Initial Study – Environmental Checklist

Lamoreaux Winery Minor Use Permit ED23-095 N-DRC2022-00044

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: (To be completed by the Lead Agency)

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

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

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Jessica Macrae			12/8/2023
Prepared by (Print)	Signature		Date
Eric Hughes		Principal Environmental Specialist	1/25/2024
Reviewed by (Print)	Signature		Date

Initial Study – Environmental Checklist

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. Project

DESCRIPTION:

A request by Jason Lamoreaux for a Minor Use Permit to allow the construction of a new 9,045-square-foot winery facility with 3,439 square feet of exterior use areas. The winery includes 2,887 square feet of barrel storage, a 1,738-square-foot fermentation room, a 1,126-square-foot tasting room, a 547-square-foot members lounge, and a 214-square-foot commercial kitchen to accommodate wine and food pairings, a 572-square-foot case good storage area, and 1,961 square feet of offices, workstations, restrooms, and circulation. Exterior use areas include 1,685 square feet of covered crush pad, covered patios, and a covered entry with 1,754 square feet of uncovered crush pad extension and uncovered patio area. Case production of 10,000 cases per year. The project will result in the disturbance of 2.7 acres on a 20.74-acre parcel which includes 3,070 cubic yards of cut and 2,210 cubic yards of fill to be balanced on-site. The proposed project is within the Agriculture land use category and is located on a vacant parcel along Vineyard Drive, approximately 2.2 miles west of the community of Templeton. The site is in the Adelaida Sub Area of the North County Planning Area.

Industry-Wide and Marketing Events

The applicant is not proposing a Special Events Program; however, the winery intends to participate in Wine Industry Weekends and other marketing activities not defined as special events (e.g., non-advertised wine club activities and other non-wine club activities with under 50 attendees).

ASSESSOR PARCEL NUMBER: 039-161-003

Latitude: 35 degrees 33' 31.0" N **Longitude:** 120 degrees 46' 51.5" W **SUPERVISORIAL DISTRICT #:** 1 and 2

B. Existing Setting

Plan Area: North County **Sub:** Adelaida **Comm:** N/A

Land Use Category: Agriculture

Combining Designation: Renewable Energy, Flood Hazard

Initial Study – Environmental Checklist

Parcel Size: 20.74 Acres

Topography: Project Site: Nearly level (Parcel: Nearly level to steeply sloping)

Vegetation: Riparian, California bay oak woodland, Annual grassland

Existing Uses: Vacant Parcel

Surrounding Land Use Categories and Uses:

North: Single family residence(s), Agriculture

East: Single family residence(s), Agriculture

South: Single family residence(s), Agriculture

West: Single family residence(s), Agriculture

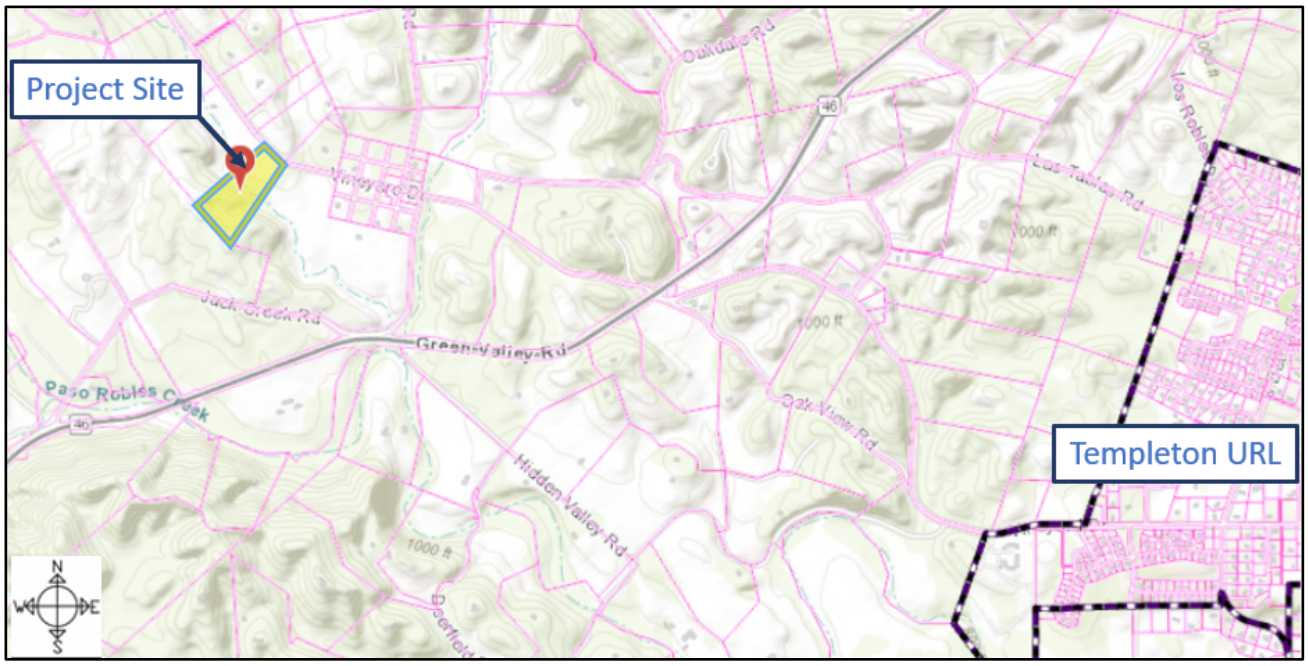

Figure 1. Vicinity Map *Imagery provided by OpenStreetMap and its licensors*

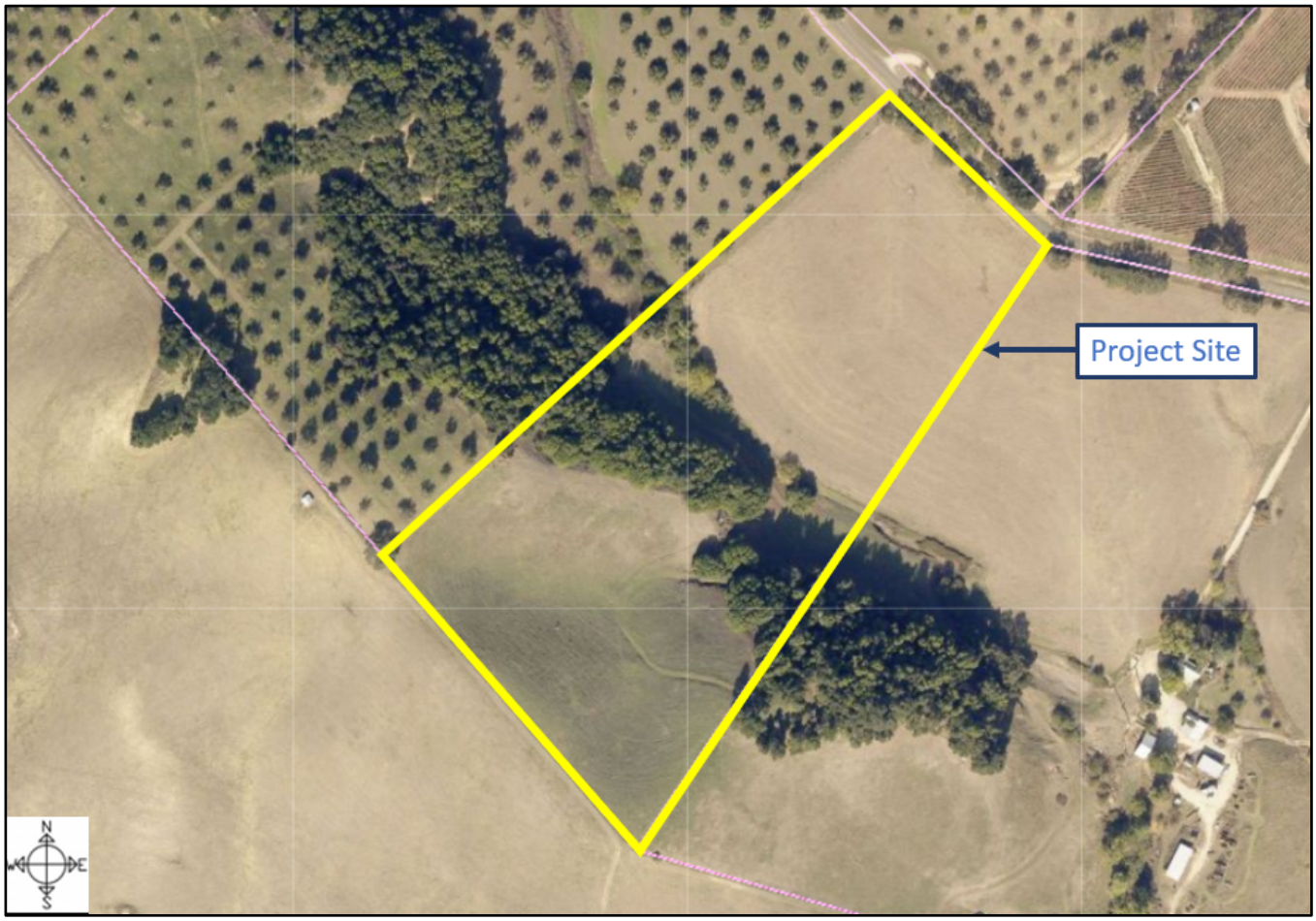

Figure 2. Project Boundary Aerial *Imagery provided by ESRI and its licensors*

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

California Scenic Highway Program

The California Scenic Highway Program was created by the State Legislature in 1963 with the intention of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors. A highway may be designated scenic depending on how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. Scenic highways within San Luis Obispo County include U.S. Highway 101 (US 101), State Route 46 (SR 46), portions of State Route 41 (SR 41), State Route 1 (SR 1), and Lake Nacimiento Drive.

County Conservation and Open Space Element

The *County of San Luis Obispo General Plan Conservation and Open Space Element* (COSE) provides guidelines for the appropriate placement of development so that the natural landscape continues to be the dominant view in rural parts of the county and to ensure the visual character contributes to a robust sense of place in

urban areas. The County COSE provides a number of goals and policies to protect the visual character and identity of the county while protecting private property rights, such as the identification and protection of community separators (rural-appearing land located between separate, identifiable communities and towns), designation of scenic corridors along public roads and highways throughout the county, retaining existing access to scenic vista points, and setting the standard that new development in urban and village areas shall be consistent with the local character, identity, and sense of place. The County COSE identifies several goals for visual resources in rural parts of the county, listed below:

- **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.

County of San Luis Obispo Land Use Ordinance
The County LUO establishes regulations for exterior lighting (LUO Section 22.10.060), height limitations for each land use category (LUO Section 22.10.090), setback requirements (LUO Section 22.10.140), and other visual resource protection policies. In addition, County LUO Section 22.30.070.D.2.g provides specific design requirements for wineries, including exterior design standards, screening requirements, height limitations, and exterior lighting requirements. These regulations are intended to help the County achieve its Strategic Growth Principles of preserving scenic natural beauty and fostering distinctive, attractive communities with a strong sense of place, as set forth in the *County of San Luis Obispo General Plan Land Use and Circulation Element* (LUCE).

The County LUO also defines a Sensitive Resource Area (SRA) combining designation that applies to areas having high environmental quality and special ecological or educational significance. Since these designated areas are considered visual resources by the County, the County LUO establishes specific standards for projects located within these areas. The project site is not located in an SRA combining designation.

Existing Conditions
The project site consists of a single 20.74-acre parcel and is characterized by nearly level to steeply sloping topography. The Property is nestled within the Santa Lucia Range, north of Los Padres National Forest by approximately 5.0 miles, and bound by several topographical features such as York Mountain to the southwest, Sawmill Canyon to the north, and rolling hills to the east. Various drainages seasonally flow in the low-relief portions of surrounding hills, such as Summit Creek to the north, Willow Creek to the east,

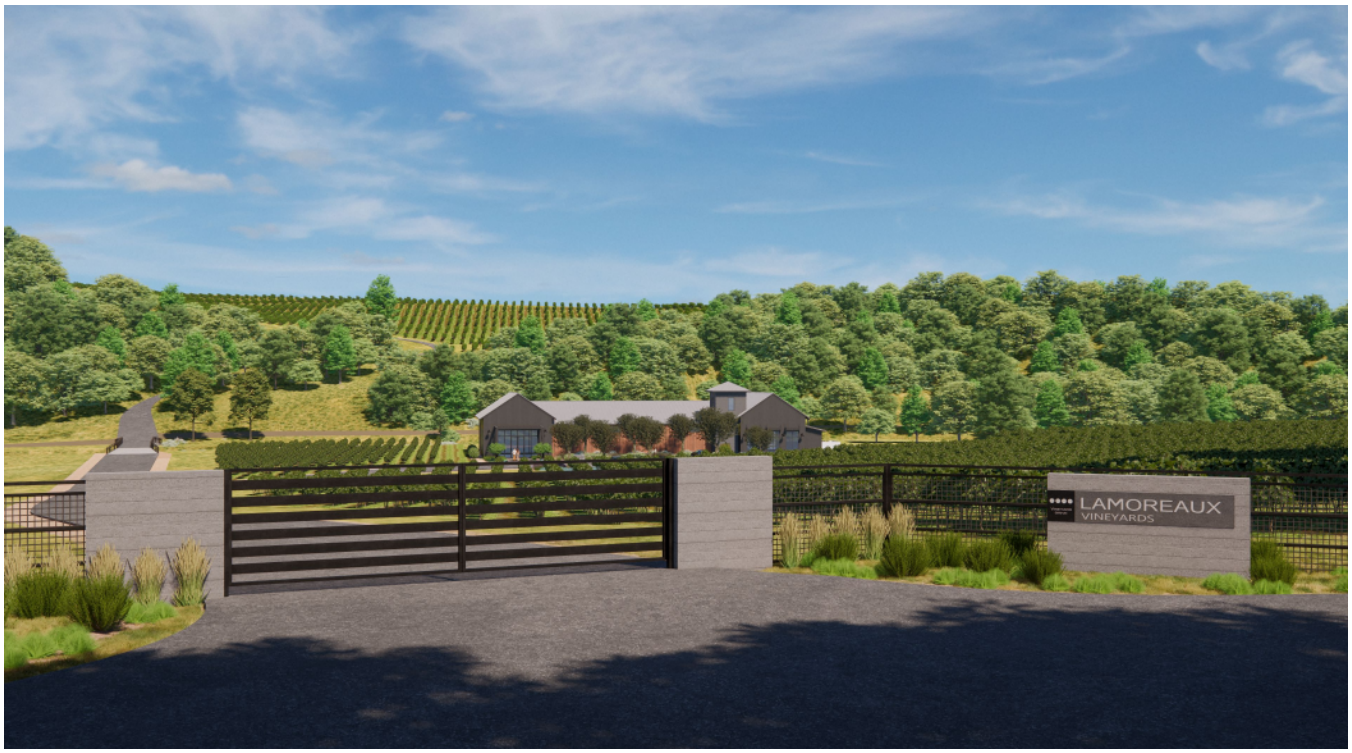

Figure 3. View of Winery Facility from Vineyard Drive

Santa Rita Creek to the south, and Paso Robles Creek to the west. Sheepcamp Creek, an intermittent stream mapped by the National Wetlands Inventory (NWI) and National Hydrography Dataset (NHD), flows through the central portion of the Property, and conjoins with Paso Robles Creek just south of Highway 46 (Althouse and Meade Inc. 2022). The property is undeveloped and has been used for hay production since 2005. In July 2022, a major grading permit was submitted for a new ag road and bridge in order to provide access to the rear portion of the site (GRAD2022-00009). New vineyard installation on previously cultivated lands is proposed late 2022/early 2023. As of today, the site supports 10.4 acres of vineyards.

The project site is located in a rural area and surrounding areas primarily include agricultural land use (including vineyards, wineries, and bed and breakfast inns) and scattered rural residential development and accessory structures. There is one off-site residence located within 1,000 feet of the project site, approximately 890 feet east of the proposed winery location. The project site can be seen from Vineyard Drive, a collector road. As shown in Figure 3, the winery facility is sited in the lower plateau of the site, approximately 530 feet southwest of Vineyard Drive.

Discussion

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

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints and may be officially or informally designated by public agencies or other organizations. Vistas are inherently expansive views, usually from an open area or an elevated point. A substantial adverse effect on a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or other public areas.

The project site is not designated as an SRA by the County LUO. The project site and surrounding area are characterized by gently to steeply sloping topography and scattered low-density residential and agricultural land uses, including other vineyards, wineries, and bed and breakfast inns. The project site is not located within an identified scenic vista, a visually sensitive area, a scenic corridor, or an area of high scenic quality that would be seen from key public viewpoints. Therefore, the project would not have 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 is not located within the viewshed of a designated or eligible state scenic highway and implementation of the project would not result in damage to scenic resources within the viewshed of a state scenic highway, nor would it result in damage or removal of trees, rock outcroppings, and historic buildings. Therefore, *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?

The project is located in a non-urbanized area and would be visually consistent with the type and extent of development in the surrounding area. Land Use Ordinance Section 22.30.070.D.2(g) requires all structures associated with the winery facilities to have an exterior design style that is agricultural or residential in nature using non-reflective siding and roofing materials. The proposed project has been designed to be consistent with these standards and incorporates non-reflective siding and roofing materials and is not reflective of a large industrial facility. The project also proposes landscaping to screen the building from view.

The project would not result in a noticeable change to public views of the area and, therefore, would not result in the degradation of the existing visual character or quality of public views of the site and its surroundings. *Impacts would be less than significant.*

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

The project does not propose the use or installation of highly reflective materials that would create a substantial source of glare. The project would generally be consistent with the level of existing development in the project vicinity and does not propose the installation or use of outdoor lighting that would differ substantially from other proximate development. The proposed project would be required to comply with County LUO Section 22.30.070.D.2.g(4), which establishes exterior lighting requirements for wineries. This section of the County LUO requires all exterior lighting fixtures to be shielded so that light and glare is not visible from any off-site location; requires that all lighting poles, fixtures, and hoods are dark colored; and requires that exterior lighting be shielded downward, which would avoid creating a substantial new source of light or glare within the project area. Based on required compliance with the County LUO, potential impacts would be *less than significant*.

Initial Study – Environmental Checklist

Conclusion

The project site is not located within the viewshed of a designated scenic highway. Based on the topography and existing vegetation, and required compliance with the County LUO, implementation of the project would not be expected to degrade public views, result in an adverse change in the existing visual character of the project area, or affect day or nighttime views. Therefore, potential impacts related to aesthetic resources would be less than significant and no mitigation measures would be necessary.

Mitigation

None necessary.

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 (DOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and current land use. According to the DOC FMMP, the

project site is primarily located on land designated as Grazing Land, with a small portion of Farmland of Local Potential near the southern property line (DOC 2016).

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 which are much lower than normal because they are based on farming and open space uses as opposed to full market value. The project site is located within the Agriculture (AG) land use designation. The property is currently enrolled in a Williamson Act contract (Resolution No. 73-148) however, a Notice of Non-Renewal (CON2021-00020) has been filed to remove the property from the Williamson Act contract and will be effective on 3/12/31.

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

According to Althouse and Meade Biological Resources Assessment (October 2022), and to the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) *Soil Survey of San Luis Obispo County, California* and the NRCS Web Soil Survey, the project site is underlain by the following four soil types (NRCS 2022):

- **Nacimiento-Ayar complex, 9 to 30 percent slopes.** Nacimiento is a moderately sloping, fine loamy soil and is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated. Ayar is a moderately sloping, fine loamy soil and is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.
- **Cropley clay, 2 to 9 percent slopes.** This gently sloping soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.
- **Nacimiento-Ayar complex, 30 to 50 percent slopes.** Nacimiento is a steeply sloping, fine loamy soil and is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class VI without irrigation and Class is not rated when irrigated. Ayar is a steeply sloping, fine loamy soil and is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class VI without irrigation and Class is not rated when irrigated.
- **Dibble clay loam, 50 to 75 percent slopes.** This soil type is a moderately deep, well-drained soil formed in material weathered from sandstone and shale and comprises approximately 5

percent of the Property. Typically, the surface layer is pale brown clay loam and about 12 inches thick. Dibble soil has slow permeability and the available water capacity is low to moderate. Surface runoff and erosion hazard increase with increased slope.

Forest land is defined in California Public Resources Code (PRC) Section 12220(g) 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.

Timber land is defined in PRC Section 4526 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 any commercial species used to produce lumber and other forest products, including Christmas trees. The project site does not support any timberland.

Discussion

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

The proposed winery and tasting room would be consistent with the zoning for agricultural use and would not result in the conversion of the project site to non-agricultural land uses. The property contains approximately 6.5 acres of Prime Farmland located on the northern portion of the site and along Vineyard Drive. Based on site setbacks, slopes, flood hazard areas, Sheepcamp creek traversing the property, wetland and riparian zones, it would be unavoidable to site the agricultural processing facility outside of the prime soils. The proposed project will be sited within Prime Farmland; however, San Luis Obispo County Agriculture Policy 6 recommends locating agricultural processing facilities off of productive agricultural lands unless there are no other feasible locations. The project is not converting Prime Farmland because Agricultural Processing remains the primary use of the site. Vineyards will be planted in both prime and non-prime soils surrounding the winery facility and on the lower and upper plateaus. Additionally, Agriculture Policy 6 finds a winery facility to be a primary agriculture use. Since an agricultural processing facility is a primary agriculture use,, implementation of the project would not result in conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, and impacts would be *less than significant* .

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

The project site is located within the AG land use designation. The property is currently enrolled in a Williamson Act contract (Resolution No. 73-148) however, a Notice of Non-Renewal (CON2021-00020) has been filed to remove the property from the Williamson Act contract and will be effective on 3/12/31. While the Williamson Act contract will be removed from the property, the proposed use is still compatible with the contract and does not require additional Agriculture Preserve Review. The proposed winery facility and tasting room is an allowable use within the AG land use category and would be consistent with the existing zoning for agricultural use. Therefore, the project would not conflict with existing zoning for agricultural use, and since the Williamson Act contract is filed to removed, *impacts would be less than significant*.

(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 is within the AG land use designation and does not include land use designations or zoning for forest land or timberland. Therefore, the project would not conflict with or cause rezoning of forestland or land for timber production, and *no impacts* would occur.

