, the project is not located within a mapped groundwater basin as determined by the Department of Water Resources. Project related water demand is estimated to be 0.81 AFY. The project will be conditioned to provide evidence of sufficient water supplies to the Department of Environmental Health and CalFire standards. Therefore, project impacts are considered *less than cumulatively considerable with mitigation*.

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.

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 through AQ-4, HAZ-1 and HAZ-2, and identified in 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
☒	County Public Works Department	**In File****
☒	County Environmental Health Services	**In File****
☐	County Agricultural Commissioner's Office	**Not Applicable**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**None**
☐	County Sheriff's Department	**Not Applicable**
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**None**
☐	CA Department of Forestry (Cal Fire)	**Not Applicable**
☒	CA Department of Transportation	**In File****
☐	Community Services District	**Not Applicable**
☒	Other US Forest Service	**None**
☒	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.

- ☒ Project File for the Subject Application

County Documents

- ☐ Coastal Plan Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☒ Building and Construction Ordinance
- ☒ Public Facilities Fee Ordinance
- ☐ Real Property Division Ordinance
- ☐ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☒ Energy Wise Plan
- ☒ North County Area Plan/Salinas River SA
- ☐ Design Plan
- ☐ Specific Plan
- ☐ Annual Resource Summary Report
- ☐ Circulation Study

Other Documents

- ☒ Clean Air Plan/APCD Handbook
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☐ Archaeological Resources Map
- ☐ Area of Critical Concerns Map
- ☐ Special Biological Importance Map
- ☐ CA Natural Species Diversity Database
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other

Initial Study – Environmental Checklist

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

Padre Associates, July 3 2023, Revision 1 - Follow-Up Spring Botanical Survey Results for 8781 Tassajara Creek Road Residential Development Project, Santa Margarita, California

Padre Associates, October 2022, Biological Resources Assessment Report

SSG Structural Engineers, November 13, 2022 Assessment of project access bridge

Referral response from CalFire (Dell Wells, January 23, 2023)

Other County References

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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-Decline.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>.

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_____. 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/>

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

Initial Study – Environmental Checklist

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_x, DPM Emissions.** The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NOx), 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 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.

AQ-3 **Naturally Occurring Asbestos Survey. Prior to issuance of grading or construction permits**, the applicant shall retain a registered geologist to conduct a geologic evaluation of the property, including sampling and testing for NOA in full compliance with SLOAPCD requirements and the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105). This geologic evaluation shall be submitted to the County Department of Planning and Building upon completion. If the geologic evaluation determines that the project would not have the potential to disturb NOA, the applicant must file an Asbestos ATCM exemption request with the SLOAPCD.

AQ-4 **Naturally Occurring Asbestos Remediation.** If NOA are determined to be present on-site per AQ-3, proposed earthwork, demolition, and construction activities for initial site improvements and future residential development shall be conducted in full compliance with the various regulatory jurisdictions regarding NOA, including the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105) and requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP; 40 Code of Federal Regulations [CFR] Section 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:

1. Written notification, within at least 10 business days of activities commencing, to the SLOAPCD;
2. Preparation of an asbestos survey conducted by a Certified Asbestos Consultant; and
3. Implementation of applicable removal and disposal protocol and requirements for identified NOA.

Initial Study – Environmental Checklist

Biological Resources

BIO-1 **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Department of Planning and Building to perform the training and monitoring activities described in the adopted mitigation measures for biological resources.

BIO-2 **Environmental Awareness Training –** An environmental awareness training shall be presented to all construction 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 with potential to occur, as well as other sensitive resources requiring avoidance during construction. The training shall also include a description of protection measures required by discretionary permits, an overview of the federal and California Endangered Species Acts, and implications of noncompliance with these regulations. This will include an overview of the required avoidance, minimization, and mitigation 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 environmental awareness trainees will be kept. A fact sheet conveying the information provided in the environmental awareness training will be provided to all project personnel.

BIO-3 **Site Maintenance and General Operations** - The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- All work activities shall be completed during daylight hours (between sunrise and sunset) and outside of rain events.
- The Project impact area shall be clearly marked or delineated with stakes, flagging, tape, or signage prior to work. Areas outside of work limits shall be considered environmentally sensitive and shall not be disturbed.
- All equipment and vehicles shall be checked and maintained daily to prevent spills of fuel, oil, and other hazardous materials. A designated staging area shall be established for vehicle/equipment parking and storage of fuel, lubricants, and solvents. All fueling and maintenance activities shall take place in the staging area.
- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).

- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated staging areas. These activities will occur at a minimum of 100 feet from sensitive habitat. Sandbags and/or absorbent pads and spill control kits shall always be available on site to clean up and contain fuel spills and other contaminants.
- Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- Plastic monofilament netting (erosion control matting) or similar material will not be used on site due to the potential to entangle special-status wildlife. Acceptable substitutes are coconut coir matting, biodegradable fiber rolls, or tackified hydroseeding compounds.
- The use of pesticides (including rodenticides) and herbicides on the property shall be in compliance with all local, state, and federal regulations to avoid primary and secondary poisoning of sensitive species that may be using the site.
- After completion of the project's construction, all protective fencing/flagging used to delineate sensitive biological resources shall be removed from the project area and disposed of in appropriate waste receptacles or reused.