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

The project site does not support forest land or timberland and would not result in the loss or conversion of these lands to non-forest use; *no impacts would occur*.

(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 located within the AG land use category and the proposed winery and tasting room would be consistent with the zoning for agricultural use. The proposed project would not result in the loss of active agriculture, and the newly installed vineyard production would continue to occur on-site. The proposed winery and tasting room would be consistent with the zoning for agricultural use; therefore, implementation of the proposed project would not result in the conversion of the project site to non-agricultural land uses.

The proposed project would not introduce incompatible land uses or result in other changes to the environment that could indirectly result in the conversion of farmland to non-agricultural use or forestland to non-forest use; therefore, *less than significant* would occur.

Conclusion

The project site is zoned Agriculture. The project would not directly or indirectly result in the conversion of farmland, forest land, or timber land to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. Potential impacts to agricultural resources would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

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

Criteria Air Pollutants and Ambient Air Quality Standards

San Luis Obispo County is part of the South Central Coast Air Basin (SCCAB), which also includes Santa Barbara and Ventura Counties. Air quality within the SCCAB is regulated by several jurisdictions, including the U.S. Environmental Protection Agency (USEPA), California Air Resources Board (CARB), and San Luis Obispo County Air Pollution Control District (SLOAPCD). Each of these jurisdictions develops rules, regulations, and policies to attain the goals or directives imposed upon them through legislation. The CARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA) of 1988. The California Department of Public Health established California Ambient Air Quality Standards (CAAQS) in 1962 to define the maximum amount of a pollutant (averaged over a specified period of time) that can be present without any harmful effects on people or the environment. The CARB adopted the CAAQS developed by the California Department of Public Health in 1969, which had established CAAQS for 10 criteria pollutants: particulate matter (less than 10 microns in diameter [PM_{10}] and less than 2.5 microns in diameter [$PM_{2.5}$]), ozone (O_3), nitrogen dioxide (NO_2), sulfate, carbon monoxide (CO), sulfur dioxide (SO_2), visibility-reducing particles, lead (Pb), hydrogen sulfide (H_2S), and vinyl chloride.

The Federal Clean Air Act (FCAA) later required the USEPA to establish National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment, and also set deadlines for their attainment. The USEPA has established NAAQS for six criteria pollutants (all of which are also regulated by CAAQS): CO, lead, NO_2, ozone, PM_{10} and $PM_{2.5}$, and SO_2.

California law continues to mandate compliance with the CAAQS, which are often more stringent than national standards. However, California law does not require that CAAQS be met by specified dates as is the

case with NAAQS. Rather, it requires incremental progress toward attainment. The SLOAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions within the County are maintained.

San Luis Obispo County Clean Air Plan

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

SLOAPCD Criteria Pollutant Thresholds

The SLOAPCD has developed and updated their CEQA Air Quality Handbook (most recently updated with a November 2017 Clarification Memorandum) to help local agencies evaluate project-specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result. This handbook includes established thresholds for both short-term construction emissions and long-term operational emissions.

Use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NO_x), 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). General screening criteria are used by the SLOAPCD to determine the type and scope of air quality assessment required for a particular project (Table 1-1 in the SLOAPCD CEQA Air Quality Handbook). These criteria are based on project size in an urban setting and are designed to identify those projects with the potential to exceed the SLOAPCD's significance thresholds. A more refined analysis of air quality impacts specific to a given project is necessary for projects that exceed the screening criteria below or are within 10% of exceeding the screening criteria.

The SLOAPCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 pounds per day (lbs/day) threshold of significance for the emission of particulate matter (PM_{10}). According to the SLOAPCD estimates, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM_{10} threshold.

Sensitive Receptors

Sensitive receptors are people that have 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. There is one off-site residence located within 1,000 feet of the project site, approximately 890 feet east of the proposed winery location.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the 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. The project site is not located in an area identified as containing NOA by the SLOAPCD (SLOAPCD 2022).

Discussion

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

In order to be considered consistent with the 2001 CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the 2001 CAP (SLOAPCD 2023). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The proposed project would be limited to winery uses and would not include new residential or commercial retail uses that could facilitate substantial population growth and associated vehicle trips within the area; therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable.

The project would not result in a new or substantially different use in the project area. The project would not generate a substantial increase in population or employment opportunities and would not result in a significant increase in vehicle trips. Therefore, the proposed project would be consistent with the air quality goals and objectives included in the 2001 CAP, and impacts related to consistency with applicable air quality plans 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 within the South-Central Coast Air Basin, which is currently considered by the state as being in "non-attainment" (exceeding acceptable thresholds) for ozone and particulate matter (PM10, or fugitive dust). Dust, or particulate matter less than ten microns (PM10), that becomes airborne and finds its way into the lower atmosphere can act as the catalyst in this chemical transformation to harmful ozone. The proposed project would result in the generation of criteria air pollutants, including ozone precursors (ROGs and NO_x) and fugitive dust (PM_{10}) through grading operations and the use of large diesel-fueled equipment, including scrapers, loaders, bulldozers, haul trucks, compressors, and generators. However, activity would be short term and would not result in a cumulatively considerable net increase in PM10. Additionally, the project is small in scale and nature and is not expected to result in any other activities which may otherwise result in a cumulatively considerable net increase in PM10.

Construction Emissions

The SLOAPCD CEQA Air Quality Handbook provides thresholds of significance for construction related emissions. Table 1 lists SLOAPCD's general thresholds for determining whether a potentially significant impact could occur as a result of a project's construction activities.

Table 1. SLOAPCD Thresholds of Significance for Construction Activities

Pollutant	Threshold (1)		
	Daily	Quarterly Tier 1	Quarterly Tier 2
Diesel Particulate Matter (DPM)	7 lbs	0.13 tons	0.32 tons
Reactive Organic Gases (ROG) + Oxides of Nitrogen (NO_X)	137 lbs	2.5	6.3 tons
Fugitive Particulate Matter (PM_{10}), Dust (2)		2.5 tons (2)	

1. Daily and quarterly emission thresholds are based on the California Health and Safety Code and the CARB Carl Moyer Guidelines.
2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5-ton PM_{10} quarterly threshold.

The SLOAPCD CEQA Air Quality Handbook also provides preliminary screening construction emission rates based on the proposed volume of soil to be moved and the anticipated area of disturbance. Table 2 lists the SLOAPCD's screening emission rates that would be generated based on the amount of material to be moved. The APCD's CEQA Handbook also clarifies that any project that would require grading of 4.0 acres or more can exceed the 2.5-ton PM10 quarterly threshold listed above.

Table 2. Screening Emission Rates for Construction Activities

Pollutant	Grams/Cubic Yard of Material Moved	Lbs/Cubic Yard of Material Moved
Diesel Particulate Matter (DPM)	2.2	0.0049
Reactive Organic Gases (ROG)	9.2	0.0203
Oxides of Nitrogen (NO_X)	42.4	0.0935
Fugitive Particulate Matter (PM_{10})	0.75 tons/acre/month of construction activity (assuming 22 days of construction per month)	

Based on estimated cut and fill estimates, a construction schedule of 10 days, and the construction emission rates shown in Table 2, construction-related emissions that would result from the project were calculated and are shown in Table 3 below.

Table 3. Proposed Project Estimated Construction Emissions.

Pollutant	Total Estimated Emissions[1]	SLOAPCD Threshold		Daily Threshold Exceeded?	Quarterly Threshold Exceeded?
		Daily	Quarterly (Tier 1)		
ROG + NO_X (combined)	**60 lbs daily 0.300 tons quarterly**	137 pounds	2.5 tons	No	No
Diesel Particulate Matter (DPM)	**2.59 lbs daily .01 tons quarterly**	7 pounds	0.13 tons	No	No
Fugitive Particulate Matter (PM_{10})	**2.02 tons quarterly**		2.5 tons	No	No

[1] Assumes grading over a 10-day period.

Based on the volume of proposed grading, area of project site disturbance, estimated duration of the construction period (i.e., 10 days), and the APCD's screening construction emission rates identified above, the project would not exceed SLOAPCD thresholds for daily or quarterly emissions of combined ROG and NO_x or PM_{10}. In addition to the daily and quarterly emissions thresholds noted above, the SLOAPCD states that projects that disturb more than 4.0 acres of land have the potential to exceed the 2.5-ton PM_{10} quarterly threshold. The project would result in a total site disturbance of approximately 2.7 acres. Therefore, the project would not have the potential to exceed the quarterly PM_{10} emissions threshold.

Operational Impacts

The SLOAPCD's CEQA Air Quality Handbook provides operational screening criteria to identify projects with the potential to exceed APCD operational significance thresholds (refer to Table 1-1 of the CEQA Handbook). Additionally, the APCD has an operational emissions screening tool that assesses operational emissions based on the land use. For this project, the winery was considered light industry. According to Table 1-1 of the CEQA Handbook and the operational emissions screening tool, the project does not propose a use that would have the potential to result in operational emissions that would exceed APCD thresholds. The project would not generate substantial new long-term traffic trips or vehicle emissions and does not propose construction of new direct (source) emissions.

Based on the analysis provided above, the project would not have the potential to exceed air pollutant emissions significance thresholds set forth by the SLOACPD during construction or operation. Therefore, potential impacts associated with a cumulatively considerable net increase of criteria pollutants for which the region is in nonattainment would be *less than significant*.

(c) Expose sensitive receptors to substantial pollutant concentrations?

According to the SLOAPCD *CEQA Air Quality Handbook*, projects that occur within 1,000 feet of sensitive receptors have the potential to result in adverse impacts involving construction emissions. There is one off-site residence located within 1,000 feet of the project site approximately 890 feet east of the proposed winery location. As evaluated above, the proposed project would not result in construction-related or operational criteria air pollutant emissions above established SLOAPCD thresholds; however, due to the close proximity of sensitive receptor locations, Mitigation Measures AQ-1 and AQ-2 have been included to ensure compliance with diesel idling restrictions intended to reduce exposure of DPM to sensitive receptors and to reduce fugitive dust emissions near sensitive receptors. With implementation of Mitigation Measures AQ-1 and AQ-2, the proposed project would not expose sensitive receptors to substantial pollutant concentrations; therefore, impacts 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?

Typically, 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. The project site is not located in an area with the potential for NOA to occur (SLOAPCD 2022). In addition, the proposed project would not require the demolition of any existing on-site buildings or structures that may contain asbestos-containing material (ACM) or lead-based paint.

Wine production facilities have the potential to generate adverse odors throughout the production process, such as fermentation, storage, and winery wastewater disposal (SLOAPCD 2023). Fermentation and storage would be conducted within the proposed underground wine cave system, which would reduce the potential to emit long-term adverse odors from the project site. Additionally, the proposed project would construct a new winery wastewater processing system to treat wastewater generated by the proposed project and would be required to comply with the conditions of the RWQCB General Waste Discharge Requirements (WDR) Order No. R3-2017-0020 for discharges of winery waste. Based on site design and compliance with the RWQCB, wine production activities at the site would not emit long-term odors that could adversely affect a substantial number of people. Therefore, odors generated by the proposed project would be short term, intermittent, and primarily undetectable. The project would not expose people to other emissions, including adverse odors or NOA; therefore, impacts would be *less than significant*.

Conclusion

The proposed project would be consistent with the SLOAPCD 2001 CAP and would not exceed established SLOAPCD emissions thresholds during project construction or operation. Mitigation Measures AQ-1 and AQ-2 have been included to reduce DPM and fugitive dust exposure to sensitive receptors during construction. The proposed project would not result in adverse odors or other emissions. Upon implementation of the identified mitigation measures, potential impacts related to air quality would be less than significant.

Mitigation

AQ-1 **During all construction activities** and use of diesel vehicles, the applicant shall implement the following idling control techniques:

1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
    a. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
    b. Diesel idling when equipment is not in use shall not be permitted;
    c. Use of alternative fueled equipment shall be used whenever possible; and
    d. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.
2. California Diesel Idling Regulations. On-road diesel vehicles shall comply with 13 California Code of Regulations 2485. 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:
    a. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and
    b. Shall not operate a diesel-fueled auxiliary power system (APS) 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 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

AQ-2 **During all construction and ground-disturbing activities**, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

1. Reduce the amount of disturbed area where possible.
2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible.
3. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers, as needed.
4. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities.
5. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast-germinating, non-invasive, grass seed and watered until vegetation is established.

6. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District.
7. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114.
10. "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 (CWC) Section 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.
11. 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.
12. All required PM_{10} mitigation measures should be shown on grading and building plans.
13. 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 San Luis Obispo County Air Pollution Control District'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 San Luis Obispo County Air Pollution Control District Compliance Division prior to the start of any grading, earthwork, or demolition.

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?	☐	☐	☐	☒

Setting

Sensitive Resource Area Designations

The County of San Luis Obispo Land Use Ordinance (LUO) Sensitive Resource Area (SRA) combining designation applies to areas of the county with special environmental qualities, or areas containing unique or sensitive endangered vegetation or habitat resources. The combining designation standards established in the LUO require that proposed uses be designed with consideration of the identified sensitive resources and the need for their protection.

Federal and State Endangered Species Acts

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

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) protects all migratory birds, including their eggs, nests, and feathers. The MBTA was originally drafted to put an end to the commercial trade in bird feathers, popular in the latter part of the 1800s. The MBTA is enforced by the U.S. Fish and Wildlife Service (USFWS), and potential impacts to species protected under the MBTA are evaluated by the USFWS in consultation with other federal agencies and are required to be evaluated under CEQA.

Oak Woodland Ordinance

The County of San Luis Obispo Oak Woodland Ordinance was adopted in April 2017 to regulate the clear-cutting of oak woodlands. This ordinance applies to sites located outside of Urban or Village areas within the inland portions of the county (not within the Coastal Zone). “Clear-cutting” is defined as the removal of one acre or more of contiguous trees within an oak woodland from a site or portion of a site for any reason, including harvesting of wood, or to enable the conversion of land to other land uses. “Oak woodland” includes the following species: Blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizeni*), valley oak (*Quercus labata*), and California black oak (*Quercus kelloggii*). The ordinance applies to clear-cutting of oak woodland only and does not apply to the removal of other species of trees, individual oak trees (except for Heritage Oaks), or the thinning, tree trimming, or removal of oak woodland trees that are diseased, dead, or creating a hazardous condition. Heritage oaks are any individual oak species, as defined in the Oak Woodland Ordinance, of 48 inches diameter at breast height (dbh) or greater, separated from all Stands and Oak Woodlands by at least 500 feet. Minor Use Permit approval is required to remove any Heritage Oak. The project does not propose the removal of any trees.

The project site is primarily composed of agricultural habitat but does support a 2.8 acre California Bay Woodland habitat on site on sloping hillsides along the southwest side of Sheepcamp Creek. There is potential for direct and permanent loss of California Bay Woodland as part of the proposed project (further discussion below).

Clean Water Act and State Porter Cologne Water Quality Control Act

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

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State. Based on the U.S. Fish and Wildlife Service National Wetlands Inventory, the project site does not support deep-water habitats (USFWS 2019). Althouse and Meade performed a Biological Resources Assessment which concluded that there may be potential for indirect impacts during construction to Sheepcamp Creek (further discussion below).

Conservation and Open Space Element

The intent of the goals, policies, and implementation strategies in the COSE is to identify and protect biological resources that are a critical component of the county's environmental, social, and economic well-being. Biological resources include major ecosystems; threatened, rare, and endangered species and their habitats; native trees and vegetation; creeks and riparian areas; wetlands; fisheries; and marine resources. Individual species, habitat areas, ecosystems and migration patterns must be considered together in order to sustain biological resources. The COSE identifies Critical Habitat areas for sensitive species including California condor, California red legged frog, vernal pool fairy shrimp, La Graciosa thistle, Morro Bay kangaroo rat, Morro shoulderband snail, tiger salamander, and western snowy plover. The COSE also identifies features of particular importance to wildlife for movement corridors such as riparian corridors, shorelines of the coast and bay, and ridgelines.

Site Setting

The subject property is comprised of four habitat types: agricultural, riparian, California Bay Oak Woodland, and California annual grassland. The property is primary undisturbed aside from cattle grazing and occasional agricultural maintenance activities.

Special Status Wildlife and Botanical Resources

Based on an analysis of known ecological requirements for the special status plant species reported from the region, and the habitat conditions that were observed on the Property, it was determined that five special status plant species have some potential to occur on the Property. La Panza mariposa lily, umbrella larkspur, shining navarretia, and narrow-petaled rein orchid have low potential to occur, and Michael's rein orchid has moderate potential to occur on the Property. Protocol-level botanical surveys were conducted in 2022 to determine presence or absence of special status plants on the Property. (Althouse and Meade, 2022).

Based on an analysis of known ecological requirements for the special-status wildlife species reported or known from the region (Appendix C), and the habitat conditions that were observed on the Property, it was determined that 15 special status animal species have some potential to occur on the Property. Potential for special status birds to occur is defined by nesting and/or foraging/in flight. Three species have high potential

to occur (Monterey dusky-footed woodrat, yellow-billed magpie, California red-legged frog), four species have a moderate potential to occur (Cooper's hawk (foraging/in flight), sharp-shinned hawk (foraging/in flight), lesser slender salamander, Coast Range newt), and eight species have a low potential to occur on the Property (Cooper's hawk (nesting), tricolored blackbird (nesting/foraging/in flight), northern California legless lizard, golden eagle (foraging/in flight), Wawona riffle beetle, northern harrier (foraging/in flight), California spotted owl (nesting/foraging/in flight), American badger). One special status reptile (western pond turtle; SSC) and one special status bird (yellow-billed magpie; SA) were observed on the Property during 2022 surveys. Five species (tidewater goby, Morro shoulderband snail, steelhead – South Central California Coast DPS, least Bell's vireo, San Joaquin kit fox), which are listed under the FESA and/or CESA and are typically found in the region, have no potential to occur on the Property.

Two special status wildlife species (Steelhead trout (South Central California DPS; FT) and least Bell's vireo (FE/CE)) are listed as federally and/or state endangered or threatened and were generated by the CNDDB as having occurrences within the nine-quadrangle regional search surrounding the Property. Site conditions are not suitable to support these species or they are not known to occur in the area beyond historic occurrences. Due to the federal and state status of each species, and critical habitat mapped on the site for steelhead trout, these species warrant further discussion.

Special Status Plants

- **La Panza mariposa lily** (Calochortus simulans) is a CRPR 1B.3 species endemic to San Luis Obispo and Santa Barbara Counties. It is known to occur in grassland, chaparral, cismontane woodland and lower montane coniferous forest habitats, often on sandy, granitic or serpentinite substrates between 325- and 1,150-meters elevation. It is a bulbiferous perennial herb that typically blooms between April and June. The closest known record is from 2001, located approximately 5.8 miles south of the Property (CCH #OBI151423), where this species was observed in a mosaic of grassland, foothill woodland, chaparral, riparian, and coastal scrub habitats. California bay woodland and California annual grassland habitats on the Property could support this species, though preferred soils are limited to areas with an increase in sandy loam or sandstone content within the silty clay loam complex. Due to the distance of nearest occurrences and soil composition of the site, La Panza mariposa lily has low potential to occur on the Property. La Panza mariposa lily was not detected on the Property during protocol level botanical surveys conducted in April and June 2022 and is not expected to be present. San Luis Obispo owl's-clover (*Castilleja densiflora* var. *obispoensis)*
- **Umbrella larkspur** (Delphinium umbraculorum) is a CRPR 1B.3 species endemic to Kern, Monterey, San Luis Obispo, Santa Barbara, and Ventura Counties. It is known to occur in chaparral, cismontane, and moist oak forest habitats between 400- and 1,600-meters elevation. It is a perennial herb that typically blooms between April and June. The closest known record is historic, located approximately 4.3 miles west of the Property in 1947 (CNDDB #65). The riparian habitat and silty clay loam soils along Sheepcamp Creek could support this species in the understory. Due to the lack of recent occurrences and the limited suitable habitat on the site, there is low potential for this species to occur on the Property. Umbrella larkspur was not detected on the Property during the protocol level botanical surveys conducted in 2022.
- **Shining navarretia** (Navarretia nigelliformis subsp. radians) is a CRPR 1B.2 subspecies endemic to California, primarily occurring in central California. It is known to occur in vernal pools, grassland, and cismontane woodland habitats, often on clay and alkaline sites between 65- and 1,000-meters elevation. It is an annual herb that typically blooms between March and July. The closest known record is 7.8 miles northeast of the Property (CCH #UC127289). Appropriate annual grassland is present on

the Property; however, the clay soils complex is predominantly silty clay loam with less percent clay than is preferred by this species. Further, the nearest occurrence is historic from 1907, and therefore shining navarretia has low potential to occur on the site. This species was not detected on the Property during protocol level botanical surveys conducted in 2022.

- **Narrow-petaled rein orchid** (Piperia leptopetala) is a CRPR 4.3 species endemic to California. It is known to occur in grassland, oak woodland, and open chaparral between 100- and 1200-meters elevation with dry conditions and occasionally on serpentine soils. It is a perennial herb that typically blooms between May and July. The closest known record is approximately 8.4 miles west of the Property in 2019 (CCH #cn868). The dry, sloping woodland habitat on the Property is suitable for this species. Few occurrences are reported in the County, but orchids are generally sparse and grow as singular individuals, less easily detectable compared with higher density plant populations. Due to the lack of known occurrences in the area, this species has low potential to occur on the Property. Narrowpetaled rein orchid was not detected during protocol level botanical surveys conducted in 2022.
- **Michael's rein orchid** (Piperia michaelii) is a CRPR 4.2 species endemic to California with scattered occurrences throughout the state. It is known to occur in cismontane woodland, closed-cone coniferous forest, lower montane coniferous forest, chaparral, coastal scrub and coastal bluff scrub habitats on dry sites with abundant leaf mulch, often near oaks between 3- and 915-meters elevation. It is a perennial herb that typically blooms between April and August. The closest known record is approximately 4.6 miles northwest of the Property (CCH OBI158508). A second occurrence is located approximately 2.4 miles south of the site along Santa Rita Road in 2016 (CCH #OBI151981). A&M Botanist K. Andersen observed Piperia sp. in a senesced phenological state along Santa Rita Road on March 20, 2022, and with new growth on June 8, 2022. This reference observation confirms that this genus could have been identifiable at any time during the 2022 surveys, as the perennial nature of this genus allows for identification when observed outside of its typical bloom period. The riparian habitat along Sheepcamp Creek or edge of California bay woodland upslope from the creek could support Michael's rein orchid. Michael's rein orchid was not detected during protocol level botanical surveys conducted in 2022.

Special Status Wildlife

- **Cooper's hawk** (Accipiter cooperii) is a CDFW Watch List species (for nesting occurrences only) that occurs regularly in California during the winter months and during spring and fall migration (CDFW 2022b). It is generally regarded as a regular but uncommon nesting species in San Luis Obispo County (Hall et al. 1992). Cooper's hawks frequent oak and riparian woodland habitats, and increasingly urban areas, where they prey primarily upon small birds (Curtis et al. 2006). The closest reported occurrence of Cooper's hawk is located approximately 2.4 miles southeast of the project (Pair of Wing-Nuts 2022; eBird 2022), with no reported occurrences of nesting Cooper's hawk in the vicinity. California bay and oak trees on the Property could provide suitable nesting habitat; however, due to no nesting occurrences in the area, Cooper's hawks have a low potential to nest on the site but are likely to be seen in flight or foraging on the abundant prey base of small birds noted during site surveys. Cooper's hawk was not observed on the Property during the March, April, or June 2022 site surveys.
- **Sharp-shinned hawk** (Accipiter striatus) is a CDFW Watch List species (for nesting occurrences only) that frequents open oak and riparian woodland habitats. It is a regular fall and winter migrant in San Luis Obispo County that seldom remains in the area through the nesting season. Sharp-shinned hawks are differentiated from Cooper's hawks by their squared-tip tail, wings pushed forward in flight,

smaller head compared with body, and overall smaller body size compared with Cooper's hawk (Cornell 2019). Sharp-shinned hawks could potentially forage in habitats on the Project site and though a moderately appropriate tree canopy is present for nesting, they typically migrate north and have no potential to be present in the area during the breeding season. The closest reported occurrence of sharp-shinned hawk is located 3.2 miles northwest of the Property near riparian habitat in January 2022 (A&M 2022), with several other sightings in the area (eBird 2022). Sharp-shinned hawk was not observed on the Property during the March, April, or June 2022 site surveys.

- **Tricolored blackbird** (Agelaius tricolor) is a California Species of Special Concern (nesting colonies) and listed as Threatened under the California Endangered Species Act. Tricolored blackbird occurs predominately in the Central Valley of California and in smaller disjunctive nesting colonies southwest of the Cascade Sierra axis and at higher elevations only in northwestern California (Shuford and Gardali 2008). Within its restricted range, the tricolored blackbird will migrate during the breeding season, moving north after the first nesting efforts, and in winter moving to lower elevations (Shuford and Gardali 2008) . The breeding season is generally from April to July, but in the Central Valley there has been active breeding reported in October and November (CDFW 2014). Historically, the tricolored blackbird nested in emergent wetlands, marshes and swamps making their nests in tall, dense cattails, tules, tall herbs, thickets of willows and blackberries. The species also requires foraging space with an abundance of insect prey that can sustain the nesting colony (Weintraub et al. 2016). In a recent study, it was found that the tricolored blackbird had a higher breeding success nesting in non-native invasive vegetation like the Himalayan blackberry (Rubus discolor) over the native cattail (Typha spp.) (Cook and Toft 2005). The closest reported occurrence of a tricolored blackbird nesting colony is approximately 3.2 miles northwest of the Property (Alexander 2017; eBird 2022). Nesting substrate on the Property is restricted to a small patch of willows present in the northwest portion of Sheepcamp Creek. Due to limited suitable nesting substrate, tricolored blackbird has low potential to nest on the site and is more likely to be seen foraging on insects along Sheepcamp Creek enroute to offsite nesting colonies. Tricolored blackbirds were not present on the Property during March, April, or June 2022 site surveys.
- **Northern California legless lizard** (Anniella pulchra) is a California Species of Special Concern that occurs from Contra Costa to Santa Barbara County. It has a Global Rank of G3 and a State Rank of S3, both of which indicate that this species is considered Vulnerable. This species includes the subspecies formerly treated as A. pulchra nigra and A. pulchra pulchra which was shown to be an invalid designation (Pearse and Pogson 2000). Northern California legless lizard inhabits friable soils in a variety of habitats from coastal dunes to oak woodlands and chaparral. Adapted to subterranean life, the legless lizard thrives near native coastal shrubs that produce an abundance of leaf litter and have strong roots systems (Kuhnz et al. 2005). Areas of exotic vegetation and open grassland do not provide suitable habitat for the legless lizard since these plant communities support smaller populations of insect prey and offer little protection from higher ground temperatures and soil desiccation (Slobodchikoff and Doyen 1977; Jennings and Hayes 1994). The closest reported occurrence of the northern California legless lizard is located approximately 6.7 miles northeast of the Property in 1966 (CNDDB #155), where the species was observed in the vicinity of the Salinas River. Few records of legless lizard have been reported and due to their life cycle occurring mostly under soil and vegetation, they are often not easily detectable until their refugia is disturbed. The Property could support legless lizards within the understory of riparian or California bay woodland habitat consisting largely of willows, oaks, and California bay trees, particularly when soil moisture is available in winter months.

Northern California legless lizards were not observed on the Property during the March, April, or June 2022 site surveys.

- **Golden eagle** (Aquila chrysaetos) is designated a Fully Protected species by the CDFW and is federally protected by the Bald and Golden Eagle Protection Act. The species range extends throughout much of North America and in California is found in broadleaved upland and montane coniferous forests, cismontane, pinon and juniper woodlands, coastal prairie, great basin scrub and great basin, valley and foothill grassland habitat types (CDFW 2018a). Most golden eagles in California are residents year-round, but in the winter months this population will be augmented with individuals from other nearby western states. The breeding season in California is generally from late January through August. The golden eagle prefers open habitat and in California it extensively utilizes grazed grasslands and open shrublands for preying on its main food source of hares or rabbits and marmots or ground squirrels (Hunt 1995; Watson 2010). In California, the golden eagle nests almost exclusively in trees (82% trees in central California) but in montane regions it also has a preference for cliffs and will avoid nesting in densely forested habitat (Hunt 1995; Pagel et al. 2010). The golden eagle is highly sensitive to anthropogenic presences and will avoid nesting near urban areas (Pagel et al. 2010). Golden eagles will even abandon nests when human activity and development increases in their territory (Driscoll 2010). The closest reported occurrence of the nesting golden eagles is located approximately 9.8 miles northeast of the Property in 2006 (CNDDB #122), at a known nest near Huerhuero Creek where golden eagles have nested for over 20 years. Aside from nesting, several golden eagle sightings have been reported in the area on eBird (2022). Due to the lack of expansive open space with large mature trees for nesting, golden eagles have no potential to nest on the site but could be seen in flight overhead and may infrequently hunt in the limited grassland or agricultural habitats located on the Property. No golden eagles were observed during the March, April, or June 2022 site surveys, and no potential eagle nests were present.
- **Wawona riffle beetle** (Atractelmis wawona) is a Special Animal tracked by the CNDDB. This species of aquatic beetle is found within riffles of clear mountainous rivers and creeks and most notably occurs amongst aquatic mosses (Shepard and Barr 1991). The ranges of this species in California are the Sierra Nevada mountains and Coastal ranges of Northern California. These ranges could vary due to the explicit niche of this species and lack of further searching (Chandler 1954). This species is 2mm long, shiny black and with reddish spots on its elytra. The closest reported occurrence of Wawona riffle beetle is located approximately 7.3 miles southwest of the Property in 2002 in Old Creek, upstream of Whale Rock Reservoir (CNDDB #54). Submerged aquatic mosses were likely present in areas of seasonal ponding on the Property but were not confirmed. Due to no known occurrences in the vicinity of the site, Wawona riffle beetle has low potential to occur. Wawona riffle beetles, or other aquatic beetles, were not observed during March, April, or June 2022 site surveys and are not likely present.
- **Lesser slender salamander** (Batrachoseps minor) is designated as a Species of Special Concern by California Department of Fish and Wildlife (CDFW) and has a Global Rank of G1 (Critically Imperiled) and a State Rank of S1 (Critically Imperiled). To be ranked as Critically Imperiled means that this species is at a very high risk of extinction due to extreme rarity, very steep declines, and/or other factors. The range of this species is restricted to South Santa Lucia Mountains where it inhabits shaded slopes with abundant leaf litter in broadleaved upland forests consisting of tanbark oak, coast like oak, blue oak, sycamore and laurel. The closest reported occurrence of lesser slender salamander was located approximately 2.1 miles south of the Property in 2012 and 2011 (CNDDB #1 and #3) on York Mountain Road and Santa Rita Road, respectively. Due to the presence of riparian habitat with arroyo

willows and California bay trees, the site could support the lesser slender salamander along the riparian corridor. This species was not observed in or around the Property during March, April, or June 2022 site surveys.

- **Northern harrier** (Circus hudsonius) is a California Species of Special Concern found year- round throughout California (CDFW 2014). They occur in greater numbers during migration and less during the breeding season. Northern harriers are typically found in open habitats such as marshes, fields, and prairies. The species nests on the ground in grasses or wetland vegetation. (Loughman & McLandress, 1994). The closest reported occurrence of the northern harrier is located approximately 3.3 miles southwest of the Property (NewtonScott 2015; eBird 2022), with no other occurrences in the immediate vicinity. The Adelaide area of Paso Robles has pockets of open grassland habitat but has open to continuous oak woodland canopy, creating dense woodlands throughout the vicinity, not suited for this species to forage. Limited riparian habitat on the Property surrounded by woodland would restrict harriers from nesting on the site, though they may be occasionally observed passing overhead in flight. Northern harrier was not observed on the Property during March, April, or June 2022 site surveys and is not likely to be present.
- **Western pond turtle** (Emys marmorata) has a Global Rank of G3G4 and a State Rank of S3. It is a California Species of Special Concern that has a widespread distribution in north and south California west of the Sierra-Cascade crest (Jennings and Hayes 1994; CDFW 2014) . The western pond turtle requires permanent to semi-permanent and slack or slowmoving water type habitat, including ponds, rivers, streams, reservoirs and wetlands found in grasslands, open forests and woodlands. It has also been observed in abandoned gravel pits, sewage treatment lagoons, irrigation ditches and stock ponds (Pilliod et al. 2013; CDFW 2014; CDFW 2022b) . Suitable water habitat will have plenty of basking and cover sites such as logs, reeds, rocks and muddy banks. The western pond turtle also requires suitable upland habitat for nests, migration, overwintering and aestivation (Pilliod et al. 2013; CDFW 2014; CDFW 2022b) . Nests are laid on dry and unshaded south-facing slopes that are < 25º and of high clay or silt fraction (Jennings and Hayes 1994) . Females lay eggs from April to August, depending on the latitude, and will travel as far as 400 meters from the water to find a suitable nesting spot (Jennings and Hayes 1994; Reese and Welsh 1997). Hatchling turtles leave the nest the following spring and spend their time in shallow highly vegetated waters (Jennings and Hayes 1994). The western pond turtle is omnivorous and has a diet that consists mostly of aquatic invertebrates, vegetation, small fish and duck carrion (Jennings and Hayes 1994; CDFW 2014). The biggest threat to the western pond turtle is the destruction of wetland habitat, but its population size is also affected by the American bullfrog (Lithobates catesbeianus) which will prey on hatchlings and can even eliminate recruitment in some populations (USFWS 1992; Overtree and Collings 1997). Four adult pond turtles were observed during protocol level CRF night surveys conducted on April 5, 2022 in a seasonal pond within Sheepcamp Creek (CNDDB submission form provided in Appendix D). Juvenile turtles were consistently observed within the same pond at varying life stages during each site survey following the initial observation. This pond is less than 10 feet of the Property boundary, receiving flow from Sheepcamp Creek and is directly connected to the site. Pond turtles will likely utilize upland habitat on the Property for egg-laying and are expected to make movements up-and downstream through the Property seasonally.
- **Monterey dusky-footed woodrat** (Neotoma macrotis luciana) is a California Species of Special Concern (CDFW 2018) and has a Global Rank of G5T3 (rounded status of T3 – Vulnerable) and a State Rank of S3 (Vulnerable) (NatureServe 2018). According to NatureServe, this species is threatened by habitat loss due to coastal development. However, a significant portion of its range is protected by the Los Padres National Forest, and the species seems to respond favorably to restoration of riparian

habitats (NatureServe 2018). Its range extends from the Santa Lucia Mountains in Monterey Bay to Morro Bay and northwestern San Luis Obispo County (Wilson and Ruff 1999; CNDDB 2018). Monterey dusky-footed woodrat occurs in broadleaved upland forest and chaparral with moderate canopy and moderate to dense understory. It constructs nests using grass, leaves, sticks, feathers, etc. The availability of nest materials may be a limiting factor for population growth. The nearest occurrence of Monterey dusky-footed woodrat is 8.4 miles north of the Property in 1997 (CNDDB #1). The range of Monterey dusky-footed woodrat is poorly understood due to lack of technical studies required to determine subspecies identification. Several woodrat middens were observed and mapped within the California bay woodland habitat (Figure 4) and woodrats were heard vocalizing during CRF night surveys. Without further studies the subspecies identification cannot be verified and the dusky-footed woodrats on the Property should be treated as a special status species. Therefore, Monterey dusky-footed woodrat may be present on the Property.

- **Yellow-billed magpie** (Pica nuttallii) is a Special Animal that is endemic to the Central Valley of California, from Sacramento south to Santa Barbara. It is a resident of oak savannah and open oak woodlands, where it lives and breeds in communal groups (CDFW 2014). Nests are usually set high up in large trees, often in a clump of mistletoe, and pairs sometimes reuse the previous year's nest (Cornell 2019). They forage and nest in agricultural areas and pastures that feature tall trees for nesting; also in riparian areas, orchards, and lower foothills, so long as there are insects and water available year-round (Cornell 2019). Common tree species in yellow-billed magpie habitat include valley oak, blue oak, coast live oak, western sycamore, gray pine, Monterey pine, Monterey cypress, black cottonwood, Fremont cottonwood, blue gum, black locust, and various species of willow (Cornell 2019). Yellow-billed magpies were observed foraging along Vineyard Drive and briefly within agricultural habitat during April and June 2022 site surveys. Though no nests were detected, suitable nesting habitat is present in the California bay woodland consisting of California bay trees and an abundance of coast live oak and valley oak trees.
- **California red-legged frog** (Rana draytonii) is a federally listed threatened species and a California Species of Special Concern. It occurs in California in the Coast Range, Sierras, the Transverse Range and south below 1,200 meters elevation (CDFW 2014, Sousa 2008). The main habitat types for the CRF are deep, still or slow-moving sources of water in lowlands and foothills with shrubby, riparian, or vegetative shorelines for cover (CDFW 2014, CNDDB 2017, Jennings and Hayes 1994). The most suitable vegetation types for cover are cattails (Typha sp.), arroyo willow (Salix lasiolepis) and bulrushes (Scirpus sp.) (Jennings and Hayes 1994). Along with its aquatic habitat, the CRF also utilizes upland habitat for seeking food, shelter and as migration corridors between breeding and nonbreeding sites. Bulger et al. (2003) found that during dry summer months, CRF were nearly always within 5 meters of a pond; however, during summer rain events and early winter rains, frogs moved up to 130 meters from their ponds, and some frogs even traveled up to 2800 meters to migrate to a different pond. When out of the water the CRF will shelter under natural or manmade debris and burrow into moist leaf litter or small animal burrows (USFWS 2010). The breeding season for the CRF is from January to July with a peak in February (CDFW 2014). One major cause of CRF population decline is the introduction of the bullfrog (Rana catesbeiana) which can consume and exhaust CRF resources (Sousa 2008). The closest reported occurrence of CRF to the Property is approximately 2.2 miles southwest of the Property, south of Highway 46 in a small pool indicated as a potential breeding site. Suitable habitat is present on the Property (i.e., ponding water that meets breeding habitat criteria). Due to the presence of appropriate aquatic habitat, protocol-level CRF surveys were conducted to determine presence/absence of CRF on the site. Survey results show no sign of CRF after

protocol level surveys for this species were complete by July 2022 (see Appendix E; A&M 2022). Though suitable habitat is present that could support this species, CRF are not present on or adjacent to the Property.

- **California spotted owl** (Strix occidentalis occidentalis) is a California Species of Special Concern and is one of two subspecies of spotted owl (S. occidentalis) occurring in California. The California spotted owl occurs in the southern Cascade Range in northern California, through the Sierra Nevada, across the Transverse and Peninsular Ranges in southern California, and up the Coast Range through Monterey County (CDFW 2018). The species is a year-round resident in most of its range, with some birds in the Sierra Nevada descending to lower elevations in the winter (Shuford and Gardali 2008). The California spotted owl breeds and roosts in forest and woodlands with dense, multi-layered canopies. The species does not build its own nests, but may use tree cavities, broken tree snags, or abandoned raptor, raven, or squirrel nests (Shuford and Garaldi 2008). Rodents are the primary food source for the California spotted owl. The primary threat to the California spotted owl is habitat loss and degradation. Additionally, a rising threat is the recent invasion of its range by the barred owl (Strix varia). The closest reported occurrence of California spotted owl is located approximately 3.5 miles northwest of the Property in 1988 (CDFW ID #97476). The California bay woodland could provide roosting habitat, but due to the semi-antiquated occurrence for the area, there is low potential for California spotted owl to occur on the Property. California spotted owl or its sign was not observed on the Property during the March, April, or June 2022 site surveys.
- **Coast Range newt** (Taricha torosa) has a Global Rank of G4 and a State Rank of S4, meaning this species is considered Apparently Secure on a global and state scale according to NatureServe (2018). It is also a California Species of Special Concern that has a disjunctive range along the coastline of California from Mendocino County to San Diego County. The Coast Range newt spends most of the year in terrestrial habitats but moves to slow-moving streams, lakes and reservoirs to breed in the wet winter months (CNDDB 2017, Gamradt 1997, Jennings and Hayes 1994). Suitable habitat types for the Coast Range newt are coastal drainages of oak forest, mixed chaparral, annual grassland, valley-foothill hardwood, coastal scrub and mixed conifer (CDFW 2014). Within its preferred habitat, the Coast Range newt uses mammal burrows, fallen logs and rocks for shelter on land and in the water, females lay eggs within dense vegetation and larvae seek shelter under fallen debris, rocks and undercut banks (CDFW 2014). The movement of the Coast Range newt has not been studied in depth, but it is thought that it can migrate long distances, sometimes over 1 kilometer, to breeding sites (Jennings and Hayes 1994). The closest reported occurrence of the Coast Range newt is located approximately 3.5 miles northwest of the Property in 2017 (CNDDB #73), where the Coast Range newt was observed along Summit Creek, west side of Peachy Canyon, about 0.3 mi north of Willow Creek Road junction, in riparian habitat, primarily consisting of coast live oak and California bay. These conditions occur on the Property and suitable pools are present that might attract or support this species and therefore Coast Range newt has moderate potential to occur on the site. The Coast Range newt was not present on the Property during the March, April, or June 2022 site surveys and is therefore not expected to be present in this reach of Sheepcamp Creek.
- **American badger** (Taxidea taxus) is a California Species of Special Concern with a widespread range across the state (Brehme et. al. 2015, CDFW 2014). It is a permanent but uncommon resident in all parts of California, except for forested regions of the far northwestern corner, and is more abundant in dry, open areas of most shrub and forest habitats (CNDDB 2022). The American badger requires friable soil in order to dig burrows for cover and breeding. The main food source for the species is fossorial rodents, mainly ground squirrels and pocket gophers (CDFW 2014). The breeding season for

badgers is in summer and early fall, and females give birth to litters usually in March and April (CDFW 2014). The closest reported occurrence of the American badger is located approximately 4.8 miles east of the Property in 2003 (CNDDB #23), though other more recent sightings may not have been reported by local residences. The nearest occurrence was of badger in annual grassland habitat with coast live oak forest upslope, similar to conditions that are present on the Property. Though badger are generally known to occur in the area, suitable denning habitat is limited to the annual grassland and agricultural habitat, both of which are surrounded by intermittently dense woodlands and often steep slopes that are not typical habitats for this species. Due to the lack of known records in the immediate area and geographical barriers between suitable denning habitat, American badger has low potential to occur on the site. No American badger or sign of badger, such as dens or dig-outs, was observed during the 2022 site surveys.

- **Steelhead - South/Central California Coast DPS** (Oncorhynchus mykiss irideus) is the anadromous form of rainbow trout. Adults spawn in freshwater, while juveniles remain in freshwater before migrating to the ocean to grow and become sexually mature prior to returning as adults to spawn in freshwater. Steelhead in the South/Central California Coast Distinct Population Segment (SCCCDPS) include naturally-spawned O. mykiss occurring downstream from natural and manmade barriers from the Pajaro River, south to but not including the Santa Maria River. A Distinct Population Segment (DPS) is a group of steelhead that is genetically distinct from other California steelhead populations. Steelhead are known to occur in coastal streams and rivers in San Luis Obispo County, including but not limited to Arroyo Grande Creek, Pismo Creek, San Luis Obispo Creek, Chorro Creek, San Simeon Creek, and other coastal streams. Steelhead are known to occur in the Salinas River and its tributaries from Monterey south to the vicinity of Santa Margarita. The Salinas River and coastal streams in San Luis Obispo County are critical habitat for migrating steelhead. Steelhead generally require cool, fast-flowing streams with rock and cobble substrate for spawning and rearing. Though the Property is in designated steelhead critical habitat, conditions are not appropriate to support steelhead due to the limited seasonal water flow and low depth of the onsite portion of Sheepcamp Creek. No steelhead were observed on the Property during March or April (with water present) or June (when the channel was dry) of 2022, and they have no potential to occur on the site.
- **Least Bell's vireo** (Vireo bellii pusillus) is one of four subspecies of Bell's vireo (Vireo bellii) and is both state and federally listed as endangered. The least Bell's vireo winters in Baja California, Mexico and migrates to California during the breeding season (generally March to September), where it is found in scattered populations from Central to Southern California. They are a small, olive colored bird whose habitat consists of low, dense riparian growth near dry and intermittent streams (USFWS 1994). Preferred nesting habitat is on low branches of willows (Salix spp.), mule fat (Baccharis salicifolia), and mesquite bushes (Prosopis spp.) where insects can be found for feeding (Brown 1993). Range wide decline has occurred due to habitat loss, and brood parasitism by brown-headed cowbirds (Molothrus ater) throughout range of California (CNDDB 2017). The closest reported occurrence of the least Bell's vireo is historic, located approximately 6.7 miles northeast of the Property in 1947 (CNDDB #127). Non-historic occurrences reported on eBird are located approximately 13.6 miles southwest in Morro Bay (Perry 2020) and 21.1 miles north in Bradley (Roberson 1993). Neither occurrences reported breeding evidence. Due to the lack of recent occurrences in the area, limited suitable nesting substrate, and a rapid decline of the species, the site is unlikely to support the least Bell's vireo. The least Bell's vireo was not observed on the Property during the March, April, or June 2022 site surveys.