BIO-4 Oak Tree Protection. To the maximum extent feasible, impacts to oak trees and oak woodland habitat shall be avoided and minimized. The following measures shall be implemented:

- Grading and/or construction plans shall provide a 'Native Tree (Oak) Inventory' that accurately identifies the canopy edge and trunk locations of all native trees within 25 feet of the proposed project limits (including ancillary elements, such as trenching); For each of the trees shown, they shall be marked with one of the following 1) to be removed, 2) to be impacted, or 3) to remain intact/protected. This should be noted as the "Native Tree Impact Plan". Trees identified as 'impacted' or 'to remain protected' shall be marked in the field as such and protected to the extent possible.
- Impacts to the oak canopy or sensitive root zone shall be avoided to the extent feasible. Impacts may include pruning, ground disturbance, or placement of impervious surfaces (e.g., asphalt, permanent structures) within the sensitive root zone; installation of year-round irrigation or other supplemental water within the sensitive root zone; and trunk damage.
- Prior to ground-breaking, tree protection fencing shall be installed as close to the outer limit of the sensitive root zone as practicable for construction operations to protect trees located within 50 feet of construction that will be preserved. The fencing shall be in place throughout the duration of construction. Plastic orange safety fencing shall not be used as it may entangle wildlife. Other demarcation such as t-posts and yellow rope are adequate. Protective measures shall be visible to work crews and be able to remain in good working order for the duration of the construction work. Waterproof signage at protective edge is recommended (e.g., "TREE PROTECTION AREA – STAY OUT"). Grading, trenching, compaction of soil, construction material/equipment storage, or placement of fill shall not occur within these protected areas.

- No construction activity shall occur outside delineation fencing installed for protection of oak trees.
- A licensed arborist or qualified botanist shall be hired to oversee all removal or trimming of existing roots and necessary branch trimming. To minimize impacts from tree trimming, the following approach shall be used:
    - Removal of larger lower branches shall be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs" (due to wind), 2) to reduce the number of large limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) to retain the wildlife that is found only in the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, creates greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree.
    - If trimming is unavoidable, no more than 10% of the oak canopy shall be removed.
    - If trimming is done, either a certified arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used. Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.
- Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots are exposed during construction, they shall be covered with a layer of soil to match existing topography.
- Impacts to oak trees shall be assessed by a licensed arborist or qualified botanist prior to final inspection and reported to the County.

BIO-5 Oak Tree Mitigation. For oak tree removals or impacts during project implementation, the applicant shall provide mitigation (on site if feasible) per the County's guidelines, typically 4:1 for removals and 2:1 for impacted trees. This shall include development of an oak tree mitigation plan and establishment of an oak tree planting site or conservation easement that shall be protected in perpetuity. A mitigation plan shall be prepared that details the methods and requirements for oak tree mitigation. At a minimum, the plan shall:

- Include a detailed inventory of the species and quantity of all oak trees to be removed or impacted.
- Discuss the proposed construction methods, construction schedule, and the implementation schedule of activities proposed as part of the plan.
- Quantify and describe the anticipated impacts to individual oak trees and/or oak woodland habitat, as applicable.
- Identify all appropriate methods for fulfillment of required mitigation (e.g., on-site plantings, conservation easement, or in-lieu fee).
- Describe detailed planting methods, as appropriate.

- Identify suitable areas for establishment of new oak trees and/or protection of existing oak woodland habitat, as appropriate.
- Describe short-term and long-term monitoring protocols and/or vegetative growth performance criteria for mitigation success.

The plan shall be prepared by a licensed arborist or qualified botanist and be submitted to the County for approval prior to the start of construction.

BIO-6 **Preconstruction Survey for Dusky-footed Woodrat.** Prior to the start of work within 50 feet of suitable woodrat habitat, a survey shall be conducted by a qualified biologist to identify and flag woodrat middens for avoidance. A minimum 10-foot buffer area shall be clearly delineated around any woodrat middens that are discovered during the survey. Due to the likelihood for woodrats to flee the midden as a result of nearby construction activity, a biologist shall monitor initial vegetation clearing and earth work within 25 feet of woodrat midden. If woodrats are observed fleeing middens, work shall be temporarily halted until woodrats flee outside the area of impact and/or are relocated to nearby suitable habitat areas by the qualified biologist.

Any woodrat houses that are deemed unavoidable shall be carefully dismantled mechanically (e.g., excavator with thumb) or with hand tools from the top down, allowing any woodrats to escape unharmed. A biological monitor shall be present for dismantling. Due to human health concerns associated with disturbance of woodrat middens and inhalation of dust and particles, the monitor shall not assist in physical woodrat house dismantling and shall position themselves upwind during the activity.

BIO-7 **Preconstruction Surveys for Pallid Bat and Townsend's Big-Eared Bat.** Prior to the start of work, all suitable roosting habitat (e.g., mature oak or sycamore trees and buildings) within 100 feet of work areas shall be surveyed to determine if bats are roosting in these areas. If bats are detected and impacts are deemed unavoidable, a bat exclusion plan shall be developed and submitted to CDFW for approval prior to implementing any exclusion methods. If no bats are detected, no further action is required.