Discussion

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

Special-Status Plants

No special status plants were detected on the property during protocol-level botanical surveys conducted in March, April, and June 2022. No impacts to special status plants are anticipated and no mitigation is required for botanical resources.

Special-Status Wildlife

Several special-status wildlife species have potential to occur on the property, including California legless lizard, western pond turtle, Lesser slender salamander, California red-legged frog, and nesting birds; however, only one western pond turtle was observed in Sheepcamp Creek at the time of the Biological Resources Assessment. Potential impacts to western pond turtle could occur during road work along Sheepcamp Creek. However implementation of Mitigation Measures BIO-1, BIO-2, and BIO-4 will ensure best management practices for erosion and sedimentation control, biological monitoring prior to construction activities, and that all personnel are aware of the potential of biological resources and what to do in the event a special status species is encountered during work.

The project has the potential to impact nesting birds through vegetation removal and / or ground disturbing activities and implementation of Mitigation Measure BIO-3, which includes pre-activity surveys for nesting birds, will reduce potential adverse effects of the proposed project on nesting birds.

Based on existing site conditions, the proposed project would have the potential to result in impacts to the Lesser slender salamander and California red-legged frog along the riparian corridor due to the presence of riparian habitat with arroyo willows and California bay trees. These species were not observed in or around the property during the March, April, or June 2022 site surveys. Implementation of Mitigation Measures BIO-1, BIO-2, and BIO-4 will reduce potential impacts of these species to a *less than significant* level.

The project has the potential to impact western pond turtle during grading and construction activities. Implementation of Mitigation Measures BIO-1, BIO-2, and BIO-4 will reduce potential impacts of these species to a *less than significant* level.

Based on the analysis above, the proposed project would not result in substantial adverse effects on special-status species, and impacts would be *less than significant with mitigation*.

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

The proposed project was designed to avoid Sheepcamp Creek and includes a 50-foot setback from mapped top of bank and riparian habitat. The project site has approximately 0.7 acres of riparian habitat, however the Biological Resource Assessment prepared by Althouse and Meade 2022 states no direct impacts to riparian habitat are proposed. However, there is still potential for downstream

impacts due to erosion, and implementation of BIO-1 will reduce possible impacts to riparian habitat; therefore, impacts would be *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?

Potentially jurisdictional wetlands and waters are present on the property. Sheepcamp Creek, an intermittent stream with potential wetland inclusions transects the property in a southeasterly direction. Implementation of BIO-1 will reduce possible impacts to wetlands through the implementation of erosion and sedimentation best management practices. Therefore, the project would not result in an adverse effect on state or federally protected wetlands and *impacts would be less than significant with mitigation.*

(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?

A breeding site for western pond turtles was documented in Sheepcamp Creek in the vicinity of the proposed road improvements during 2022 Althouse and Meade biological surveys. Grading and road improvements could impact western pond turtle individuals directly through earthwork and vehicle strikes if turtles are utilizing upland habitat to bask and burrow during estivation and egg laying. Due to proximity to Sheepcamp Creek, road improvement work could indirectly impact pond turtle reproductivity during the breeding season due to noise disturbance and presence of human activity. However, the road will not significantly impact Sheepcamp Creek, and will not interfere substantially with the movement of any native resident or migratory fish or wildlife species. Implementation of BIO-4 would reduce impacts to western pond turtles during road work to *less than significant with mitigation.*

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

The County Inland LUO Chapter 22.58 establishes regulations for clear-cutting oak woodlands. The proposed project would not include the clear-cutting oak woodlands. Althouse and Meade biological surveys (Althouse and Meade, 2022) address potential impacts to native trees and Sheepcamp Creek as a result of the agricultural road (GRAD2022-00009) and bridge permit (CBLD2022-00004) and future fire water storage tanks as part of the winery facility. The project has the potential to remove up to three (3) California bay trees and (2) Valley Oak trees and impact up to four (4) Coast live oak trees and ten (10) California bay trees. This equates to up to 0.2 acre of California bay woodland impacted during road improvement work; however, most impacted areas are proposed along an existing dirt road that goes through the California bay woodland. Mitigation Measure BIO-5 through BIO-8 would protect remaining trees on site and includes replacement planting requirements for any trees that are removed or impacted. To further ensure tree preservation and protection of biological resources during work, Mitigation Measure BIO-8 is included to avoid other impacts to the California bay woodland and trees. The proposed project would not conflict with the County LUO and impacts would be *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 is not within or adjacent to a Habitat Conservation Plan area or the Natural Community Conservation Plan. Therefore*, no impacts would occur.*

Conclusion

Upon implementation of mitigation measures BIO-1 through BIO-8, impacts to biological resources would be less than significant.

Mitigation

BIO-1 Best Management Practices (e.g., straw wattles, exclusion fencing, gravel bags or silt fencing, etc.) are required to be installed **prior to the start of construction** to protect the blue-line creek (Sheepcamp Creek) and project boundaries (i.e., areas above steep cliffs) from water quality, runoff, and erosion/sedimentation concerns during project implementation. Erosion and sediment controls shall be installed properly and shall be maintained regularly throughout construction to increase effectiveness. Other Best Management Practices shall also be implemented as necessary and/or as required by project permits (if required), such as avoiding washing, refueling, and maintenance of equipment within 100 feet (unless otherwise noted in project-specific permits) from blue-line creeks (Sheepcamp Creek), regardless, if water is present or absent in the channel.

- All project plans shall show the boundaries of all sensitive resource areas and the location of erosion and sediment controls, delineation of construction limits, and other pertinent measures to ensure the protection of sensitive habitats and resources.
- All equipment and vehicles shall stay within the project limits and staging areas and 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. The staging area shall be located a minimum of 100 feet from the blue-line creeks (Sheepcamp Creek), and all fueling and maintenance activities shall take place in the staging area.
- 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.
- 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-2 **Prior to initiation of any site preparation/construction activities,** a worker environmental awareness training shall be presented to all construction personnel by a qualified biologist within 30 days prior to initial activity beginning including ground disturbance and/or vegetation removal/trimming. At a minimum, the training shall include information on protection of aquatic resources, nesting birds, and special status species with potential to occur on the site. 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 specific to this project. 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 and provided to the Department of Planning and Building. A fact sheet conveying the information provided in the environmental awareness training will be developed prior to the training and will be provided to all project personnel and the Department of Planning and Building.

BIO-3 **Prior to initiation of any site preparation/construction activities,** if work is planned to occur between February 1 and September 15, a County of San Luis Obispo-qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming and immediately provide the survey to the Department of Planning and Building upon completion. If nesting birds are located on or near the project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active, as detailed below.

13. A 100-foot exclusion zone shall be established around non-listed, passerine species, and a 250-foot exclusion zone shall be established for raptor species. Each exclusion zone shall encircle the nest and have a radius of 100 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all exterior construction activities have been terminated for the current phase of work (e.g., if Phase 1 improvements are completed, exclusion zones may be removed until initiation of site preparation for Phase 2 begins), or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
14. If special-status avian species are identified and nesting within the work area, no work shall begin until an appropriate exclusion zone is determined in consultation with the County of San Luis Obispo and any relevant resource agencies.

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

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming, the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated, and a separate survey report shall be prepared and submitted to the County of San Luis Obispo Planning and Building Department.

BIO-4 **During vegetation removal, ground disturbing activities, or working within 50 feet of drainages and in the riparian zone**, if work is planned to occur between October 15 through April 15, a County of San Luis Obispo-qualified biological monitor shall be present onsite. The biologist shall frequently survey the project area for wildlife (especially in the mornings), especially under parked vehicles and heavy equipment.

15. In the event that a species is captured during surveys or construction activities, the biologist will relocate to the nearest suitable habitat outside of the project area. Relocation of federally listed species, such as CRF, requires permits from U.S. Fish and Wildlife Service. Work shall stop in the unlikely event that federal, or state listed species are present, and the appropriate agency shall be contacted.

BIO-5 To the maximum extent feasible, impacts to oak trees shall be avoided and minimized. **Prior to ground disturbing activities,** the following avoidance and minimization measures shall be implemented to address potential impacts to oak trees:

- The canopy edge and trunk location of oak trees located within 50 feet of proposed construction shall be surveyed and placed on all plan sets. The tree map shall be used to protect oak trees during project implementation. The critical root zones of native oak trees shall be defined as an area of root space equivalent to 1.5 times the radius of the canopy dripline.
- Impacts to oak tree canopy or critical root zone should 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 critical 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. Demarcation such signage indicating No-Access-Tree Protection Zone or similar text is adequate.
- All construction activity shall remain outside delineation fencing installed for protection of oak trees.
- A licensed arborist or qualified botanist will be hired to oversee all removal or trimming of existing roots and necessary branch trimming.
- 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-6 **Prior to ground disturbing activities**, a licensed arborist or qualified botanist shall inspect and approve tree protective fencing. In the event that tree protective fencing must be removed to complete construction activities or if trimming or pruning of oak tree limbs/branches occur, an Arborist or Botanist shall be present and shall map the tree and area of impact in the field and record the activities. Any roots of 1-inch diameter or greater that are exposed during grading that cannot be saved, should be cut clean with a sharp pruning tool, and treated per Arborist direction.

16. Upon completion of work, an As-built Impact Report will be provided to the County that will include an assessment of impacts that occurred. The report will include the

number of impacted trees and the type of mitigation recommended to meet the County requirements for impacts to native oak trees.

BIO-7 For oak tree removals or impacts identified in the As-Built Impact Report **during construction activities,** the owner shall provide mitigation (on site if feasible) per the County's guidelines, 4:1 for removals and 2:1 for impacted trees. For California bay trees and California bay woodland habitat, the owner shall provide mitigation (onsite if feasible), 2:1 for removals and 1:1 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/California bay tree mitigation. At a minimum, the plan shall:

- Include a detailed inventory of the species and quantity of all oak trees and/or California bay 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 trees and/or California bay 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. Replacement trees shall be a minimum of one gallon in size, of a local origin, and of the same species as was impacted.
- 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 permit final.

The results of the survey shall be provided to the County of San Luis Obispo Planning and Building Department prior to commencement of initial project activities.

To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than five years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors in interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of newly planted trees and approved by the Environmental Coordinator.

BIO-8 **Prior to ground disturbing activities,** signage shall be placed along the edge of work limits where they border California bay woodland habitat. The signage shall state "Environmentally

Sensitive Area – Do Not Enter". The signage shall be maintained in good condition for the duration of construction.

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 therefore has a wealth of historic and prehistoric resources, including sites and buildings associated with Native American inhabitation, Spanish missionaries, and immigrant settlers.

As defined by CEQA, a historical resource includes:

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

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

The County of San Luis Obispo LUO Historic Site (H) combining designation is applied to areas of the county to recognize the importance of archeological and historic sites and/or structures important to local, state, or national history. Standards are included regarding minimum parcel size and permit processing requirements for parcels with an established structure and Historic Site combining designation. For example, all new structures and uses within an H combining designation require Minor Use Permit approval, and applications for such projects are required to include a description of measures proposed to protect the historic resource identified by the Land Use Element (LUO 22.14.080).

The project site is located in an area historically occupied by two Native American tribes, the northernmost subdivision of the Chumash, the Obispeño (after Mission San Luis Obispo de Tolosa), and the Salinan. However, the precise location of the boundary between the Chumashan-speaking Obispeño Chumash and their northern neighbors, the Hokan-speaking Playanos Salinan, is currently the subject of debate, as those boundaries may have changed over time.

State law under Assembly Bill 52 (Public Resources Code Section 21080.3.1) allows California Native American tribes 30 days to request consultation regarding possible significant effects that implementation of the proposed project may have on tribal cultural resources. The project was referred to Northern Chumash Tribal Council, Salinian Tribe of San Luis Obispo and Monterey, Xolon Salinian Tribe, and Yak Tityu Tityu Yak Tilhini Northern Chumash Tribe. At this time, the Tribes have not responded to inquire for consultation.

In the unlikely event that buried cultural materials are encountered during construction, the County requires that all ground disturbances will cease until a qualified archaeologist is contacted to evaluate the nature, integrity, and significance of the deposit.

Discussion

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

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 not result in an adverse change in the significance of a historical resources and *no impacts would occur.*

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

The applicant provided a Phase I Archaeological Study (Padre Associates Inc, June 2022) to evaluate the potential for archeological resources within the project area. The survey included an archaeological records search and a Phase I pedestrian survey. No known archeological resources were identified within the project area.

As noted above, the Cultural Resources Survey identified no known archaeological sites. In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required, which states:

> In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:
>
> > A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
> >
> > B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

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

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

There are no known human remains or cemeteries located within the project area; however, the proposed project would require ground disturbance and excavation, which could uncover or disturb unknown human remains if present within the project area. The project would be required to comply with California Health and Safety Code Section 7050.5 and County LUO Section 22.10.040, which identifies the proper protocol in the event of inadvertent discovery of human remains, including the cessation of work within the vicinity of the discovery, identification of human remains by a qualified coroner, and if the remains are identified to be of Native American descent, contact with the Native American Heritage Council (NAHC). Based on required compliance with Health and Safety Code Section 7050.5 and County LUO Section 22.10.040, implementation of the proposed project is not anticipated to disturb human remains; therefore, potential impacts would be *less than significant*.

Conclusion

Based on required compliance with Health and Safety Code Section 7050.5 and County LUO Section 22.10.040, the proposed project is not anticipated to disturb unknown cultural resources. Therefore, potential impacts related to cultural resources would be less than significant.

Mitigation

Mitigation is not necessary.

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

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within San Luis Obispo County. PG&E utilizes clean energy sources, including 50% from renewable energy sources and 43% from other GHG-free energy sources (PG&E 2021).

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).

State Building Code Requirements

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the *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.

Vehicle Fuel Economy Standards

In October 2012, the USEPA and the National Highway Traffic Safety Administration (NHSTA), on behalf of the U.S. Department of Transportation (USDOT), 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 I 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.

In January 2017, USEPA Administrator Gina McCarthy signed a Final Determination to maintain the current GHG emissions standards for the model year 2022–2025 vehicles. However, on March 15, 2017, USEPA Administrator Scott Pruitt and USDOT Secretary Elaine Chao announced that the USEPA intends to reconsider the Final Determination. On April 2, 2018, USEPA Administrator Pruitt officially withdrew the January 2017 Final Determination, citing information that suggests that these current standards may be too stringent due to changes in key assumptions since the January 2017 Determination. According to the USEPA, these key assumptions include gasoline prices and overly optimistic consumer acceptance of advanced technology vehicles. The April 2nd notice is not USEPA's final agency action, and the USEPA intends to initiate rulemaking to adopt new standards. Until that rulemaking has been completed, the current standards remain in effect.

As part California's overall approach to reducing pollution from all vehicles, the CARB has established standards for clean gasoline and diesel fuels and fuel economies of new vehicles. The 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, the CARB approved the Advanced Clean Cars Program, which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15% of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34% fewer global warming gases and 75% fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2022).

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 NO_x and particulate matter 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.

Local Energy Plans and Policies

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

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

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

Discussion

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

Construction of the proposed project would require the use of fossil fuels, electricity, and natural gas for construction vehicles and equipment. Proposed energy use during construction would be short-term and limited in scale and would not result in unnecessary, wasteful, or inefficient energy consumption. Although not necessary to reduce energy use during construction, Mitigation Measure AQ-1 included in Section III, *Air Quality*, has been identified to ensure compliance with state and local diesel-idling restrictions and the use of alternative fuels as applicable to ensure avoidance of unnecessary, wasteful, and inefficient energy consumption during construction; therefore, energy consumed during construction would be temporary and would not represent a significant or wasteful demand on available resources.

Implementation of the proposed project would result in the operation of a winery facility and tasting room which would include wine production activities and visitor-serving uses. The project's operational electricity needs would be supplied by PG&E, which sources 50% of its energy from renewable energy sources and 43% of its energy from other greenhouse-gas free energy sources (PG&E 2021). Additionally, natural gas service would be provided by SoCalGas, which has committed to replacing 20% of its traditional natural gas supply with renewable natural gas by 2030 (Sempra 2019). By using electricity from PG&E and natural gas from SoCalGas, the proposed project would reduce the long-term use of non-renewable energy resources.

Proposed building design would be required to adhere to Title 24 of the California Energy Code (CEC) and CBC 2022 Building Energy Efficiency Standards to further reduce operational energy use through implementation of green building and energy efficient building design features. Based on the use of clean energy sources and required compliance with the CEC and CBC, operation of the proposed project is not anticipated to result in potentially significant environmental impacts due to wasteful or otherwise inefficient use of energy resources during operation. Therefore, the proposed project would not result in unnecessary, wasteful, or inefficient energy use during construction or operation, and impacts would be *less than significant.*

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

As previously evaluated, proposed construction activities would require the use of energy in the form of diesel fuel and gasoline for worker and construction vehicles and equipment. The energy consumed during construction would be temporary and would not represent a significant or wasteful demand on available resources, which would be consistent with applicable renewable energy plans.

In order to be compliant with the County COSE and County EWP, the proposed project would be required to reduce GHG emissions, where feasible in energy consumption. The proposed project would be provided electricity by PG&E, which sources energy from clean energy resources, including 50% from renewable energy sources and 43% from other GHG-free energy sources (PG&E 2021). By utilizing PG&E for electricity, 93% of the proposed project's electricity demand would be sourced from renewable energy or GHG-free energy sources, which is consistent with the County COSE and County EWP. Further, the proposed project would be required to comply with Title 24 of the CEC and CBC 2019 Building Energy Efficiency Standards to ensure compliance with energy efficient building design to reduce operational energy use.

The project site is located within the Renewable Energy Overlay (RE) combining designation. The proposed project does not include the construction of SEFs or other renewable energy facilities that would be applicable to permit streamlining or development standards included in County LUO Section 22.14.100. The RE combining designation does not include development standards that would limit development within this designation to only renewable energy facilities but rather identifies areas within the county where renewable energy production may be favorable.

Based on required compliance with the CEC and CBC and the use of electricity and natural gas from clean energy sources, the proposed project would comply with applicable energy efficiency plans and impacts would be *less than significant*.

Conclusion

The proposed project would be provided energy from GHG-free sources and would be subject to Title 24 of the CEC and CBC 2022 Building Energy Efficiency Standards for energy efficient building design. The proposed project would not result in excessive energy use during construction or operation and would be consistent with applicable energy efficiency plans. Therefore, impacts would be less than significant, and mitigation is not necessary.

Mitigation

Mitigation is not necessary.

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?	☐	☐	☒	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

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 that are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon fault system generally consists of two fault zones: the Hosgri fault zone that is mapped off of the San Luis Obispo County coast; and the San Simeon fault zone, which appears to be associated with the Hosgri, and comes onshore near San Simeon Point, Lastly, the Los Osos Fault zone has been mapped generally in an east/west orientation along the northern flank of the Irish Hills. The project site is located in excess of 15 miles from mapped Alquist-Priolo Act fault zones within the county (DOC 2015).

The County Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the County. 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 project site is located approximately 5 miles to the nearest fault line designated a Potentially Capable – Inferred.

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. Groundshaking can endanger life and safety due to damage or collapse of structures or lifeline facilities. The California Building Code includes requirements that structures be designed to resist a certain minimum seismic force resulting from ground motion.

Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from groundshaking during an earthquake. Liquefaction potential increases with earthquake magnitude and groundshaking duration. Low-lying areas adjacent to creeks, rivers, beaches, and estuaries underlain by unconsolidated alluvial soil are most likely to be vulnerable to liquefaction. The CBC requires the assessment of liquefaction in the design of all structures. Per the County's Land Use View Mapping Application, the project parcel is located in an area with low potential and moderate potential for liquefaction to occur. More specifically, where the project site is located, there is moderate potential.

Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structure, earthquakes, or a combination of these factors. Despite

current codes and policies that discourage development in areas of known landslide activity or high risk of landslide, there is a considerable amount of development that is impacted by landslide activity in the County each year. The County Safety Element identifies several policies to reduce risk from landslides and slope instability. These policies include the requirement for slope stability evaluations for development in areas of moderate or high landslide risk, and restrictions on new development in areas of known landslide activity unless development plans indicate that the hazard can be reduced to a less than significant level prior to beginning development. Per the County's Land Use View Mapping Application, the project parcel is located in an area with low potential and moderate potential for landslides. More specifically, where the project site is located, there is low potential.

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly. As discussed above under Section II, Agriculture and Forestry Resources, project site contains the soil type identified as the Nacimiento-Los Osos complex, 9 to 30 percent slopes. This soil is considered to have a very high stormwater runoff potential. This soil exhibits moderate erodibility and moderate shrink-swell characteristics.

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. All land use permit applicants located within a GSA are required to include a report prepared by a certified engineering geologist and/or registered civil/soils engineer as appropriate, with the exception of construction of one single-story single family residence, agricultural uses not involving a building, agricultural accessory structures, and alterations or additions to any structure which does not exceed 50 percent of the assessed value of the structure. In addition, all uses within a GSA are subject to special standards regarding grading and distance from an active fault within an Earthquake Fault Zone (LUO 22.14.070).

Paleontological resources are fossilized remains of ancient environments, including fossilized bone, shell, and plant parts; impressions of plant, insect, or animal parts preserved in stone; and preserved tracks of insects and animals. Paleontological resources are considered nonrenewable resources under state and federal law. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils, as determined by rock type, past history of the rock unit in producing fossil materials, and fossil sites that have been recorded in the unit. Paleontological resources are generally found below ground surface in sedimentary rock units. The boundaries of the sedimentary rock unit is used to define the limits of paleontological sensitivity in a given region.

In the county, the Coastal Franciscan domain generally lies along the mountains and hills associated with the Santa Lucia Range. Fossils recorded from the Coastal Franciscan formation include trace fossils (preserved tracks or other signs of the behaviors of animals), mollusks, and marine reptiles. Nonmarine or continental deposits are more likely to contain vertebrate fossil sites. Occasionally vertebrate marine fossils such as whale, porpoise, seal, or sea lion can be found in marine rock units such as the Miocene Monterey Formation and the Pliocene Sisquoc Formations known to occur throughout Central and Southern California. Vertebrate fossils of continental material are usually rare, sporadic, and localized.

The County COSE identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Where substantial subsurface disturbance is proposed in paleontologically sensitive units, Implementation Strategy CR 4.5.1 (Paleontological Studies) requires a

paleontological resource assessment ad mitigation plan be prepared, to identify the extent and potential significance of resources that may exist within the proposed development and provide mitigation measures to reduce potential impacts to paleontological resources.

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 located greater than 15 miles from mapped Alquist-Priolo Act fault zones within the county (DOC 2015); therefore, the project would not result in risk of loss, injury, or death related to rupture of a known Alquist-Priolo Act fault zone and *no impacts* would occur.

(a-ii) Strong seismic ground shaking?

Based on the County Safety Element Fault Hazards Map, the project site is not located within 1 mile of a known active or potentially active fault. However, San Luis Obispo County is located in a seismically active region and there is always a potential for seismic ground shaking. The project would be required to comply with the California Building Code (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. The project does not include unique components that would be particularly sensitive to seismic ground shaking or result in an increased risk of injury or damage as a result of ground shaking. Implementation of the project 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 County Safety Element Liquefaction Hazards Map, the project site is located in an area with primarily moderate 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?

The project site has a moderate slope with concave topography, and based on the County Safety Element Landslide Hazards Map is located in an area with primarily low potential for landslide risk. Therefore, the project would not result in significant adverse effects associated with landslides and impacts would be *less than significant.*

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

Proposed ground disturbance has the potential to increase erosion and loss of topsoil at the project site that could run off into the on-site blue-line creek and surrounding areas. Mitigation Measure

BIO-1 identifies BMPs to be implemented during construction to reduce erosion and other pollutants that could run off from the site and enter the blue-line creek or surrounding areas. Per County LUO Section 22.52.120, an Erosion and Sedimentation Control Plan is required for all construction and grading projects to minimize potential short- and long-term impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation prevention. In addition, the proposed project would disturb more than 1 acre of soils and would be required to comply with RWQCB general construction permit requirements, including preparation and implementation of a SWPPP with BMPs to reduce erosive runoff during project construction. Following construction, the project site would be developed with hardscapes and other developed areas, which would reduce the potential for long-term erosion on-site. The driveway would be finished with gravel or paved to avoid direct vehicle use on soils at the site. The proposed project would not include expansion of additional cropland or other activities that could increase the potential for long-term loss of topsoil at the project site. Based on implementation of Mitigation Measure BIO-1 and required compliance with the RWQCB and County LUO Section 22.52.120, potential impacts related to soil erosion and loss of topsoil would be *less than significant with mitigation.*

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

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

The project would be required to comply with CBC seismic requirements to address potential seismic-related ground failure including lateral spread. Based on the County Safety Element and USGS data, the project is not located in an area of historical or current land subsidence (USGS 2019). Based on the County Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction risk and the project is not located within the GSA combining designation. 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?*

Based on the Soil Survey of San Luis Obispo County and Web Soil Survey, the project site is not located within an area known to contain expansive soils as defined in the Uniform Building Code. In addition, all future development would be required to comply with the most recent CBC requirements, which have been developed to properly safeguard structures and occupants from land stability hazards, such as expansive soils. Therefore, potential impacts related to expansive soil would be *less than significant.*

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

The project site does not have soils that are incapable of adequately supporting the use of septic tanks and no other wastewater disposal system is proposed to be installed for this project. Therefore, potential impacts would be *less than significant*.

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

No known paleontological resources are known to exist in the project area and the project site does not contain any unique geologic features. The project does not include substantial grading or earthwork that would disturb the underlying geologic formation in which paleontological resources may occur. Therefore, potential impacts on paleontological resources would be *less than significant.*

Conclusion

The project site is not within the GSA combining designation or an area of high risk of landslide, liquefaction, subsidence, or other unstable geologic conditions. Based on required compliance with the most recent CBC and other engineering standards, the proposed project would not result in risk of loss, injury, or death associated with seismic activity, ground failure, or development on expansive soils. Based on implementation of Mitigation Measure BIO-1 and required compliance with County LUO Section 22.52.120, impacts related to a short-term increase in erosion would be less than significant. The proposed septic leach field would be required to be designed in accordance with the County's LAMP and the final design would be subject to County approval. Therefore, upon implementation of the identified mitigation, potential impacts related to geology and soils would be less than significant.

Mitigation

BIO-1 Best Management Practices (e.g., straw wattles, exclusion fencing, gravel bags or silt fencing, etc.) are required to be installed **prior to the start of construction** to protect the blue-line creek (Sheepcamp Creek) and project boundaries (i.e., areas above steep cliffs) from water quality, runoff, and erosion/sedimentation concerns during project implementation. Erosion and sediment controls shall be installed properly and shall be maintained regularly throughout construction to increase effectiveness. Other Best Management Practices shall also be implemented as necessary and/or as required by project permits (if required), such as avoiding washing, refueling, and maintenance of equipment within 100 feet (unless otherwise noted in project-specific permits) from blue-line creeks (Sheepcamp Creek), regardless, if water is present or absent in the channel.

- All project plans shall show the boundaries of all sensitive resource areas and the location of erosion and sediment controls, delineation of construction limits, and other pertinent measures to ensure the protection of sensitive habitats and resources.
- All equipment and vehicles shall stay within the project limits and staging areas and 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. The staging area shall be located a minimum of 100 feet from the blue-line creeks (Sheepcamp Creek), and all fueling and maintenance activities shall take place in the staging area.
- 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.

- 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.

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), nitrogen oxides (NO_x), 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. The most recent update released by CARB is the 2017 Climate Change Scoping Plan, which 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.

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 the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation. Accordingly, in March 2012, the SLOAPCD approved thresholds for GHG impacts which were incorporated into their 2012 CEQA Air Quality Handbook. The Handbook recommended applying a 1,150 metric tons carbon dioxide equivalent ($MTCO_2e$) 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 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, the SLOAPCD no longer recommends the use of these thresholds in CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency:

- 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. 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 (i.e., 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. 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. 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 $MTCO_2e$ Bright Line threshold (1,150 x 0.6 = 690 $MTCO_2e$) 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 $MTCO_2e$ 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.

EnergyWise Plan

The County Energy Wise Plan (EWP) identifies changes that could occur in the County as a result of climate change, provides an inventory of GHG emissions in the County, and establishes a GHG emissions forecast and reduction targets for the County. This plan identifies strategies to reduce the county's GHG emissions by 15% below the baseline year of 2006 by the year 2020. This goal is consistent with Assembly Bill 32. The inventory denotes municipal and community-wide emissions caused by a range of activities in 2006, including transportation, waste, agriculture, energy, and aircraft-related activities. The EWP includes an Implementation Program that provides a strategy for action with specific measures and steps to achieve the identified GHG reduction targets including, but not limited to, the following:

- Encourage new development to exceed minimum Cal Green requirements;
- Require a minimum of 75% of nonhazardous construction and demolition debris generated on site to be recycled or salvaged;
- Continue to implement strategic growth strategies that direct the county's future growth into existing communities and to provide complete services to meet local needs;
- Continue to increase the amount of affordable housing in the County, allowing lower-income families to live closer to jobs and activity centers, and providing residents with greater access to transit and alternative modes;
- Reduce potable water use by 20% in all newly constructed buildings by using the performance method provided in the California Green Building Code;
- Require use of energy-efficient equipment in all new development;
- Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index of 10 for high-slope roofs and 68 for low-slope roofs; and
- Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities.

In 2016 the County published the EnergyWise Plan 2016 Update, which describes changes and modifications to the EnergyWise plan. These modifications include a summary of the progress made toward implementing measures in the 2011 EWP, overall trends in energy use and emissions since the baseline year of the inventory (2006), and the addition of implementation measures intended to provide a greater understanding of the County's emissions status.

Discussion

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

During construction, fossil fuels and natural gas would be used by construction equipment and worker vehicles, which would result in a short-term increase in GHG emissions. GHG emissions generated during construction would be temporary in nature and would be typical of other similar construction activities in the County. Construction contractors would be required to comply with state and local diesel idling limitations, including limiting idling to 5 minutes or less, which would reduce GHG-emissions associated with equipment and vehicle use during construction. Although not required to reduce construction-related GHG-emissions, Mitigation Measure AQ-1 included in Section III, *Air Quality*, would require diesel idling restrictions and the use of alternative fuel as applicable. Based on required compliance with diesel-idling restrictions, construction of the proposed project would not generate substantial GHGs in a manner that would have a significant effect on the environment.

The proposed project would result in the operation of a winery facility and tasting room and would require 4 full-time employees and would generate approximately 4 new peak-hour trips. The winery would be constructed in accordance with Title 24 of the CEC and CBC 2019 Building Energy Efficiency Standards to reduce operational energy use, which would also reduce operational GHG emissions from energy use. The proposed project would be provided electricity by PG&E, which sources 50% of its energy from renewable energy sources and 43% of its energy from other GHG-free energy sources (PG&E 2021). By utilizing PG&E for electricity, 93% of the proposed project's electricity demand would be sourced from GHG-free energy sources. Based on the limited number of new vehicle trips, reduction in production-related truck trips to and from the site, required compliance with the CEC and the CBC, and purchase of electricity derived from GHG-free sources, the proposed project would create 112 MTCO2e and would not result in substantial GHG emissions that could result in adverse environmental impacts; therefore, potential impacts would be *less than significant*.

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

The proposed project would result in the operation of a winery facility and tasting room within the AG land use category. Energy inefficiency contributes to higher GHG emissions which, in turn, may conflict with state and local plans for energy efficiency.

As discussed above, the County EWP, adopted in 2011, serves as the County's GHG reduction strategy. The GHG-reducing policy provisions contained in the County 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 County 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 the California Green Building Standards Code (CALGreen) energy efficiency standards. The following is a summary of project consistency with the relevant supporting actions identified in Measure No. 7 for promoting energy efficiency in new development (Table 2).

Table 2. EnergyWise Plan Measure 7 Consistency Analysis.

Supporting Action	Project Consistency
Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.	Proposed occupiable buildings would be required to be consistent with all 2019 CBC Energy Efficiency Standards, CEC, and the 2019 Green Building Code standards to ensure new development is energy efficient.
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 winery and tasting room would be designed with neutral colors and would include design features and outdoor spaces that would allow for natural light penetration. In addition, the proposed project would be required to be constructed in accordance with all 2019 CBC Energy Efficiency Standards, the CEC, and the 2019 Green Building Code standards to ensure new development is energy efficient.
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).	
Minimize heat gain from surface parking lots.	The proposed parking lots would not require a substantial amount of surface area on-site.
Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities and in some of the communities north of the Cuesta Grade.	The final driveway design would be subject to review and approval by the County Public Works Department.

The 2023 Regional Transportation Plan (RTP), which was adopted by the San Luis Obispo Council of Governments (SLOCOG) Board in June 2023, includes the region's Sustainable Communities' Strategy (SCS) and outlines how the region will meet or exceed its GHG reduction targets by creating more compact, walkable, bike-friendly, and 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/SCS provides guidance for the development and management of transportation systems county-wide to help achieve, among other objectives, GHG reduction goals. The RTP/SCS recommends strategies for community planning, such as encouraging mixed-use, infill development that would facilitate the use of modes of travel other than motor vehicles.

As discussed in Section III, *Air Quality*, the project site is located in a rural area and the proposed project does not include residential or commercial retail land uses that would generate substantial population growth or additional vehicle trips. Implementation of the proposed project would require 4 full-time employees, and generate approximately 4 new peak hour vehicle trips. It would not result in substantial or unplanned population growth in the region.

Pursuant to AB 32, the CARB 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 the CARB to update the Scoping Plan at least every 5 years.

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

- Implement SB 350, which is aimed at Reduce GHG emissions in the electricity sector;
- 2030 LCFS: Transition to cleaner/less-polluting fuels that have a lower carbon footprint.
- 2030 Mobile Source Strategy (Cleaner Technology and Fuels [CTF] Scenario): Reduce GHGs and other pollutants from the transportation sector through transition to zero-emission and low-emission vehicles, cleaner transit systems, and reduction of VMT.
- Implement SB 1383, which is aimed at reducing Short-Lived Climate Pollutants to reduce highly potent GHGs.
- Implement the 2030 California Sustainable Freight Action Plan, which is aimed at improving freight efficiency, transitioning to zero emission technologies, and increasing competitiveness of California's freight system.
- Implement the 2030 Post-2020 Cap-and-Trade Program, which is aimed at reducing GHGs across the largest GHG emissions sources.

The *Draft 2022 Climate Change Scoping Plan* identifies a feasible path to achieve carbon neutrality by 2045, or earlier, while also assessing the progress the state is making toward reducing its GHG emissions by at least 40% below 1990 levels by 2030, as called for in SB 32 and laid out in the 2017 Scoping Plan. These strategies include the following:

- Rapidly moving to zero-emission transportation, electrifying the cars, buses, trains, and trucks that now constitute California's single largest source of planet-warming pollution.
- Phasing out the use of fossil gas used for heating our homes and buildings.
- Clamping down on chemicals and refrigerants that are thousands of times more powerful at trapping heat than CO_2.
- Providing our communities with sustainable options for walking, biking, and public transit so that people do not have to rely on a car.
- Continuing to build out the solar arrays, wind turbine capacity, and other resources that provide clean, renewable energy to displace fossil-fuel fired electrical generation.
- Scaling up new options such as green hydrogen for hard to electrify end uses and renewable gas where needed.

The strategies described in the 2017 and 2022 scoping plans 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 proposed project would not exceed existing VMT thresholds during construction or operation, which is consistent with Scoping Plan strategies for reducing VMT and transportation-related GHG emissions. Overall, the proposed project is consistent with adopted plans and policies aimed at reducing GHG emissions and impacts would be *less than significant*.

Conclusion

The project would not generate significant GHG emissions above existing levels and would not exceed any applicable GHG thresholds, contribute considerably to cumulatively significant GHG emissions, or conflict with plans adopted to reduce GHG emissions. Therefore, potential impacts related to greenhouse gas emissions would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

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

The Hazardous Waste and Substances Site (Cortese) List is a planning document used by state and local government agencies and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. Government Code Section 65962.5 requires the California Environmental Protection Agency (CalEPA) to develop an updated Cortese List at least annually. Various state and local government agencies are required to track and document hazardous material release information for the Cortese List. The California Department of Toxic Substance Control's (DTSC's) EnviroStor database tracks DTSC cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known contamination, such as federal superfund sites, state response sites, voluntary cleanup sites, school cleanup sites, school investigation sites, and military evaluation sites. The SWRCB's GeoTracker database contains records for sites that impact, or have the potential to impact, water in California, such as Leaking Underground Storage Tank (LUST) sites, Department of Defense sites, and Cleanup Program Sites. The remaining data regarding facilities or sites identified as meeting the "Cortese List" requirements is available on the CalEPA website: https://calepa.ca.gov/sitecleanup/corteselist/.

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-resistant building and roofing materials and other fire-related construction methods. The County Safety Element provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high fire hazard severity zones (FHSZ). According to the California Department of Forestry and Fire Protection (CAL FIRE) FHSZ viewer, the project site is located within an SRA and is designated as a high FHSZ (CAL FIRE 2022). According to the County's Land Use View, the project site has an estimated response time of approximately 5 to 10 minutes. For more information about fire-related hazards and risk assessment, see Section XX, *Wildfire*.

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

Based on a query of the DTSC's EnviroStor database and the SWRCB's GeoTracker database, there are no previously recorded hazardous materials sites located within or adjacent to the project site (DTSC 2023; SWRCB 2023). The project site is not located within an airport review area and the nearest airport is the Paso Robles Municipal Airport, located approximately 6.5 miles northeast of the project site. The nearest school is Vineyard Elementary School, located approximately 2.0 miles southwest of the project site.

Discussion

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

During construction, the proposed project is anticipated to require limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc., which has the potential to result in an accidental spill or release. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws for the handling, transport, and storage of hazardous materials, including 22 California Code of Regulations (CCR) Division 4.5 to minimize the potential for accidental spill or release.

The proposed project would include wine production activities, such as crushing, fermentation, pressing, barrel aging, and storage. Operation of the proposed project may require the use of

hazardous substances such as paints, oils, cleaners, and fertilizers and would be required to comply with existing state and local regulations to minimize the risk of accidental release during transport, use, and disposal. Solid and liquid winery waste would be required to comply with County LUO Section 22.30.070D.2, which requires solid waste to be disposed of in accordance with state and local Health Department standards and liquid waste to be disposed of in accordance with RWQCB discharge requirements. The proposed project would qualify for a small winery discharge waiver through the RWQCB and would be required to comply with the conditions of the RWQCB WDR Order No. R3-2017-0020 for winery waste discharge. Winery wastewater generated by the proposed project would be treated in accordance with RWQCB requirements and would be reused on-site for irrigation and dust control. Operation of the winery would also include wine tastings, which would not be expected to require the routine transport, use, or disposal of hazardous substances. Based on required compliance with CCR, RWQCB, and state and local health department requirements to minimize risk associated with the temporary use of construction-related hazardous substances and to regulate long-term winery waste disposal, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Therefore, potential impacts would be *less than significant*.

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

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 immediately to the north and downslope of the area of disturbance. Mitigation measures HAZ-1 and HAZ-2 have been included 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 project site is not located within 0.25 mile of an existing or proposed school facility; 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 a query of the DTSC's EnviroStor database and the SWRCB's GeoTracker database, there are no previously recorded hazardous materials sites located within or adjacent to the project site (DTSC 2023; SWRCB 2023). Therefore, the proposed project would not create a significant hazard to the public or the environment related to disturbance of a hazardous materials site and impacts would be *less than significant*.

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

The project site is not located within an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impacts would occur.*

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

Implementation of the proposed project would not result in a significant temporary or permanent impact on any adopted emergency response plans or emergency evacuation plans. No breaks in utility service or road closures would occur as a result of project implementation. Any construction-related detours would include proper signage and notification and would be short-term and limited in nature and duration. Therefore, potential 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 proposed project would result in the construction of occupiable structures within a high FHSZ in an SRA. Proposed occupiable buildings would be constructed in accordance with California Fire Code (CFC) and CBC requirements to reduce risk associated with fire ignition and exposure of people and structures in the project area to wildfire risk. The proposed driveway and utility infrastructure expansions would be required to comply with CAL FIRE and County Public Works Department requirements to ensure adequate emergency access to the project site and proper utility installation to reduce risk associated with wildfire ignition. Per CAL FIRE recommendations, a 100-foot defensible space buffer would be required around occupiable structures and a 10-foot defensible space buffer would be required around the proposed driveway to reduce wildfire risk near occupiable buildings and to ensure safe ingress and egress from the site. Based on required compliance with existing state and local regulations, the proposed project would not result in the risk of loss, injury, or death as a result of wildfire; therefore, impacts 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 **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 **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.

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?	☐	☐	☐	☒

Setting

The Central Coast Regional Water Quality Control Board (RWQCB) has established Total Maximum Daily Load (TMDL) thresholds for waterbodies within the County. A TMDL establishes the allowable amount of a particular pollutant a waterbody can receive on a regular basis and still remain at levels that protect beneficial uses designated for that waterbody. A TMDL also establishes proportional responsibility for controlling the pollutant, numeric indicators of water quality, and measures to achieve the allowable amount of pollutant loading. Section 303(d) of the Clean Water Act (CWA) requires states to maintain a list of bodies of water that are designated as "impaired". A body of water is considered impaired when a particular water quality objective or standard is not being met.

The RWQCB's Water Quality Control Plan for the Central Coast Basin (Basin Plan; 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 Regional Board implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

The U.S. Army Corps of Engineers (USACE), through Section 404 of the CWA, regulates the discharge of dredged or fill material into waters of the U.S., including wetlands. Waters of the U.S. are typically identified by the presence of an ordinary high water mark (OHWM) and connectivity to traditional navigable waters or other jurisdictional features. The State Water Resources Control Board (SWRCB) and nine RWQCBs regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, or have the potential to impact waters of the State. Waters of the State are defined by the Porter-Cologne Act as any surface water or groundwater, including saline waters, within the boundaries of the state.

Water for urban uses in the County is obtained from either surface impoundments such as Santa Margarita Lake, Whale Rock, and Lopez reservoirs, or from natural underground basins (aquifers). In October 2015, the County Board of Supervisors adopted a resolution which established the Countywide Water Conservation Program (CWWCP) in response to the declining water levels in the Nipomo Mesa subbasin of the Santa Maria Groundwater Basin, Los Osos Groundwater Basin, and the Paso Robles Groundwater Basin (PRGWB). A key strategy of the CWWCP is to ensure that all new construction or new or expanded agriculture will be required to offset its predicted water use by reducing existing water use on other properties within the same water basin. Each of the three groundwater basin areas have specific policies that apply. The County LUO dictates which projects are required to prepare a drainage plan, including any project that would, for example, change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10%. Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing. The County LUO also dictates that an erosion and sedimentation control plan is required year-round for all construction and grading permit projects and site disturbance activities of 0.5 acre or more in geologically unstable areas, on slopes steeper than 30%, on highly erodible soils, and within 100 feet of any watercourse.

Per the County's Stormwater Program, the County Public Works Department 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 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 County LUO.