BIO-8 **Preconstruction Survey and Monitoring for Special-status Amphibians and Reptiles.** A qualified biologist shall conduct a preconstruction survey immediately prior to the start of work within 50 feet of suitable habitat for Northern California legless lizard, coast horned lizard, coast range newt, California Yellow Legged Frog, western pond turtle, lesser salamander, western spadefoot, and California Red Legged Frog. Surveys will be conducted by gently disturbing scrub understory and upper layers of oak tree duff. 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, or vegetation removal including tree removal) within suitable habitat. If Northern California legless lizards, coast horned lizards, or coast range newts are discovered during surveys and monitoring, they will be hand captured and relocated to suitable habitat outside the area of impact. If CRLF are discovered, they shall be allowed to leave on their own volition and the resource agencies shall be contacted.

BIO-9 **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-10 Preconstruction 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 activity beginning on site. In addition, if work is planned to occur as early as January 1, a qualified biologist shall complete a focused survey for nesting golden eagles within one-quarter mile of the project site, as feasible based on access. 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 non-disturbance buffer of 150 feet will be placed around non-listed, passerine species and a 500-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate buffer is determined in consultation with CDFW, and/or the USFWS.

BIO-11 Crotch's Bumblebee Survey and Minimization Measures. Within 30 days prior to initiation of ground disturbance between March and September, the Project footprint will be surveyed for Crotch's bumble bee using a photograph survey methodology. The site will be slowly walked by two biologists equipped with >8-megapixel point and shoot or DSLR cameras using transects to obtain 100% coverage of the project site. All insects observed during the survey will be photographed with attention to family Apidae (bees). All bees observed will be photographed to the greatest extent feasible without handling. Photographs should clearly show the entire top side of the abdomen, the side of the thorax/abdomen and the face/head. Several photos should be taken of each specimen to obtain an identification. If a bee is observed entering a burrow or other cavity, a GPS point should be recorded and attention should be focused on the cavity to determine if multiple individuals may be entering/exiting, indicating the potential presence of a colony. Biologists will submit photos to

Bumble Bee Watch (www.bumblebeewatch.org), BeeSpotter (https://beespotter.org), or a similar website that employs bumble bee experts to verify the identifications. Qualified scientific experts may also be used to verify photographic records. CDFW will be notified as soon as possible if a *B. crotchii* observation is verified. If a *B. crotchii* colony is detected on the Project site, the colony will be mapped and avoided. No vegetation or soil disturbance will be permitted within a 50-foot radius of the colony. If avoidance is infeasible, CDFW will be consulted regarding potential conservation measures.

BIO-12 Other Agency Permits. The applicant acknowledges that state or federal permits may be needed from one or more of the following resource agencies: California Department of Fish and Wildlife, U.S. Fish & Wildlife Service, Army Corps of Engineers, for construction activities including grading, road improvement, or maintenance work involving any riparian area or drainage feature. Where required, the Applicant shall obtain a Section 404 Nationwide Permit from USACE, a Section 401 Water Quality Certification from RWQCB, and a Section 1602 Streambed Alteration Agreement from CDFW to authorize project-related impacts in all areas potentially under the jurisdiction of these regulatory agencies and provide satisfactory evidence to the County, as follows:

C. Prior to initiating ground-disturbing activity, the applicant shall provide to the County, for each of these resource agencies, that either a) evidence that a permit was not necessary, or b) a copy of the required permit(s). When such permits are required, the County shall review the permit(s) for consistency with County measures prior to issuance or start of construction. All applicable field requirements of the agency permit(s) shall be shown on applicable construction drawings and adhered to during construction.

D. The following measures would apply where waters of the U.S. or waters of the State cannot be avoided:

5) Based on final site designs, the applicant shall confirm with a qualified biologist or from the Corps that a Clean Water Act (CWA) Section 404 permit will not be required for activities within the Tassajara Creek riparian habitat. Assuming a Corps permit is not required, RWQCB compliance will need to occur via the Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction (Water Quality Order No. 2004-0004-DWQ).

6) If the project design requires fill within waters of the U.S., the applicant shall obtain and implement all the terms and conditions of a Corps Nationwide Permit to the satisfaction of the Corps. Compliance with Corps regulatory permitting would also include obtaining and CWA 401 Water Quality Certification from the RWQCB that would satisfy approval of work in California waters of the State.

7) The applicant shall also obtain Section 1600 regulatory compliance in the form of a Streambed Alteration Agreement from CDFW or a determination that no agreement would be required for impacts to the Tassajara Creek riparian corridor.

8) Compensatory mitigation may be required to be implemented on-site at a minimum ratio of 3:1 to offset permanent impacts to jurisdictional riparian habitat (note resource agencies may require a higher ratio). A mitigation and monitoring plan shall be prepared by a

biologist familiar with restoration and mitigation techniques as part of the permit application packages. The plan shall include, but not be limited to the following components:

- Description of the project/impact site
- Goal(s) of the compensatory mitigation project
- Description of the proposed compensatory mitigation-site
- Implementation plan for the compensatory mitigation-site
- Maintenance activities during the monitoring period
- Monitoring plan for the compensatory mitigation-site
- Success criteria and performance standards
- Reporting requirements
- Contingency measures and funding mechanisms
- Erosion control and landscaping specifications included in the mitigation plan shall allow only natural-fiber, biodegradable meshes and coir rolls, to prevent impacts to the environment and to prevent entrapment of wildlife.