For planning purposes, the 100-year flood event is most often used to delineate areas subject to flooding. The County Safety Element 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. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 06079C0600G (effective date 11/16/2012), the project site is located within Zone X, an area with minimal flood hazard (FEMA 2020). In addition, the project site is not located in the County's Flood Hazard combining designation, although Sheepcamp Creek does transect the property, southwest of the project site. While the project site is not within the Flood Hazard combing designation, there are parts of the property which are, as seen in Figure 4 below.

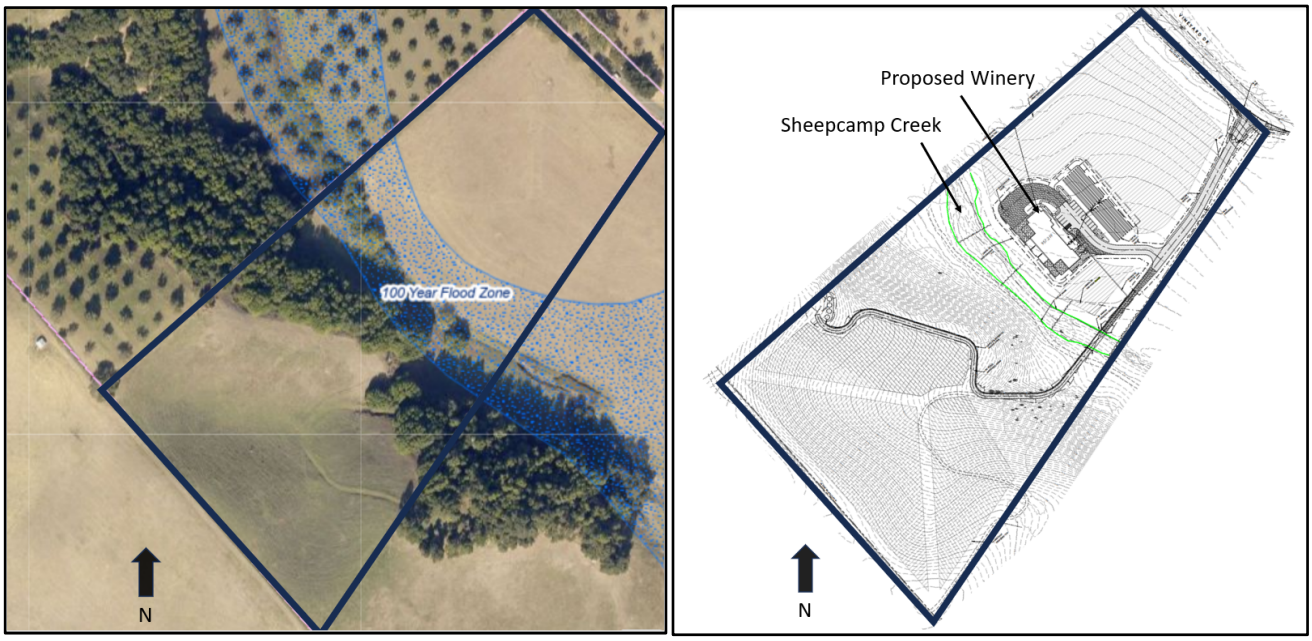

Figure 4. Flood Hazard

The project site is not located within a defined groundwater basin per the California Department of Water Resources Bulletin 118. The project site is not located within the Paso Robles Groundwater Basin. Instead, the project site and surrounding area rely on groundwater from fractured rock and non-basin areas. The San Luis Obispo County Flood Control and Water Conservation District is coordinating with the U.S. Geological Survey (USGS) and the Upper Salinas-Las Tablas Resource Conservation District (RCD) to conduct a groundwater study in the Adelaida area west of the City of Paso Robles. The goal of this study is to provide

a better understanding of the groundwater conditions in the Adelaida area so that informed decisions can be made about managing local water resources.

Potentially jurisdictional wetlands and waters are present on the property. Sheepcamp Creek, an intermittent stream with potential wetland inclusions, transects the property in a southeasterly direction. A formal wetland delineation will be necessary if future project activities are proposed that may result in impacts to or fill of aquatic features. Wetland delineation should be conducted according to state and federal standards to determine the extent of Clean Water Act Section 404 wetlands and waters under jurisdiction of the United States Army Corps of Engineers and Section 401 waters and wetlands under jurisdiction of the State Water Resource Control Board. Site improvements include a modified entrance off of Vineyard Drive, a vehicular bridge over Sheepcamp Creek, road improvements, fire suppression infrastructure, parking improvements, a new leach field, and landscaping. The project was designed to avoid Sheepcamp Creek and includes a 50-foot setback from mapped top of bank and riparian habitat. Bridge footings will be placed outside of the creek top of bank.

Discussion

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

During construction of the proposed project, construction equipment and vehicles have the potential to result in erosive or other polluted runoff to the on-site blue-line creek. The proposed project would require approximately 2.7 acres of ground disturbance, including 3,070 cubic yards of cut and 2,210 cubic yards of fill to be balanced on-site.

The proposed project would disturb more than 1 acre of soils and be required to comply with RWQCB general construction permit requirements, including preparation and implementation of a SWPPP with BMPs. In addition, in accordance with County LUO Section 22.52.120, preparation and approval of an Erosion and Sedimentation Control Plan is required for all construction and grading projects to minimize potential impacts related to erosion, sedimentation, and siltation. The plan would be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Based on implementation of HAZ-1 and HAZ-2 mitigation measures, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas and all project-related spills of hazardous materials shall be cleaned up immediately. This will prevent any hazardous materials from violating water quality standards of nearby Sheepcamp Creek.

The proposed project would qualify for a small winery discharge waiver through the RWQCB and would be required to comply with the conditions of the RWQCB WDR Order No. R3-2017-0020. Based on required compliance with RWQCB requirements, wastewater discharge from wine production activities would not violate any water quality standards or waste discharge requirements. Based on implementation of Mitigation Measure BIO-1 and required compliance with RWQCB waste discharge requirements and the County LUO, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; therefore, impacts would be *less than significant with mitigation*.

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

The proposed project would not interfere with groundwater recharge and would not impede sustainable groundwater management of the basin.

The project site would be served by an existing on-site agricultural well located at the property entrance. The project site is not located within a high priority basin designated by DWR. The on-site well currently provides water to the newly installed vineyards. The proposed project has an estimated water demand of 0.95 acre-feet per year (AFY). This accounts for water demands of the production facility, employees, tasting room and visitors, bed and breakfast inn, limited food serving facility, and landscaping. The proposed project would construct a new winery wastewater recycling system that would treat winery wastewater in accordance with RWQCB requirements, allowing it to be used to provide on-site irrigation and dust control.

Well interference occurs when a pumping well causes the water level to decline in a nearby well. Multiple wells can interfere with each other. This analysis is specific to the interference of the proposed well on existing wells. The amount of water level drawdown caused by interference has been estimated based on using the non-equilibrium well equation (the Theis equation). Local aquifer transmissivity is estimated at 550 gallons per day per foot at the proposed well based on the results of a pumping test for a well in the site vicinity. Aquifer storativity is estimated at 0.00035 (dimensionless), based on representative specific storage values from literature and local aquifer thickness. The proposed well is anticipated to pump up to 10 gallons per minute and is assumed to operate approximately 13.5 hours per day over a 200-day irrigation season (up to 5 acre-feet per year). Interference estimates assume there is no recharge to the aquifer during the irrigation season, although recharge and associated water level recovery is assumed to occur between irrigation seasons. The closest existing well to the proposed well is approximately 250 feet to the northeast. A water level drawdown of up to 14.8 feet (approximately five percent of the local saturated aquifer thickness), would not be expected to significantly impact the production and functioning of this well. Calculations using the non-equilibrium equation and the above parameters and assumptions result in seasonal interference of 11.9 feet of water level drawdown at the closest existing well due to pumping at the proposed well, which is less than the impacts threshold. Other nearby existing wells reviewed would experience lower levels of interference that are also less than their respective impacts thresholds. (Cleath-Harris, 2022).

Therefore, implementation of the proposed project would not substantially decrease groundwater supply in a manner that could interfere with sustainable groundwater management. The proposed project would not substantially interfere with groundwater recharge or decrease groundwater supply; therefore, impacts would be *less than significant*.

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

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

The project would not result in direct alteration to the creek. However, in July 2022, a major grading permit was submitted, and as of today has been issued, for a new agricultural road and bridge crossing in order to provide access to the rear portion of the site and support ongoing vineyard development (GRAD2022-00009/CBLD2022-00004). The bridge crossing and connecting road were

designed to avoid impacts to Sheepcamp Creek. Based on implementation of Mitigation Measure BIO-1, potential impacts related to erosion and siltation 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 would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could result in flooding on- or off-site. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff resulting in flooding would be *less than significant.*

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

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could exceed the capacity of existing stormwater or drainage systems. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff exceeding stormwater capacity would be *less than significant.*

(c-iv) Impede or redirect flood flows?

Based on the County Flood Hazard Map, the project site is not located within a 100-year flood zone. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Therefore, *no impacts would occur.*

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

The project site is not located within a mapped flood hazard zone or within the County's flood Hazard combining designation (FEMA 2020). According to the DOC's San Luis Obispo County Tsunami Inundation Map, the project site is not within a tsunami inundation area. Seiches occur as a series of standing waves induced by seismic shaking or land sliding into an impounded body of water. The project site is not located near any impounded body of water that would be subject to seiche. The project site is not within a flood hazard, tsunami, or seiche zone and would not risk release of pollutants due to project inundation; therefore, *no impacts* would occur.

(e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The project site is located outside of the Paso Robles Groundwater Basin and other high priority basins and would not be required to comply with sustainable management requirements implemented by the Paso Robles Subbasin Groundwater Sustainability Agency or other agencies. As described above, the project would be served by an existing private well and would not substantially decrease groundwater supply or interfere with groundwater recharge in a manner that could interfere with sustainable groundwater management. The project site is under the jurisdiction of the Central Coast RWQCB and would be subject to the Basin Plan, which establishes water quality objectives and criteria to protect water quality in the Central Coast region (RWQCB 2019). The project would be subject to County LUO Section 22.52.120 to control short- and long-term erosive

runoff from the project site. Additionally, the proposed project would qualify for a small winery discharge waiver through the RWQCB and would be required to comply with the conditions of the RWQCB WDR Order No. R3-2017-0020. The proposed project would construct a new on-site septic system, which would be located more than 100 feet from the on-site wells. The proposed project would be required to comply with County LAMP requirements for the construction and design of septic systems and would be subject to County review and approval prior to building permit issuance to ensure compliance with the Central Coast Basin criteria. Based on required compliance with RWQCB and County regulations, the proposed project would be consistent with water quality protection efforts included in the Central Coast RWQCB Basin Plan and impacts would be *less than significant*.

Conclusion

With implementation of Mitigation Measure BIO-1 and required compliance with RWQCB and the County LUO, the proposed project would not result in adverse impacts related to water quality, groundwater quality, or stormwater runoff. The project site is not within a flood hazard, tsunami, or seiche zone and would not risk release of pollutants due to project inundation. The proposed project would be served by an existing private well and would not substantially decrease groundwater supply or interfere with groundwater recharge in a manner that could interfere with sustainable groundwater management. The proposed project would be consistent with the RWQCB Basin Plan. Therefore, with implementation of the identified mitigation, impacts related to hydrology and water quality would be *less than significant*.

Mitigation

Implement Mitigation Measure BIO-1, HAZ-1, HAZ-2

BIO-1 Best Management Practices (e.g., straw wattles, exclusion fencing, gravel bags or silt fencing, etc.) are required to be installed **prior to the start of construction** to protect the blue-line creek (Sheepcamp Creek) and project boundaries (i.e., areas above steep cliffs) from water quality, runoff, and erosion/sedimentation concerns during project implementation. Erosion and sediment controls shall be installed properly and shall be maintained regularly throughout construction to increase effectiveness. Other Best Management Practices shall also be implemented as necessary and/or as required by project permits (if required), such as avoiding washing, refueling, and maintenance of equipment within 100 feet (unless otherwise noted in project-specific permits) from blue-line creeks (Sheepcamp Creek), regardless, if water is present or absent in the channel.

- All project plans shall show the boundaries of all sensitive resource areas and the location of erosion and sediment controls, delineation of construction limits, and other pertinent measures to ensure the protection of sensitive habitats and resources.
- All equipment and vehicles shall stay within the project limits and staging areas and 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. The staging area shall be located a minimum of 100 feet from the blue-line creeks (Sheepcamp Creek), and all fueling and maintenance activities shall take place in the staging area.
- 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.

- 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.

HAZ-1 **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 **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.

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 *County of San Luis Obispo General Plan Land Use Element* (LUE) 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 County 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 site and surrounding area are primarily designated for Agriculture land uses.

Discussion

(a) Physically divide an established community?

The proposed project would result in the establishment of a new winery facility. The proposed project would improve the existing driveway to provide access to the new facilities. An issued permit for a driveway was issued under major grading permit GRAD2022-00009. The proposed project would not require the construction of off-site improvements or other components that could result in the removal or blockage of existing public roadways or other circulation routes. Further, the proposed project would be limited to an existing parcel and would not include any features that would physically divide an established community. Therefore, the proposed project would not physically divide an established community, and *no impacts* would occur.

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

The project site is located within the Agriculture land use category in the Adelaida Sub Area of the North County Planning Area. As evaluated throughout this Initial Study, the proposed project would be consistent with the property's land use designation and the guidelines and policies for development within the North County Area Plan, County Inland LUO, and County COSE. Further, the proposed project was found to be consistent with standards and policies set forth in the *County of*

San Luis Obispo General Plan, the 2001 CAP, and other land use policies for this area. The proposed project would also be conditioned to be consistent with standards set forth by the County Fire Department, CAL FIRE, and the County Public Works Department. The proposed project would be required to implement Mitigation Measures AQ-1 and AQ-2, BIO-1 through BIO-8, and HAZ-1, HAZ-2 to mitigate potential impacts associated with Air Quality, Biological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Utilities and Service Systems, which is consistent with the identified plans and policies intended to avoid or mitigate adverse environmental effects. Upon implementation of the identified mitigation measures, the proposed project would not conflict with other local policies or regulations adopted for the purpose of avoiding or mitigating environmental effects; therefore, impacts would be *less than significant with mitigation*.

Conclusion

Implementation of the proposed project would not physically divide an established community. Upon implementation of mitigation measures identified throughout this document, the project would be consistent with the County LUO, County COSE, County General Plan, North County Area Plan, 2001 CAP, and other applicable documents. Therefore, impacts would be *less than significant*.

Mitigation

Implement Mitigation Measures AQ-1 and AQ-2, BIO-1 through BIO-8, HAZ-1 and HAZ-2

AQ-1 **During all construction activities** and use of diesel vehicles, the applicant shall implement the following idling control techniques:

17. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
    a. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
    b. Diesel idling when equipment is not in use shall not be permitted;
    c. Use of alternative fueled equipment shall be used whenever possible; and
    d. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.
18. California Diesel Idling Regulations. On-road diesel vehicles shall comply with 13 California Code of Regulations 2485. 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:
    a. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and
    b. Shall not operate a diesel-fueled auxiliary power system (APS) 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 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

AQ-2 **During all construction and ground-disturbing activities**, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

1. Reduce the amount of disturbed area where possible.
2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible.
3. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers, as needed.
4. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities.
5. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast-germinating, non-invasive, grass seed and watered until vegetation is established.
6. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District.
7. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114.
10. "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 (CWC) Section 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.

11. 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.
12. All required PM_{10} mitigation measures should be shown on grading and building plans.
13. 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 San Luis Obispo County Air Pollution Control District'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 San Luis Obispo County Air Pollution Control District Compliance Division prior to the start of any grading, earthwork, or demolition.

BIO-1 Best Management Practices (e.g., straw wattles, exclusion fencing, gravel bags or silt fencing, etc.) are required to be installed **prior to the start of construction** to protect the blue-line creek (Sheepcamp Creek) and project boundaries (i.e., areas above steep cliffs) from water quality, runoff, and erosion/sedimentation concerns during project implementation. Erosion and sediment controls shall be installed properly and shall be maintained regularly throughout construction to increase effectiveness. Other Best Management Practices shall also be implemented as necessary and/or as required by project permits (if required), such as avoiding washing, refueling, and maintenance of equipment within 100 feet (unless otherwise noted in project-specific permits) from blue-line creeks (Sheepcamp Creek), regardless, if water is present or absent in the channel.

- All project plans shall show the boundaries of all sensitive resource areas and the location of erosion and sediment controls, delineation of construction limits, and other pertinent measures to ensure the protection of sensitive habitats and resources.
- All equipment and vehicles shall stay within the project limits and staging areas and 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. The staging area shall be located a minimum of 100 feet from the blue-line creeks (Sheepcamp Creek), and all fueling and maintenance activities shall take place in the staging area.
- 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.
- 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-2 **Prior to initiation of any site preparation/construction activities,** a worker environmental awareness training shall be presented to all construction personnel by a qualified biologist within 30 days prior to initial activity beginning including ground disturbance and/or vegetation removal/trimming. At a minimum, the training shall include information on protection of aquatic resources, nesting birds, and special status species with potential to occur on the site. 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 specific to this project. 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 and provided to the Department of Planning and Building. A fact sheet conveying the information provided in the environmental awareness training will be developed prior to the training and will be provided to all project personnel and the Department of Planning and Building.

BIO-3 **Prior to initiation of any site preparation/construction activities,** if work is planned to occur between February 1 and September 15, a County of San Luis Obispo-qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming and immediately provide the survey to the Department of Planning and Building upon completion. If nesting birds are located on or near the project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active, as detailed below.

13. A 100-foot exclusion zone shall be established around non-listed, passerine species, and a 250-foot exclusion zone shall be established for raptor species. Each exclusion zone shall encircle the nest and have a radius of 100 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all exterior construction activities have been terminated for the current phase of work (e.g., if Phase 1 improvements are completed, exclusion zones may be removed until initiation of site preparation for Phase 2 begins), or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
14. If special-status avian species are identified and nesting within the work area, no work shall begin until an appropriate exclusion zone is determined in consultation with the County of San Luis Obispo and any relevant resource agencies.

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

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming, the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall

be repeated, and a separate survey report shall be prepared and submitted to the County of San Luis Obispo Planning and Building Department.

BIO-4 **During vegetation removal, ground disturbing activities, or working within 50 feet of drainages and in the riparian zone**, if work is planned to occur between October 15 through April 15, a County of San Luis Obispo-qualified biological monitor shall be present onsite. The biologist shall frequently survey the project area for wildlife (especially in the mornings), especially under parked vehicles and heavy equipment.

15. In the event that a species is captured during surveys or construction activities, the biologist will relocate to the nearest suitable habitat outside of the project area. Relocation of federally listed species, such as CRF, requires permits from U.S. Fish and Wildlife Service. Work shall stop in the unlikely event that federal, or state listed species are present, and the appropriate agency shall be contacted.

BIO-5 To the maximum extent feasible, impacts to oak trees shall be avoided and minimized. **Prior to ground disturbing activities,** the following avoidance and minimization measures shall be implemented to address potential impacts to oak trees:

- The canopy edge and trunk location of oak trees located within 50 feet of proposed construction shall be surveyed and placed on all plan sets. The tree map shall be used to protect oak trees during project implementation. The critical root zones of native oak trees shall be defined as an area of root space equivalent to 1.5 times the radius of the canopy dripline.
- Impacts to oak tree canopy or critical root zone should 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 critical 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. Demarcation such signage indicating No-Access-Tree Protection Zone or similar text is adequate.
- All construction activity shall remain outside delineation fencing installed for protection of oak trees.
- A licensed arborist or qualified botanist will be hired to oversee all removal or trimming of existing roots and necessary branch trimming.
- 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-6 **Prior to ground disturbing activities**, a licensed arborist or qualified botanist shall inspect and approve tree protective fencing. In the event that tree protective fencing must be removed

to complete construction activities or if trimming or pruning of oak tree limbs/branches occur, an Arborist or Botanist shall be present and shall map the tree and area of impact in the field and record the activities. Any roots of 1-inch diameter or greater that are exposed during grading that cannot be saved, should be cut clean with a sharp pruning tool, and treated per Arborist direction.

16. Upon completion of work, an As-built Impact Report will be provided to the County that will include an assessment of impacts that occurred. The report will include the number of impacted trees and the type of mitigation recommended to meet the County requirements for impacts to native oak trees.

BIO-7 For oak tree removals or impacts identified in the As-Built Impact Report **during construction activities,** the owner shall provide mitigation (on site if feasible) per the County's guidelines, 4:1 for removals and 2:1 for impacted trees. For California bay trees and California bay woodland habitat, the owner shall provide mitigation (onsite if feasible), 2:1 for removals and 1:1 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/California bay tree mitigation. At a minimum, the plan shall:

- Include a detailed inventory of the species and quantity of all oak trees and/or California bay 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 trees and/or California bay 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. Replacement trees shall be a minimum of one gallon in size, of a local origin, and of the same species as was impacted.
- 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 permit final.

The results of the survey shall be provided to the County of San Luis Obispo Planning and Building Department prior to commencement of initial project activities.

To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than five years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual

basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors in interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of newly planted trees and approved by the Environmental Coordinator.

BIO-8 **Prior to ground disturbing activities,** signage shall be placed along the edge of work limits where they border California bay woodland habitat. The signage shall state "Environmentally Sensitive Area – Do Not Enter". The signage shall be maintained in good condition for the duration of construction**.**

HAZ-1 **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 **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.

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 (Public Resources Code 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 2011a):

- **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 County 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 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.

Information provided by the USGS Mineral Resources Data System confirms that the proposed project does not cross any active mining operations and no significant economic mineral resources have been recorded on site. The proposed project is more than three miles from any existing mines.

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?

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, *no impacts would occur.*

(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?

There are no known or mapped mineral resources in the project area and the likelihood of future mining of important resources within the project area is very low. Therefore, *no impacts would occur.*

Conclusion

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

Mitigation

None necessary.

XIII. NOISE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Result in the 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)	Result in the expose of persons to or the 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, expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Setting

The San Luis Obispo County Noise Element of the 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, 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 (dB). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear.