BIO-13 Protection of Potential Jurisdictional Waters. Project activity occurring within and/or within 50 feet of Tassajara Creek of the outer edge of riparian habitats shall occur only if appropriate authorizations have been issued and only during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation plan control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into drainages and wetlands. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standards. BMPs shall be installed and maintained for the duration of the project.

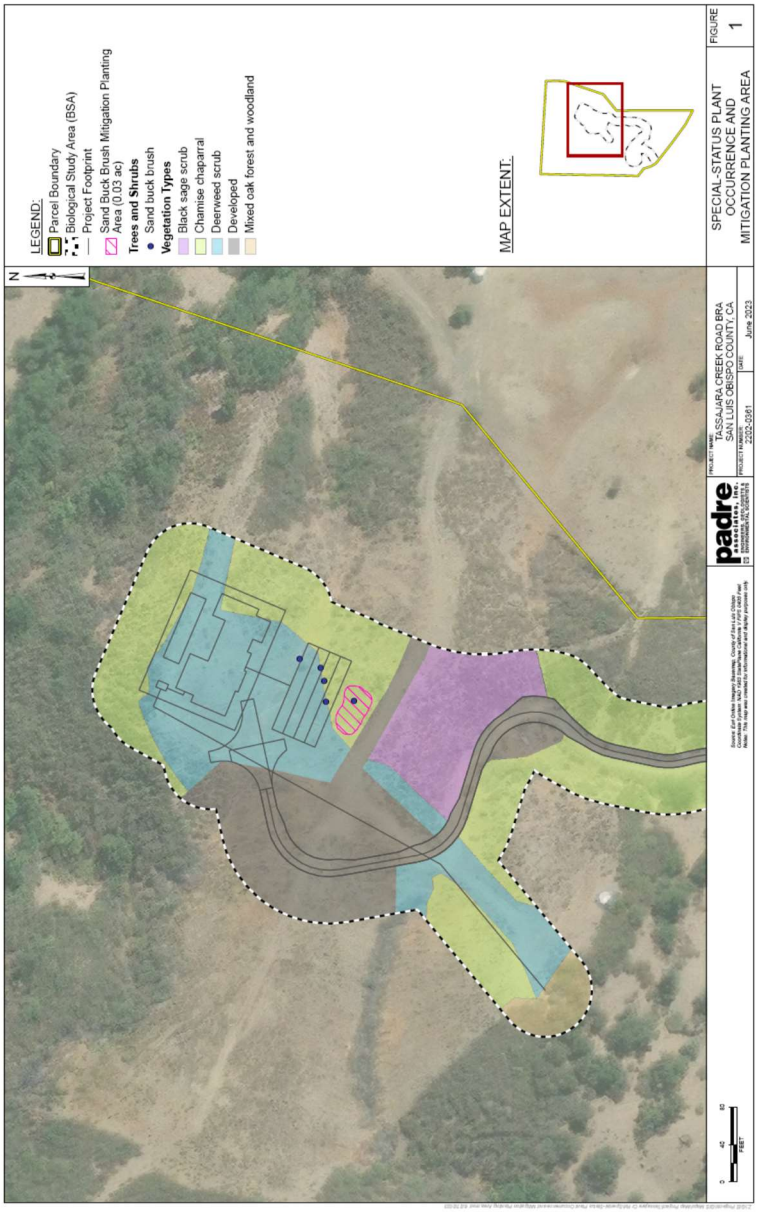
BIO-14 Special-status Botanical Species. The following specific recommendations are made to reduce the anticipated impacts to special status plant populations of sand buck brush (*Ceanothus cuneatus* var. *fascicularis*) to the maximum extent feasible:

- To the extent feasible, ground disturbance will be minimized in areas where special-status plant populations have been mapped during the spring, 2023 surveys as shown in Figure A-1.
- During the appropriate season (i.e., approximately June through August) prior to the start of construction, mature seed will be collected from individual plants that will be removed as a result of the proposed development. This seed will be temporarily stored in paper bags or envelopes in a cool, dry location. Collected seed will be spread in areas of suitable habitat on site that will not be disturbed as part of the proposed development. In particular, the seed should be used to enhance and expand upon existing population patches that were mapped throughout the site.

Initial Study – Environmental Checklist

- The top four to six inches of topsoil will be salvaged during initial grading and stored separately. Stored topsoil will be spread in temporary disturbance areas (e.g., road edges, and utility trench lines) following the completion of construction.
- Sand buck brush container stock shall be planted at 8-foot on-center spacing within the designated mitigation area depicted in Figure 1 to achieve a replacement ratio of 3:1 (planted:removed).
- Monitoring. Sand buck brush shall be monitored for three years to document survival and to ensure the number of plants surviving achieves the 3:1 replacement ratio (planted:removed).

Figure A-1



Geology and Soils

GEO-1 **Prior to issuance of construction permits**, the applicant shall be required to submit sufficient soil percolation and soil boring information to show how septic systems will comply with the Central Coast Basin Plan for potential constraints identified for the project site. Building/grading permit issuance will not be approved by the Environmental Health Department if Basin Plan criteria cannot be met.