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

Table 3 – 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.

Discussion

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

The County Land Use Ordinance 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.

The project site is located in a rural area and existing ambient noise in the area primarily consists of intermittent vehicle noise along nearby roadways. During project construction, noise from construction activities may intermittently dominate the noise environment in the immediate project area. The proposed project would require the use of typical construction equipment (dozers, excavators, etc.) during construction activities. According to the Federal Highway Administration (FHWA), noise from standard construction equipment generally ranges from 80 dBA to 85 dBA at 50 feet from the source, as shown in Table 4.

Table 4. Construction Equipment Noise Emission Levels

Equipment Type	Typical Noise Level (dBA) 50 Feet from Source
Concrete Mixer, Dozer, Excavator, Jackhammer, Man Lift, Paver, Scraper	85

Heavy Truck	84
Crane, Mobile	83
Concrete Pump	82
Backhoe, Compactor	80

Source: FHWA 2018

The proposed project would not include special events that would generate amplified music or other noise. Proposed wine production activities (i.e., crushing) would be conducted within the proposed exterior crush pad and other indoor work areas and would be sited away from off-site residences. Based on proposed design features of the project, operational noise would be consistent with the County's Noise Standards (LUO Section 22.10.120). The proposed project would not generate a substantial increase in temporary or permanent ambient noise levels; therefore, potential impacts would be *less than significant*.

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

The project does not propose substantial grading/earthmoving activities, pile driving, or other high impact activities that would generate substantial groundborne noise or groundborne vibration during construction. Construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited in duration and are not likely to be perceptible from adjacent areas. The project does not propose a use that would generate long-term operational groundborne noise or vibration. According to County LUO Section 22.10.170, construction-related vibration is exempt from the County's vibration standards between the hours of 7:00 a.m. and 9:00 p.m. 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 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 County LUO standards. No long-term operational noise or ground vibration would occur as a result of the project. Therefore, potential impacts related to noise would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

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 *County of San Luis Obispo General Plan 2020-2028 Housing Element* is intended to facilitate the provision of needed housing in the context of the *County of San Luis Obispo General Plan Land Use and Circulation Element* (LUCE) and the related County LUO. It is also intended to meet the requirements of state law. It contains relevant goals, objectives, policies, and implementation programs to ensure the County meets its

Discussion

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

The proposed project does not include the construction of new residential land uses that could result in direct population growth within the County. The proposed project would establish a winery facility. Operation of the proposed project would require 4 full-time employees which are expected to be filled by the local workforce. The proposed project would not result in a substantial number of new employment opportunities that could facilitate indirect growth in the project area. The proposed project would include road and utility improvements at the project site, which would be limited to use by the employees, visitors, and existing residents and would not result in expanded infrastructure that could otherwise facilitate additional or unplanned growth in the project area. Construction of the proposed project has the potential to increase temporary construction-related employment opportunities; however, temporary employment opportunities are also anticipated to be filled by the local workforce and would not result in a substantial population increase within the county. Implementation of the proposed project would result in a marginal increase in long-term employment opportunities and would not result in substantial or unplanned growth in the county; therefore, impacts would be *less than significant*.

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

There are not people or housing on the project site, and the proposed project would not result in the removal or displacement of existing structures or people. *No impacts* would occur.

Conclusion

The proposed project would not result in substantial or unplanned population growth and would not displace existing housing or necessitate the construction of replacement housing elsewhere. Therefore, potential impacts related to population and housing would be less than significant and mitigation is not necessary.

Mitigation

None necessary.

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 nearest station to the project site is CAL FIRE / San Luis Obispo County Fire Station 30, located approximately 5 miles northeast of the project site. According to the County's Land Use View, emergency response times to the project range from 5 to 10 minutes.

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: Coast Station in Los Osos, North Station in Templeton, and South Station in Oceano. The project would be served by the North Station in Templeton, located approximately 4 miles south of the project site.

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

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

Public facilities fees, Quimby fees, and developer conditions are several methods the County currently employs to fund 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 (California Government Code Section 65995 et seq.). The fee amounts are assessed annually by the County based on the type of proposed development and the development's proportional impact and are collected at the time of building permit issuance. Public facility fees are used as needed to finance the construction of and/or improvements to public facilities required to serve new development, including fire protection, law enforcement, schools, parks, and roads.

Discussion

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

Fire protection?
The project does not include the development of new residential land uses that could facilitate direct population growth and substantially increase demand on existing fire protection services. The project would require 4 full-time employees, which would result in a marginal increase in demand on existing fire protection services. Based on the limited increase in demand on fire protection services, the project would not require or otherwise facilitate the need for additional or expanded fire protection services and impacts would be *less than significant*.

Police protection?
The project does not include the development of new residential land uses that could facilitate direct population growth within the area. The project would generate 4 full-time employment opportunities, which would be expected to be filled by the local workforce. Therefore, implementation of the project would not facilitate population growth in a manner that could increase demand on police protection services. The proposed project would not require or otherwise facilitate the need for additional or expanded police protection services; therefore, impacts would be *less than significant*.

Schools?
The project does not include the construction of new residential or other land uses that could increase the number of school-aged children in the project area. The project would require 4 full-time employees, which would primarily be filled by the local workforce. Therefore, the project would not facilitate an increase in school-aged children in the project area, and *no impacts* would occur.

Parks?
The project does not include the construction of new residential land uses or other components that could facilitate a substantial increase in permanent population growth in the project area. The

project would be limited to the operation of a winery and bed and breakfast inn, which would require 4 employees. Employees are anticipated to be sourced from the local workforce and would not result in a significant number of new permanent residents that could increase demand on existing public parks. Therefore, the project would not facilitate the need for new or expanded recreational facilities, and impacts would be *less than significant*.

Other public facilities?
The proposed project would result in a limited number of additional employment opportunities, which are expected to be filled by the existing local workforce. Therefore, the project would not facilitate the need for additional or expanded public services, and potential impacts would be *less than significant*.

Conclusion

The project would result in limited, if any, population growth and would not result in a substantial increase in demand on public services and facilities. Therefore, potential impacts related to public services would be less than significant and mitigation would not be required.

Mitigation

None necessary

XVI. RECREATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	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)	Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Setting

The *County of San Luis Obispo General Plan Parks and Recreation Element* 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. 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 methods the County currently employs to fund public parks and recreational facilities. Public facility fees are collected upon construction of new residential units and currently provide funding for new community-serving recreational 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 Parks and 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 toward 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. The project site is located in a rural area and the nearest bicycle facilities are located approximately 5 miles east in the city of Paso Robles.

Initial Study – Environmental Checklist

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 does not include the construction of new residential or other land uses that could facilitate substantial population growth. The project would require 4 full-time employees, which are anticipated to be drawn from the local workforce. The project would not facilitate substantial population growth that could increase the use of existing recreational facilities in a manner that could result in physical deterioration; therefore, potential impacts would be *less than significant*.

(b) Would 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 development of new or expanded recreational facilities; therefore, *no impacts* related to adverse physical effects on the environment as a result of construction or expansion of recreational facilities would occur.

Conclusion

The project would not increase the use of existing recreational facilities in a manner that would result in physical deterioration and does not include the construction of new or expanded recreational facilities that could result in adverse environmental impacts. Therefore, potential impacts related to recreation would be less than significant and mitigation would not be necessary.

Mitigation

None necessary.

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)	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 San Luis Obispo Council of Governments (SLOCOG) holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA), SLOCOG is responsible for conducting a comprehensive, coordinated transportation program; preparing an RTP; programming state funds for transportation projects; and administering and allocating transportation development act funds required by state statutes. The 2023 RTP, adopted June 2023, is a long-term blueprint of San Luis Obispo County's transportation system. The plan identifies and analyzes transportation needs of the region and creates a framework for project priorities. SLOCOG represents and works with the County as well as the cities within the county in facilitating the development of the RTP.

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 California Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within the framework of the CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3[b]). The County has developed a VMT Program that provides interim operating thresholds and includes a screening tool for evaluating VMT impacts (Transportation Impact Analysis Guidelines; Rincon Consultants, October 2020 & VMT Thresholds Study; GHD, March 2021).

The County's Framework for Planning (Inland) includes the County LUCE. 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.

The County Public Works Department 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 studies include the South County, Los Osos, Templeton, San Miguel, Avila, and North Coast Circulation Studies. Caltrans maintains annual traffic data on state highways and interchanges within the county.

The project site is accessed via a private driveway off of Vineyard Drive. Vineyard Drive is a County-maintained roadway. A major grading permit has been issued for this site under GRAD2022-00009 to construct a road/driveway off of Vineyard Drive to serve existing agricultural operations and water tanks. This project was conditioned to comply with the standards for agricultural uses. Part of this project includes road improvement to Cal Fire commercial standards. Figure 5 shows the view from the project site onto Vineyard Drive, looking north and south.

LOOKING NORTHERLY FROM THE PROPOSED ACCESS

LOOKING SOUTHERLY FROM THE PROPOSED ACCESS

Figure 5. View from Access Road to Vineyard Drive *Imagery provided by October 13, 2022 Road Safety Audit*

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

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. Marginal increases in traffic can be accommodated by existing local streets and the project would not result in any long-term changes in traffic or circulation. The project does not propose uses that would interfere or conflict with applicable policies related to circulation, transit, roadway, bicycle, or pedestrian systems or facilities. The proposed project would not include a Special Event Program that could generate a significant number of vehicle trips to and from the site. Therefore, the proposed project would not conflict with a program plan, ordinance, or policy addressing the circulation system, and impacts would be *less than significant*.

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

Based on the *Technical Advisory on Evaluating Transportation Impacts in CEQA*, projects that do not indicate substantial evidence that a project would generate a potentially significant level of VMT, that are consistent with an SCS or general plan, or that would generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact (OPR 2018).

The County has developed a VMT Program that provides interim operating thresholds and includes a screening tool for evaluating VMT impacts (Transportation Impact Analysis Guidelines; Rincon Consultants, October 2020 & VMT Thresholds Study; GHD, March 2021). Implementation of the proposed project would establish a winery facility and would not establish a new land use on-site. The proposed project would generate an annual case production of 10,000 cases per year. A trip generation analysis using the County's typical trip generation rates indicates that the proposed project would generate one additional general public peak hour trip, four other peak hour trips, twenty truck trips during harvest, and no special event trips (Orosz, 2022). Implementation of the proposed project would expand production capabilities and allow current off-site production activities to be conducted on-site, reducing the number of annual truck trips to and from the site. Based on analysis using CALEEMOD, the project would generate a daily maximum of approximately 13.3 trips and 160.71 vehicle miles traveled, which is approximately 12.3 vehicle miles per trip. Therefore, the project would not generate vehicle miles travelled above the County's threshold of 25.7 vehicle miles per trip as identified in the County's VMT Thresholds Study, and 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)?*

The project is expected to generate a total of one (1) general public peak hour trip and four (4) other peak hour trips. The Roadway Safety Audit performed by Orosz Engineering Group (2022) concluded that the project meets or exceeds sight distance standards and did not identify safety issues at the project access driveway. With two reported crashes within 1.0 mile of the site access, the crash rate for this segment is well below the average for similar highways. Figure 5 depicts current sight conditions from the project site looking onto Vineyard Drive. The project includes a site access design in compliance with County Standard B-1e approach for commercial driveways. The project

would not change roadway design and does not include geometric design features that would create new hazards or an incompatible use. Therefore, *no impacts would occur*.

(d) Result in inadequate emergency access?

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 *no impacts would occur*.

Conclusion

The proposed project would be consistent with the 2023 RTP, County Bikeways Plan, and County Circulation Element, and would not generate vehicle trips that would result in an exceedance of existing VMT thresholds. In addition, the proposed project would be consistent with CAL FIRE and County Public Works standards for site access and driveway design; therefore, impacts related to transportation would be less than significant and mitigation is not required.

Mitigation

None necessary.

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 California Register of Historical Resources; or
    b. Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code Section 5020.1.

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

Recognizing that tribes have 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.

On December 6, 2022 the project was referred to four tribes, the Northern Chumash Tribal Council, Salinan Tribe of San Luis Obispo and Monterey Counties, Xolon Salinan Tribe, and Yak Tityu Tityu Yak Tilhini Norther Chumash Tribe. As of today, no comments or request for consultation has been received from any tribe.

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)?

(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.

Pursuant to AB 52, the County provided notice to local California native tribes with geographic and/or cultural ties to the project region. Referral letters were sent to tribal representatives on December 6, 2022. No consultation has been requested as of the date of this Initial Study.

The proposed project would be required to comply with County LUO Section 22.10.040 in the event of inadvertent discovery of a cultural resource. Per LUO Section 22.10.040, in the event an unknown cultural resource site is encountered, all work within the vicinity of the find must be halted until a qualified archaeologist is retained to evaluate the nature, integrity, and significance of the find. In addition, the proposed project would be required to comply with Health and Safety Code Section 7050.5, which identifies the proper protocol in the event of inadvertent discovery of human remains, including the cessation of work within the vicinity of the discovery, identification of human remains by a qualified coroner, and contact with the NAHC if the remains are identified to be of Native American descent. Based on required compliance with the County LUO and Health and Safety Code Section 7050.5, the proposed project is not anticipated to result in adverse impacts to known or unknown cultural archaeological resources and impacts would be *less than significant.*

he project site does not contain any resources determined by the County to be a potentially significant tribal cultural resource. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO 22.10.040). Therefore, potential impacts would be *less than significant*.

Conclusion

Based on compliance with the County LUO and Health and Safety Code Section 7050.5, impacts related to tribal cultural resources would be less than significant.

Mitigation

None necessary.

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

Per the County's Stormwater Program, the County Public Works Department 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.

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 site is currently serviced by Mid-State Solid Waste and Recycling and the Paso Robles Landfill.

The project site is not located within a defined groundwater basin per the California Department of Water Resources Bulletin 118. Instead, the project site and surrounding area rely on groundwater from fractured rock and non-basin areas. The San Luis Obispo County Flood Control and Water Conservation District is coordinating with the U.S. Geological Survey (USGS) and the Upper Salinas-Las Tablas Resource Conservation District (RCD) to conduct a groundwater study in the Adelaida area west of the City of Paso Robles. The goal of this study is to provide a better understanding of the groundwater conditions in the Adelaida area so that informed decisions can be made about managing local water resources.

There is an existing well located west of the existing winery facility that provides water for existing on-site uses. Existing utility infrastructure is limited to the on-site winery and vineyards. Electricity is currently provided by PG&E and natural gas is provided by SoCalGas.

Discussion

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

The proposed project would require the construction of expanded wastewater, drainage, electrical, and natural gas infrastructure and installation of an on-site septic system and leach field. Proposed utility infrastructure would be constructed and installed within the footprint of the project site. As evaluated throughout this Initial Study, the proposed project has the potential to result in adverse impacts related to Air Quality, Biological Resources, Hazards and Hazardous Materials, and Hydrology and Water Quality. Mitigation Measures AQ-1 and AQ-2, BIO-1 through BIO-8, and HAZ-1, HAZ-2 have been included to avoid and/or minimize adverse impacts to less-than-significant levels. Therefore, upon implementation of the identified mitigation measures, installation of utility infrastructure is not anticipated to result in adverse impacts to the environment; therefore, potential impacts would be *less than significant with mitigation*.

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

The proposed project would draw water from an on-site well. The proposed project would result in an increase the demand on groundwater for employees and visitors and for water used for wine production and landscape irrigation. The proposed project would provide three (3) 15,500-gallon water tanks to provide emergency and fire protection water. According to the Water Demand Analysis prepared for the project by Cleath-Harris Geologists, Inc. (2022), the new winery and associated activities would result in a water demand of 0.95 AFY. Almost all indoor water use for the tasting room and employees will drain to the onsite septic system and discharge though leach fields as return flow to groundwater. Winery process water (mainly barrel and tank rinsing) will be collected, treated, and recycled onsite to offset other water demands for vineyard irrigation and dust control. Only the landscape irrigation (evapotranspiration) component of the estimated project water demand is effectively consumptive use. Therefore, approximately 30 percent of the project

water demand will be consumed, with the remaining 70 percent recharging groundwater as either return flow or in-lieu recharge (other water demand offset). Therefore, the on-site well would have adequate supply to serve the project and impacts would be *less than significant*.

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

The project would not substantially increase demands on existing wastewater collection, treatment, and disposal facilities. The project does not include new connections to wastewater treatment facilities; therefore, *no impact 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 proposed project would require 3,070 cubic yards of cut and 2,210 cubic yards of fill for grading and construction; however, excavated soils would be balanced on-site and would not generate a substantial amount of construction-related spoils for offsite hauling and disposal. Further, according to the County's Integrated Waste Management Authority (IWMA), construction waste would be subject to CALGreen Sections 4.408 and 5.408, which requires diversion of at least 75% of construction waste (San Luis Obispo County Integrated Waste Management Authority [IWMA] 2022). Based on required compliance with CALGreen regulations, construction of the proposed project would not generate solid waste in excess of local infrastructure capacity.

Implementation of the proposed project would result in an expanded winery facility which has the potential to increase solid waste generated at the project site. Green waste generated by wine production activities would be used as fertilizer in accordance with County Health Department Standards and would not require off-site disposal. Other solid waste generated by the proposed project would be collected by Mid-State Solid Waste and Recycling and disposed of at the Paso Robles Landfill, which are fully compliant with state and local requirements for solid waste disposal. Paso Robles Landfill would have adequate available capacity to accommodate the increase of solid waste; therefore, impacts would be *less than significant*.

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

The proposed project would continue to be serviced by Mid-State Solid Waste and Recycling and the Paso Robles Landfill, which are fully compliant with existing state and local regulations related to disposal of solid waste. As evaluated above, based on required compliance with CALGreen regulations, construction of the proposed project is not expected to generate solid waste in excess of state or county regulations. In addition, the proposed project would reuse green waste generated by wine production activities as fertilizer on-site and would be required to comply with County Health Department standards. Therefore, the proposed project is not anticipated to generate a substantial amount of solid waste during construction or operations, which would be consistent with federal, state, and local solid waste reduction goals. Project impacts would be *less than significant*.

Conclusion

The proposed project would require the expansion and installation of utility infrastructure to support proposed development. Implementation of Mitigation Measures AQ-1, AQ-2, BIO-1 through BIO-7, and HAZ-

1, HAZ-2 would reduce potential adverse environmental impacts to less-than-significant levels. Water would be provided by an on-site well which would have adequate supply to provide water for the proposed project. The proposed project would not require connection to a wastewater provider. The proposed project would not generate solid waste in exceedance of state or county regulations. Therefore, upon implementation of the identified mitigation measures, potential impacts would be less than significant.

Mitigation

Implement Mitigation Measures AQ-1, AQ-2, BIO-1 through BIO-8, and HAZ-1, HAZ-2

AQ-1 **During all construction activities** and use of diesel vehicles, the applicant shall implement the following idling control techniques:

17. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
    a. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
    b. Diesel idling when equipment is not in use shall not be permitted;
    c. Use of alternative fueled equipment shall be used whenever possible; and
    d. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.
18. California Diesel Idling Regulations. On-road diesel vehicles shall comply with 13 California Code of Regulations 2485. 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:
    a. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and
    b. Shall not operate a diesel-fueled auxiliary power system (APS) 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 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

AQ-2 **During all construction and ground-disturbing activities**, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

19. Reduce the amount of disturbed area where possible.
20. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible.

21. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers, as needed.
22. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities.
23. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast-germinating, non-invasive, grass seed and watered until vegetation is established.
24. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District.
25. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
26. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
27. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114.
28. "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 (CWC) Section 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.
29. 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.
30. All required PM_{10} mitigation measures should be shown on grading and building plans.

13. 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 San Luis Obispo County Air Pollution Control District'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 San Luis Obispo County Air Pollution Control District Compliance Division prior to the start of any grading, earthwork, or demolition.

BIO-1 Best Management Practices (e.g., straw wattles, exclusion fencing, gravel bags or silt fencing, etc.) are required to be installed **prior to the start of construction** to protect the blue-line creek (Sheepcamp Creek) and project boundaries (i.e., areas above steep cliffs) from water quality, runoff, and erosion/sedimentation concerns during project implementation. Erosion and sediment controls shall be installed properly and shall be maintained regularly throughout construction to increase effectiveness. Other Best Management Practices shall also be implemented as necessary and/or as required by project permits (if required), such as avoiding washing, refueling, and maintenance of equipment within 100 feet (unless otherwise noted in project-specific permits) from blue-line creeks (Sheepcamp Creek), regardless, if water is present or absent in the channel.

- All project plans shall show the boundaries of all sensitive resource areas and the location of erosion and sediment controls, delineation of construction limits, and other pertinent measures to ensure the protection of sensitive habitats and resources.
- All equipment and vehicles shall stay within the project limits and staging areas and 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. The staging area shall be located a minimum of 100 feet from the blue-line creeks (Sheepcamp Creek), and all fueling and maintenance activities shall take place in the staging area.
- 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.
- 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-2 **Prior to initiation of any site preparation/construction activities,** a worker environmental awareness training shall be presented to all construction personnel by a qualified biologist within 30 days prior to initial activity beginning including ground disturbance and/or vegetation removal/trimming. At a minimum, the training shall include information on protection of aquatic resources, nesting birds, and special status species with potential to occur on the site. 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 specific to this project. 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 and provided to the Department of Planning and Building. A fact sheet conveying the information provided in the environmental awareness training will be developed prior to the training and will be provided to all project personnel and the Department of Planning and Building.

BIO-3 **Prior to initiation of any site preparation/construction activities,** if work is planned to occur between February 1 and September 15, a County of San Luis Obispo-qualified biologist

shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming and immediately provide the survey to the Department of Planning and Building upon completion. If nesting birds are located on or near the project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active, as detailed below.

31. A 100-foot exclusion zone shall be established around non-listed, passerine species, and a 250-foot exclusion zone shall be established for raptor species. Each exclusion zone shall encircle the nest and have a radius of 100 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all exterior construction activities have been terminated for the current phase of work (e.g., if Phase 1 improvements are completed, exclusion zones may be removed until initiation of site preparation for Phase 2 begins), or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
32. If special-status avian species are identified and nesting within the work area, no work shall begin until an appropriate exclusion zone is determined in consultation with the County of San Luis Obispo and any relevant resource agencies.