GEO-2 **At the time of application for grading/construction permits,** the applicant shall submit to the County for review and approval a geotechnical investigation of the project site prepared by an licensed engineering geologist or other qualified professional. The purpose of the geotechnical investigation will be to inform the design of grading, drainage, cut/fill slopes, retaining walls, building foundations and other features of the site to ensure compliance with relevant provisions of the CBC and CalFire.

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.

Hydrology and Water Quality

HWQ-1 **Prior to issuance of construction permits**, the applicant shall be required to submit sufficient information to the Environmental Health Department that demonstrates compliance with Safe Drinking Water Standards and County water supply standards for individual or shared wells.

SEPTEMBER 13, 2023

DEVELOPER'S STATEMENT FOR
BORGSMILLER VARIANCE N-DRC2023-00019/MINOR USE PERMIT
N-DRC2022-00047

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

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

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

EXHIBIT B - MITIGATION SUMMARY

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

AIR QUALITY

AQ-1 **Fugitive Dust Construction Control Measures**, the following measures related to fugitive dust emissions shall be incorporated into the construction phase of the project and shown on all applicable construction plans:

a) Reduce the amount of the disturbed area where possible;

b) Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;

c) All dirt stock pile areas should be sprayed daily as needed;

d) Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

e) Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;

f) All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;

g) All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

h) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

i) All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;

j) Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;

k) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;

l) All of these fugitive dust mitigation measures shall be shown on grading and building plans; and

m) 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. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

n) Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

AQ-2 **ROG, NOx, DPM Emissions**. The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NOx), 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 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) Use on-road heavy-duty trucks that meet the CARB's 2010 or cleaner certification standard for on-road heavy-duty diesel engines and comply with the State On-Road Regulation.

g) 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.

h) Electrify equipment when possible.

i) Substitute gasoline-powered in place of diesel-powered equipment, when available. and,

j) Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel

AQ-3 **Naturally Occurring asbestos Survey. Prior to issuance of grading or construction permits,** the applicant shall retain a registered geologist to conduct a geologic evaluation of the property, including sampling and testing for NOA in full compliance with SLOAPCD requirements and the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105). This geologic evaluation shall be submitted to the County Department of Planning and Building upon completion. If the geologic evaluation determines that the project would not have the potential to disturb NOA, the applicant must file an Asbestos ATCM exemption request with the SLOAPCD. Evidence of APCD approval must be provided to Planning staff.

AQ-1 – AQ3 Monitoring: Required Prior to issuance of grading or construction permits. Compliance will be verified by the County Department of Planning and Building.

AQ-4 **Naturally Occurring Asbestos Remediation.** If NOA are determined to be present on-site per AQ-3, proposed earthwork, demolition, and construction activities for initial site improvements and future residential development shall be conducted in full compliance with the various regulatory jurisdictions regarding NOA, including the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105) and requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP; 40 Code of Federal Regulations [CFR] Section 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:

1. Written notification, within at least 10 business days of activities commencing, to the SLOAPCD;
2. Preparation of an asbestos survey conducted by a Certified Asbestos Consultant; and
3. Implementation of applicable removal and disposal protocol and requirements for identified NOA.

AQ-4 Monitoring: Required prior to and during commencement of construction activities. Compliance will be verified by the County Department of Planning and Building.

BIOLOGICAL RESOURCES

BIO-1 **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Department of Planning and Building to perform the training and monitoring activities described in the adopted mitigation measures for biological resources.

BIO-1 Monitoring: Prior to issuance of grading and/or construction permits. Compliance will be verified by the County Department of Planning and Building.

BIO-2 **Environmental Awareness Training –** An environmental awareness training shall be presented to all construction 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 with potential to occur, as well as other sensitive resources requiring avoidance during construction. The training shall also include a description of protection measures required by discretionary permits, an overview of the federal and California Endangered Species Acts, and implications of noncompliance with these regulations. This will include an overview of the required avoidance, minimization, and mitigation 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 environmental awareness trainees will be kept. A fact sheet conveying the information provided in the environmental awareness training will be provided to all project personnel.

BIO-2 Monitoring: Required training shall be by qualified biologist prior to the start of any project activities. Compliance will be verified by the County Department of Planning and Building.

BIO-3 **Site Maintenance and General Operations** - The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- All work activities shall be completed during daylight hours (between sunrise and sunset) and outside of rain events.
- The Project impact area shall be clearly marked or delineated with stakes, flagging, tape, or signage prior to work. Areas outside of work limits shall be considered environmentally sensitive and shall not be disturbed.
- All equipment and vehicles shall be checked and maintained daily to prevent spills of fuel, oil, and other hazardous materials. A designated staging area shall be established for vehicle/equipment parking and storage of fuel, lubricants, and solvents. All fueling and maintenance activities shall take place in the staging area.
- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.

- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated staging areas. These activities will occur at a minimum of 100 feet from sensitive habitat. Sandbags and/or absorbent pads and spill control kits shall always be available on site to clean up and contain fuel spills and other contaminants.
- Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- Plastic monofilament netting (erosion control matting) or similar material will not be used on site due to the potential to entangle special-status wildlife. Acceptable substitutes are coconut coir matting, biodegradable fiber rolls, or tackified hydroseeding compounds.
- The use of pesticides (including rodenticides) and herbicides on the property shall be in compliance with all local, state, and federal regulations to avoid primary and secondary poisoning of sensitive species that may be using the site.
- After completion of the project's construction, all protective fencing/flagging used to delineate sensitive biological resources shall be removed from the project area and disposed of in appropriate waste receptacles or reused.

BIO-3 Monitoring: Required during active construction and ongoing operations. Compliance will be verified by the County Department of Planning and Building.

BIO-4 Oak Tree Protection. To the maximum extent feasible, impacts to oak trees and oak woodland habitat shall be avoided and minimized. The following measures shall be implemented:

- Grading and/or construction plans shall provide a 'Native Tree (Oak) Inventory' that accurately identifies the canopy edge and trunk locations of all native trees within 25 feet of the proposed project limits (including ancillary elements, such as trenching); For each of the trees shown, they shall be marked with one of the following 1) to be removed, 2) to be impacted, or 3) to remain intact/protected. This should be noted as the "Native Tree Impact Plan". Trees identified as 'impacted' or 'to remain protected' shall be marked in the field as such and protected to the extent possible.
- Impacts to the oak canopy or sensitive root zone shall be avoided to the extent feasible. Impacts may include pruning, ground disturbance, or placement of impervious surfaces (e.g., asphalt, permanent structures) within the sensitive root zone; installation of year-round irrigation or other supplemental water within the sensitive root zone; and trunk damage.
- Prior to ground-breaking, tree protection fencing shall be installed as close to the outer limit of the sensitive root zone as practicable for construction operations to protect trees located within 50 feet of construction that will be preserved. The fencing shall be in place throughout the duration of construction. Plastic orange safety fencing shall not be used as it may entangle wildlife. Other demarcation such as t-posts and yellow rope are adequate. Protective measures shall be visible to work crews and be able to remain in

good working order for the duration of the construction work. Waterproof signage at protective edge is recommended (e.g., "TREE PROTECTION AREA – STAY OUT"). Grading, trenching, compaction of soil, construction material/equipment storage, or placement of fill shall not occur within these protected areas.

- All construction activity shall occur outside delineation fencing installed for protection of oak trees.
- A licensed arborist or qualified botanist shall be hired to oversee all removal or trimming of existing roots and necessary branch trimming. To minimize impacts from tree trimming, the following approach shall be used:
    - Removal of larger lower branches shall be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs" (due to wind), 2) to reduce the number of large limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) to retain the wildlife that is found only in the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, creates greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree.
    - If trimming is unavoidable, no more than 10% of the oak canopy shall be removed.
    - If trimming is done, either a certified arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used. Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.
- Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots are exposed during construction, they shall be covered with a layer of soil to match existing topography.
- Impacts to oak trees shall be assessed by a licensed arborist or qualified botanist prior to final inspection and reported to the County.

BIO-5 Oak Tree Mitigation. For oak tree removals or impacts during project implementation, the applicant shall provide mitigation (on site if feasible) per the County's guidelines, typically 4:1 for removals and 2:1 for impacted trees. This shall include development of an oak tree mitigation plan and establishment of an oak tree planting site or conservation easement that shall be protected in perpetuity. A mitigation plan shall be prepared that details the methods and requirements for oak tree mitigation. At a minimum, the plan shall:

- Include a detailed inventory of the species and quantity of all oak trees to be removed or impacted.
- Discuss the proposed construction methods, construction schedule, and the implementation schedule of activities proposed as part of the plan.
- Quantify and describe the anticipated impacts to individual oak trees and/or oak woodland habitat, as applicable.
- Identify all appropriate methods for fulfillment of required mitigation (e.g., on-site plantings, conservation easement, or in-lieu fee).
- Describe detailed planting methods, as appropriate.

- Identify suitable areas for establishment of new oak trees and/or protection of existing oak woodland habitat, as appropriate.
- Describe short-term and long-term monitoring protocols and/or vegetative growth performance criteria for mitigation success.

The plan shall be prepared by a licensed arborist or qualified botanist and be submitted to the County for approval prior to the start of construction.

BIO-4 – BIO-5 Monitoring: Required Prior to the start of work. Compliance will be verified by the County Department of Planning and Building.

BIO-6 Preconstruction Survey for Dusky-footed Woodrat. Prior to the start of work within 50 feet of suitable woodrat habitat, a survey shall be conducted by a qualified biologist to identify and flag woodrat middens for avoidance. A minimum 10-foot buffer area shall be clearly delineated around any woodrat middens that are discovered during the survey. Due to the likelihood for woodrats to flee the midden as a result of nearby construction activity, a biologist shall monitor initial vegetation clearing and earth work within 25 feet of woodrat midden. If woodrats are observed fleeing middens, work shall be temporarily halted until woodrats flee outside the area of impact and/or are relocated to nearby suitable habitat areas by the qualified biologist.

Any woodrat houses that are deemed unavoidable shall be carefully dismantled mechanically (e.g., excavator with thumb) or with hand tools from the top down, allowing any woodrats to escape unharmed. A biological monitor shall be present for dismantling. Due to human health concerns associated with disturbance of woodrat middens and inhalation of dust and particles, the monitor shall not assist in physical woodrat house dismantling and shall position themselves upwind during the activity.

BIO-7 Preconstruction Surveys for Pallid Bat and Townsend's Big-Eared Bat. Prior to the start of work, all suitable roosting habitat (e.g., mature oak or sycamore trees and buildings) within 100 feet of work areas shall be surveyed to determine if bats are roosting in these areas. If bats are detected and impacts are deemed unavoidable, a bat exclusion plan shall be developed and submitted to CDFW for approval prior to implementing any exclusion methods. If no bats are detected, no further action is required.

BIO-6 – BIO-7 Monitoring: Required Prior to the start of work. Compliance will be verified by the County Department of Planning and Building.

BIO-8 Preconstruction Survey and Monitoring for Special-status Amphibians and Reptiles. A qualified biologist shall conduct a preconstruction survey immediately prior to the start of work within 50 feet of suitable habitat for Northern California legless lizard, coast horned lizard, coast range newt, California Yellow Legged Frog, western pond turtle, lesser salamander, western spadefoot, and California Red Legged Frog. Surveys will be conducted by gently disturbing scrub understory and upper layers of oak tree duff. 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, or vegetation removal including tree removal) within suitable habitat. If Northern California legless lizards, coast horned lizards, or coast range newts are discovered during surveys and monitoring, they will be hand captured and relocated to suitable habitat outside the area of impact. If

CRLF are discovered, they shall be allowed to leave on their own volition and the resource agencies shall be contacted.

BIO-8 Monitoring: Required prior to construction. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities Compliance will be verified by the County Department of Planning and Building.

BIO-9 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-9 Monitoring: Required no less than 14 days and no more than 30 days and by a qualified biologist prior to the start of initial project activities. Compliance will be verified by the County Department of Planning and Building.

BIO-10 Preconstruction 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 activity beginning on site. In addition, if work is planned to occur as early as January 1, a qualified biologist shall complete a focused survey for nesting golden eagles within one-quarter mile of the project site, as feasible based on access. 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 non-disturbance buffer of 150 feet will be placed around non-listed, passerine species and a 500-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified and nesting within the work area, no work will

begin until an appropriate buffer is determined in consultation with CDFW, and/or the USFWS.

BIO-10 Monitoring: Required Prior to the start of work. Compliance will be verified by the County Department of Planning and Building.

BIO-11 Crotch's Bumblebee Survey and Minimization Measures. Within 30 days prior to initiation of ground disturbance between March and September, the Project footprint will be surveyed for Crotch's bumble bee using a photograph survey methodology. The site will be slowly walked by two biologists equipped with >8-megapixel point and shoot or DSLR cameras using transects to obtain 100% coverage of the project site. All insects observed during the survey will be photographed with attention to family Apidae (bees). All bees observed will be photographed to the greatest extent feasible without handling. Photographs should clearly show the entire top side of the abdomen, the side of the thorax/abdomen and the face/head. Several photos should be taken of each specimen to obtain an identification. If a bee is observed entering a burrow or other cavity, a GPS point should be recorded and attention should be focused on the cavity to determine if multiple individuals may be entering/exiting, indicating the potential presence of a colony. Biologists will submit photos to Bumble Bee Watch (www.bumblebeewatch.org), BeeSpotter (https://beespotter.org), or a similar website that employs bumble bee experts to verify the identifications. Qualified scientific experts may also be used to verify photographic records. CDFW will be notified as soon as possible if a *B. crotchii* observation is verified. If a *B. crotchii* colony is detected on the Project site, the colony will be mapped and avoided. No vegetation or soil disturbance will be permitted within a 50-foot radius of the colony. If avoidance is infeasible, CDFW will be consulted regarding potential conservation measures.

BIO-11 Monitoring: Required within 30 days prior to initiation of site disturbance or construction activities. A final report shall be provided to the County prior to initial project activities. Compliance will be verified by the County Department of Planning and Building.

BIO-12 Other Agency Permits. The applicant acknowledges that state or federal permits may be needed from one or more of the following resource agencies: California Department of Fish and Wildlife, U.S. Fish & Wildlife Service, Army Corps of Engineers, for construction activities including grading, road improvement, or maintenance work involving any riparian area or drainage feature. Where required, the Applicant shall obtain a Section 404 Nationwide Permit from USACE, a Section 401 Water Quality Certification from RWQCB, and a Section 1602 Streambed Alteration Agreement from CDFW to authorize project-related impacts in all areas potentially under the jurisdiction of these regulatory agencies and provide satisfactory evidence to the County, as follows:

A. Prior to initiating ground-disturbing activity, the applicant shall provide to the County, for each of these resource agencies, that either a) evidence that a permit was not necessary, or b) a copy of the required permit(s). When such permits are required, the County shall review the permit(s) for consistency with County measures prior to issuance or start of construction. All applicable field requirements of the agency permit(s) shall be shown on applicable construction drawings and adhered to during construction.

B. The following measures would apply where waters of the U.S. or waters of the State cannot be avoided:

1) Based on final site designs, the applicant shall confirm with a qualified biologist, or from the Corps, that a Clean Water Act (CWA) Section 404 permit will not be required for activities within the Tassajara Creek riparian habitat. Assuming a Corps permit is not required, RWQCB compliance will need to occur via the Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction (Water Quality Order No. 2004-0004-DWQ).
2) If the project design requires fill within waters of the U.S., the applicant shall obtain and implement all the terms and conditions of a Corps Nationwide Permit to the satisfaction of the Corps. Compliance with Corps regulatory permitting would also include obtaining and CWA 401 Water Quality Certification from the RWQCB that would satisfy approval of work in California waters of the State.
3) The applicant shall also obtain Section 1600 regulatory compliance in the form of a Streambed Alteration Agreement from CDFW or a determination that no agreement would be required for impacts to the Tassajara Creek riparian corridor.
4) Compensatory mitigation may be required to be implemented on-site at a minimum ratio of 3:1 to offset permanent impacts to jurisdictional riparian habitat (note resource agencies may require a higher ratio). A mitigation and monitoring plan shall be prepared by a biologist familiar with restoration and mitigation techniques as part of the permit application packages. The plan shall include, but not be limited to the following components:

    - Description of the project/impact site
    - Goal(s) of the compensatory mitigation project
    - Description of the proposed compensatory mitigation-site
    - Implementation plan for the compensatory mitigation-site
    - Maintenance activities during the monitoring period
    - Monitoring plan for the compensatory mitigation-site
    - Success criteria and performance standards
    - Reporting requirements
    - Contingency measures and funding mechanisms
    - Erosion control and landscaping specifications included in the mitigation plan shall allow only natural-fiber, biodegradable meshes and coir rolls, to prevent impacts to the environment and to prevent entrapment of wildlife.

BIO-13 Protection of Potential Jurisdictional Waters. Project activity occurring within and/or within 50 feet of Tassajara Creek of the outer edge of riparian habitats shall occur only if appropriate authorizations have been issued and only during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation plan control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into drainages and wetlands. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standards. BMPs shall be installed and maintained for the duration of the project.

BIO-14 Special-status Botanical Species. The following specific recommendations are made to reduce the anticipated impacts to special status plant populations of sand buck brush (*Ceanothus cuneatus* var. *fascicularis*) to the maximum extent feasible:

- To the extent feasible, ground disturbance will be minimized in areas where special-status plant populations have been mapped during the spring, 2023 surveys as shown in Figure A-1.
- During the appropriate season (i.e., approximately June through August) prior to the start of construction, mature seed will be collected from individual plants that will be removed as a result of the proposed development. This seed will be temporarily stored in paper bags or envelopes in a cool, dry location. Collected seed will be spread in areas of suitable habitat on site that will not be disturbed as part of the proposed development. In particular, the seed should be used to enhance and expand upon existing population patches that were mapped throughout the site.
- The top four to six inches of topsoil will be salvaged during initial grading and stored separately. Stored topsoil will be spread in temporary disturbance areas (e.g., road edges, and utility trench lines) following the completion of construction.
- Sand buck brush container stock shall be planted at 8-foot on-center spacing within the designated mitigation area depicted in Figure A-1 to achieve a replacement ratio of 3:1 (planted:removed).
- Monitoring. Sand buck brush shall be monitored for three years to document survival and to ensure the number of plants surviving achieves the 3:1 replacement ratio (planted:removed).

BIO-12 – BIO-14 Monitoring: Required Prior to the start of work. Compliance will be verified by the County Department of Planning and Building.

GEOLOGY AND SOILS

GEO-1 **Prior to issuance of construction permits**, the applicant shall be required to submit sufficient soil percolation and soil boring information to show how septic systems will comply with the Central Coast Basin Plan for potential constraints identified for the project site. Building/grading permit issuance will not be approved by the Environmental Health Department if Basin Plan criteria cannot be met.

GEO-1 Monitoring: Required Prior to the issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

GEO-2 **At the time of application for grading/construction permits,** the applicant shall submit to the County for review and approval a geotechnical investigation of the project site prepared by an licensed engineering geologist or other qualified professional. The purpose of the geotechnical investigation will be to inform the design of grading, drainage, cut/fill slopes, retaining walls, building foundations and other features of the site to ensure compliance with relevant provisions of the CBC and CalFire.

GEO-1 & GEO-2 Monitoring: Required at the time of application for grading/construction permits. Compliance will be verified by the County Department of Planning and Building.

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 and operational activities**, all project-related spills of hazardous materials, pesticides, fertilizers, and manufacturing solvents shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times.

HAZ-1 – HAZ-2 Monitoring: Required during all construction activities, and required for all operational activities (i.e., HAZ-2). Implementation and compliance will be verified by the County Department of Planning and Building.

HYDROLOGY AND WATER QUALITY

HWQ-1 Prior to issuance of construction permits, the applicant shall be required to submit sufficient information to the Environmental Health Department that demonstrates compliance with Safe Drinking Water Standards and County water supply standards for individual or shared wells.

HWQ-1 Monitoring: Required Prior to the issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

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



Signature of Agent(s)/Owner

9/16/23

Date

William R. Borgsmiller

Name (Print)