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

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming, the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated, and a separate survey report shall be prepared and submitted to the County of San Luis Obispo Planning and Building Department.

BIO-4 **During vegetation removal, ground disturbing activities, or working within 50 feet of drainages and in the riparian zone**, if work is planned to occur between October 15 through April 15, a County of San Luis Obispo-qualified biological monitor shall be present onsite. The biologist shall frequently survey the project area for wildlife (especially in the mornings), especially under parked vehicles and heavy equipment.

33. In the event that a species is captured during surveys or construction activities, the biologist will relocate to the nearest suitable habitat outside of the project area. Relocation of federally listed species, such as CRF, requires permits from U.S. Fish and Wildlife Service. Work shall stop in the unlikely event that federal, or state listed species are present, and the appropriate agency shall be contacted.

BIO-5 To the maximum extent feasible, impacts to oak trees shall be avoided and minimized. **Prior to ground disturbing activities,** the following avoidance and minimization measures shall be implemented to address potential impacts to oak trees:

- The canopy edge and trunk location of oak trees located within 50 feet of proposed construction shall be surveyed and placed on all plan sets. The tree map shall be used to protect oak trees during project implementation. The critical root zones of native oak trees shall be defined as an area of root space equivalent to 1.5 times the radius of the canopy dripline.
- Impacts to oak tree canopy or critical root zone should 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 critical 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. Demarcation such signage indicating No-Access-Tree Protection Zone or similar text is adequate.
- All construction activity shall remain outside delineation fencing installed for protection of oak trees.
- A licensed arborist or qualified botanist will be hired to oversee all removal or trimming of existing roots and necessary branch trimming.
- 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-6 **Prior to ground disturbing activities**, a licensed arborist or qualified botanist shall inspect and approve tree protective fencing. In the event that tree protective fencing must be removed to complete construction activities or if trimming or pruning of oak tree limbs/branches occur, an Arborist or Botanist shall be present and shall map the tree and area of impact in the field and record the activities. Any roots of 1-inch diameter or greater that are exposed during grading that cannot be saved, should be cut clean with a sharp pruning tool, and treated per Arborist direction.

34. Upon completion of work, an As-built Impact Report will be provided to the County that will include an assessment of impacts that occurred. The report will include the number of impacted trees and the type of mitigation recommended to meet the County requirements for impacts to native oak trees.

BIO-7 For oak tree removals or impacts identified in the As-Built Impact Report **during construction activities,** the owner shall provide mitigation (on site if feasible) per the County's guidelines, 4:1 for removals and 2:1 for impacted trees. For California bay trees and California bay woodland habitat, the owner shall provide mitigation (onsite if feasible), 2:1 for removals and 1:1 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/California bay tree mitigation. At a minimum, the plan shall:

- Include a detailed inventory of the species and quantity of all oak trees and/or California bay 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 trees and/or California bay 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. Replacement trees shall be a minimum of one gallon in size, of a local origin, and of the same species as was impacted.
- 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 permit final.

The results of the survey shall be provided to the County of San Luis Obispo Planning and Building Department prior to commencement of initial project activities.

To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than five years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors in interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of newly planted trees and approved by the Environmental Coordinator.

BIO-8 **Prior to ground disturbing activities,** signage shall be placed along the edge of work limits where they border California bay woodland habitat. The signage shall state "Environmentally Sensitive Area – Do Not Enter". The signage shall be maintained in good condition for the duration of construction**.**

HAZ-1 **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 **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.

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

On-Site Conditions and Surrounding Land Uses

The project area is characterized by rural land with slightly to steeply sloping topography. The project site consists of a 20.74-acre parcel surrounded by vineyard, annual grassland, and native and non-native trees and shrubs. Surrounding land uses include rural areas that support scattered single-family residences and agricultural uses.

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.

CAL FIRE Hazard Severity Zones

FHSZs are defined by CAL FIRE 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. 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, from Monterey County in the north to Santa Barbara County in the south. A lack of designation does not mean the area cannot experience a damaging fire; rather, it indicates that the probability is reduced, generally because the number of days a year that the area has "fire weather" is less than in moderate, high, or very high FHSZs. According to the CAL FIRE FHSZ viewer, the project site is located within an SRA within a high FHSZ (CAL FIRE 2022).

County Emergency Operations Plan

The County has prepared an EOP to outline the emergency measures that are essential for protecting the 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. 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 on 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.

County Safety Element

The County 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, the development and implementation of mitigation efforts to reduce the threat of fire, requiring fire-resistant material to 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.

California Fire Code

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

Discussion

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

The project site and surrounding area is located within a high FHSZ (CAL FIRE 2022). Implementation of the proposed project is not anticipated to require any permanent road closures or traffic controls that could result in notable impacts to emergency response or evacuation efforts in the project area.

The project site is currently accessed via an existing driveway from Vineyard Drive. The existing roadway would be widened provide access to the proposed winery facility. Proposed driveway improvements would be required to comply with County Public Works Department and CAL FIRE standards to ensure adequate emergency access and public ingress and egress at the site. In addition, per CAL FIRE recommendations, a 10-foot defensible space buffer would be implemented around the proposed driveway to ensure safe ingress and egress from the site in the event of a fire. In addition, the proposed project would not result in a substantial number of new vehicle trips to the site that could otherwise impede emergency response or evacuation efforts in the area. Therefore, the proposed project is not anticipated to interfere with an emergency response or evacuation plan and impacts would be *less than significant*.

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

The project site and surrounding area is characterized by gently to steeply sloping topography within a high FHSZ (CAL FIRE 2022). Proposed occupiable buildings would be required to comply with CFC and CBC requirements to reduce risk associated with wildfire ignition and exposure of project occupants to wildfire risk. In addition, the proposed project would be required to comply with design requirements identified by CAL FIRE to ensure adequate ability to provide fire protection services to the project site, including, but not limited to, water storage tanks, fire hydrants, and emergency access requirements. The proposed project would install 3 15,500-gallon water storage tanks, fire hydrants, and construct driveway improvements in accordance with CAL FIRE requirements. The proposed project would also be required to establish 100 feet of defensible space around all structures and 10 feet of defensible space around the proposed driveway extension in accordance with CAL FIRE and PRC Section 4291. Based on required compliance with CFC, CBC, PRC, and CAL FIRE requirements, the proposed project is not anticipated to significantly exacerbate wildfire risks or expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; therefore, 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?

The proposed project would result in the construction of driveway improvements and expansion of utility infrastructure within a high FHSZ (CAL FIRE 2022). In accordance with CAL FIRE recommendations, the proposed project would be required to implement a 10-foot defensible space buffer around the access driveway to reduce risk of wildfire to travelers along the roadway. Proposed utility expansions would be constructed in accordance with applicable CFC and CBC to reduce wildfire risk associated with installation of utility infrastructure. In addition, proposed utility infrastructure would primarily be installed underground, which would further reduce the risk of accidental wildfire ignition at the project site. Based on required compliance with applicable CFC, CBC, and CAL FIRE requirements, implementation of utility and roadway extensions at the site is not anticipated to exacerbate wildfire risk; 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?

As previously described, the project site and surrounding area consists of gently to steeply sloping topography within a high FHSZ, and the southwestern portion of the project site is identified as an area with moderate potential for landslide to occur. As such, there is potential for post-fire ground-failure events to occur in the event of wildfire at the site. The proposed project would be required to comply with applicable CBC, CFC, and CAL FIRE requirements to reduce the potential to exacerbate the risk of wildfire occurrence at the site. In addition, proposed occupiable buildings would be required to comply with the most recent CBC and other applicable engineering standards to reduce the risk associated with potential landslides. The proposed project would not be sited in an area that would expose people or structures to significant risk associated with flooding. Based on required compliance with CBC, CFC, and CAL FIRE requirements for development, the proposed project is not anticipated to expose people or structures to significant risks associated with post-fire ground-failure events; therefore, impacts would *be less than significant*.

Conclusion

The project site is located within a high FHSZ within an SRA. Based on required compliance with CFC, CBC, PRC, CAL FIRE, and County Public Works Department development requirements for the construction of occupiable buildings and structures and associated site improvements, the proposed project and associated activities would not result in significant adverse impacts related to wildfire; therefore, mitigation is not necessary.

Mitigation

None necessary.

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?*

The project has the potential to impact biological resources, as discussed in each resource section above. Mitigation measures BIO-1 through BIO-7 would reduce impacts to less than significant levels. With the implementation of the proposed mitigation measures, the project would not result in significant impacts to biological resources and would not significantly 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.*

(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)?

Based on the nature of proposed development and the analysis provided in resource sections above, and when added to the other projects in the region, the proposed project would have the potential to result in cumulative environmental impacts associated with Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Utility and Service Systems, and Hydrology and Water Quality that could have a cumulative effect with other development projects in the project region. Mitigation Measures AQ-1 and AQ-2, BIO-1 through BIO-8, HAZ-1 and HAZ 2 have been identified to reduce potential environmental impacts associated with the project to a less-than-significant level. Other past and future development projects requiring a discretionary permit in the project region would also be subject to applicable mitigation measures to reduce potential impacts associated with these impact issue areas. Therefore, based on the implementation of project-level mitigation measures and discretionary review and CEQA review of other projects within the project area, potential impacts would be *less than cumulatively considerable with mitigation*.

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

Based on the nature and scale of proposed development and the analysis provided in individual resource sections above, the proposed project has the potential to have environmental effects that could result in substantial adverse effects on human beings. Potential impacts associated with Air Quality and Hazards and Hazardous Materials would be reduced to less-than-significant levels with the implementation of Mitigation Measures AQ-1, AQ-2 and HAZ-1, HAZ-2. Therefore, potential impacts associated with environmental effects that would cause substantial adverse effects on human beings would be *less than significant with mitigation*.

Conclusion

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

Mitigation

Implementation of Mitigation Measures AQ-1 and AQ-2, BIO-1 through BIO-8, HAZ-1 and HAZ 2.

AQ-1 **During all construction activities** and use of diesel vehicles, the applicant shall implement the following idling control techniques:

35. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
    a. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
    b. Diesel idling when equipment is not in use shall not be permitted;
    c. Use of alternative fueled equipment shall be used whenever possible; and

d. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.

36. California Diesel Idling Regulations. On-road diesel vehicles shall comply with 13 California Code of Regulations 2485. 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:

    a. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and
    b. Shall not operate a diesel-fueled auxiliary power system (APS) 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 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

AQ-2 **During all construction and ground-disturbing activities**, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

37. Reduce the amount of disturbed area where possible.
38. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible.
39. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers, as needed.
40. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities.
41. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast-germinating, non-invasive, grass seed and watered until vegetation is established.
42. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District.

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

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

45. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114.

46. "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 (CWC) Section 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.

47. 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.

48. All required PM_{10} mitigation measures should be shown on grading and building plans.

13. 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 San Luis Obispo County Air Pollution Control District'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 San Luis Obispo County Air Pollution Control District Compliance Division prior to the start of any grading, earthwork, or demolition.

BIO-1 Best Management Practices (e.g., straw wattles, exclusion fencing, gravel bags or silt fencing, etc.) are required to be installed **prior to the start of construction** to protect the blue-line creek (Sheepcamp Creek) and project boundaries (i.e., areas above steep cliffs) from water quality, runoff, and erosion/sedimentation concerns during project implementation. Erosion and sediment controls shall be installed properly and shall be maintained regularly throughout construction to increase effectiveness. Other Best Management Practices shall also be implemented as necessary and/or as required by project permits (if required), such as avoiding washing, refueling, and maintenance of equipment within 100 feet (unless otherwise noted in project-specific permits) from blue-line creeks (Sheepcamp Creek), regardless, if water is present or absent in the channel.

- All project plans shall show the boundaries of all sensitive resource areas and the location of erosion and sediment controls, delineation of construction limits, and other pertinent measures to ensure the protection of sensitive habitats and resources.
- All equipment and vehicles shall stay within the project limits and staging areas and 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. The staging area shall be located a minimum of 100 feet from the blue-line creeks (Sheepcamp Creek), and all fueling and maintenance activities shall take place in the staging area.
- 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.
- 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-2 **Prior to initiation of any site preparation/construction activities,** a worker environmental awareness training shall be presented to all construction personnel by a qualified biologist within 30 days prior to initial activity beginning including ground disturbance and/or vegetation removal/trimming. At a minimum, the training shall include information on protection of aquatic resources, nesting birds, and special status species with potential to occur on the site. 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 specific to this project. 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 and provided to the Department of Planning and Building. A fact sheet conveying the information provided in the environmental awareness training will be developed prior to the training and will be provided to all project personnel and the Department of Planning and Building.

BIO-3 **Prior to initiation of any site preparation/construction activities,** if work is planned to occur between February 1 and September 15, a County of San Luis Obispo-qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming and immediately provide the survey to the Department of Planning and Building upon completion. If nesting birds are located on or near the project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active, as detailed below.

49. A 100-foot exclusion zone shall be established around non-listed, passerine species, and a 250-foot exclusion zone shall be established for raptor species. Each exclusion zone shall encircle the nest and have a radius of 100 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all exterior construction activities have been terminated for the current phase of work (e.g., if Phase 1 improvements are

completed, exclusion zones may be removed until initiation of site preparation for Phase 2 begins), or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

50. If special-status avian species are identified and nesting within the work area, no work shall begin until an appropriate exclusion zone is determined in consultation with the County of San Luis Obispo and any relevant resource agencies.

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

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming, the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated, and a separate survey report shall be prepared and submitted to the County of San Luis Obispo Planning and Building Department.

BIO-4 **During vegetation removal, ground disturbing activities, or working within 50 feet of drainages and in the riparian zone**, if work is planned to occur between October 15 through April 15, a County of San Luis Obispo-qualified biological monitor shall be present onsite. The biologist shall frequently survey the project area for wildlife (especially in the mornings), especially under parked vehicles and heavy equipment.

51. In the event that a species is captured during surveys or construction activities, the biologist will relocate to the nearest suitable habitat outside of the project area. Relocation of federally listed species, such as CRF, requires permits from U.S. Fish and Wildlife Service. Work shall stop in the unlikely event that federal, or state listed species are present, and the appropriate agency shall be contacted.

BIO-5 To the maximum extent feasible, impacts to oak trees shall be avoided and minimized. **Prior to ground disturbing activities,** the following avoidance and minimization measures shall be implemented to address potential impacts to oak trees:

- The canopy edge and trunk location of oak trees located within 50 feet of proposed construction shall be surveyed and placed on all plan sets. The tree map shall be used to protect oak trees during project implementation. The critical root zones of native oak trees shall be defined as an area of root space equivalent to 1.5 times the radius of the canopy dripline.
- Impacts to oak tree canopy or critical root zone should 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 critical 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. Demarcation such signage indicating No-Access-Tree Protection Zone or similar text is adequate.
- All construction activity shall remain outside delineation fencing installed for protection of oak trees.
- A licensed arborist or qualified botanist will be hired to oversee all removal or trimming of existing roots and necessary branch trimming.
- 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-6 **Prior to ground disturbing activities**, a licensed arborist or qualified botanist shall inspect and approve tree protective fencing. In the event that tree protective fencing must be removed to complete construction activities or if trimming or pruning of oak tree limbs/branches occur, an Arborist or Botanist shall be present and shall map the tree and area of impact in the field and record the activities. Any roots of 1-inch diameter or greater that are exposed during grading that cannot be saved, should be cut clean with a sharp pruning tool, and treated per Arborist direction.

52. Upon completion of work, an As-built Impact Report will be provided to the County that will include an assessment of impacts that occurred. The report will include the number of impacted trees and the type of mitigation recommended to meet the County requirements for impacts to native oak trees.

BIO-7 For oak tree removals or impacts identified in the As-Built Impact Report **during construction activities,** the owner shall provide mitigation (on site if feasible) per the County's guidelines, 4:1 for removals and 2:1 for impacted trees. For California bay trees and California bay woodland habitat, the owner shall provide mitigation (onsite if feasible), 2:1 for removals and 1:1 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/California bay tree mitigation. At a minimum, the plan shall:

- Include a detailed inventory of the species and quantity of all oak trees and/or California bay 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 trees and/or California bay 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. Replacement trees shall be a minimum of one gallon in size, of a local origin, and of the same species as was impacted.
- 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 permit final.

The results of the survey shall be provided to the County of San Luis Obispo Planning and Building Department prior to commencement of initial project activities.

To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than five years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors in interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of newly planted trees and approved by the Environmental Coordinator.

BIO-8 **Prior to ground disturbing activities,** signage shall be placed along the edge of work limits where they border California bay woodland habitat. The signage shall state "Environmentally Sensitive Area – Do Not Enter". The signage shall be maintained in good condition for the duration of construction**.**

HAZ-1 **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 **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.

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	**In File**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☐	Air Pollution Control District	**Not Applicable**
☐	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	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other Tribal Consultation	**In file**
☒	Other Cal Fire / County Fire	**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 Planning and Building Department.

- ☒ 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
- ☒ Paso Robles Airport Land Use Plan
- ☒ Energy Wise Plan
- ☒ North County Planning Area, Adelaida Sub Area
- ☐ 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:

Althouse and Meade, Inc. Biological and Environmental Services (Althouse and Meade). 2022, 2023. *Biological Resource Assessment for Bella Sol Homes, LLC.* October 2022, April 2023, October 2023.

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

CAL FIRE. 2007. "Draft Fire Hazard Severity Zones in Local Responsibility Areas." Available at <http://frap.fire.ca.gov/webdata/maps/san_luis_obispo/fhszl06_1_map.40.pdf>

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

California Department of Transportation (Caltrans). 2008. Scenic Highway Guidelines. October 2008.

California Emissions Estimator Model (CalEEMod). 2022. Available at https://caleemod.com/

California State Water Resources Control Board. 2012. Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems. June 19th, 2012.

_____. 2015. Geotracker. Available at: <http://geotracker.waterboards.ca.gov/>

_____. 2018. Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTUS Policy) Fact Sheet. August 2018.

_____. 2016. 2015/2016 County Bikeways Plan. July 6th, 2016.

_____. 2016. Emergency Operation Plan. December 2016.

_____. 2018. San Luis Obispo County Parks & Recreation Group Day Use & Facilities. Available at: <https://slocountyparks.com/day-use-parks/>

Cleath-Harris Geologists, Inc. (Cleath-Harris). 2022. *Interference and Subsidence Evaluation, Proposed Irrigation Well, Vineyard Drive, APN 039-161-003, Paso Robles, San Luis Obispo County, California.* April 29.

_____. 2022. *Water Demand Estimates for Lamoreaux Winery and Tasting Room Project, Vineyard Drive, Paso Robles.* November 2.

County of San Luis Obispo Department of Planning and Building. 2018. Onsite Wastewater Treatment System Local Agency Management Program. January 18th, 2018.

Department of Conservation (DOC). 2019. San Luis Obispo County Tsunami Inundation Maps. Available at: < https://www.conservation.ca.gov/cgs/tsunami/maps/San-Luis-Obispo>.

Orosz Engineering Group (Orosz). 2022. *Access Evaluation, Trip Generation Study, and Roadway Safety Audit (RSA) for Vineyard Drive, Lamoreaux Winery, Paso Robles Area, San Luis Obispo County - APN: 039-161-003.* October 13.

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>.

San Luis Obispo Council of Governments (SLOCOG). 2019. Responsibilities. Available at: <https://slocog.org/about/responsibilities>.

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

U.S. Fish and Wildlife Service (USFWS). 2019. National Wetlands Inventory Surface Waters and Wetlands. May 5, 2019. Available at: <https://www.fws.gov/wetlands/data/Mapper.html>

San Luis Obispo County Air Pollution Control District (SLOAPCD). 2019. SLO APCD NOA Screening Buffers. Available at https://www.google.com/maps/d/viewer?mid=1YAKjBzVkwi1bZ4rQ1p6b2OMyvIM&ll=35.66407615333322%2C-120.44668446503107&z=11

San Luis Obispo County Air Pollution Control District (SLOAPCD). 2023. SLO APCD CEQA Handbook. Available at https://`www.slocleanair.org/rules-regulations/land-use-ceqa/ceqahandbook.php

DEVELOPER'S STATEMENT FOR
LAMOREAUX WINERY
N-DRC2022-00044

JANUARY 30, 2024

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

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

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 **During all construction activities** and use of diesel vehicles, the applicant shall implement the following idling control techniques:

1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
    a. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
    b. Diesel idling when equipment is not in use shall not be permitted;
    c. Use of alternative fueled equipment shall be used whenever possible; and
    d. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.
2. California Diesel Idling Regulations. On-road diesel vehicles shall comply with 13 California Code of Regulations 2485. 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:

a. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and

b. Shall not operate a diesel-fueled auxiliary power system (APS) 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 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

AQ-2 **During all construction and ground-disturbing activities**, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

1. Reduce the amount of disturbed area where possible.
2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible.
3. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers, as needed.
4. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities.
5. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast-germinating, non-invasive, grass seed and watered until vegetation is established.
6. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District.

7. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114.
10. "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 (CWC) Section 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.
11. 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.
12. All required PM_{10} mitigation measures should be shown on grading and building plans.
13. 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 San Luis Obispo County Air Pollution Control District'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 San Luis Obispo

County Air Pollution Control District Compliance Division prior to the start of any grading, earthwork, or demolition.

AQ-1 to AQ-2 Monitoring: Required prior to issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

Biological Resources

BIO-1 Best Management Practices (e.g., straw wattles, exclusion fencing, gravel bags or silt fencing, etc.) are required to be installed **prior to the start of construction** to protect the blue-line creek (Sheepcamp Creek) and project boundaries (i.e., areas above steep cliffs) from water quality, runoff, and erosion/sedimentation concerns during project implementation. Erosion and sediment controls shall be installed properly and shall be maintained regularly throughout construction to increase effectiveness. Other Best Management Practices shall also be implemented as necessary and/or as required by project permits (if required), such as avoiding washing, refueling, and maintenance of equipment within 100 feet (unless otherwise noted in project-specific permits) from blue-line creeks (Sheepcamp Creek), regardless, if water is present or absent in the channel.

- All project plans shall show the boundaries of all sensitive resource areas and the location of erosion and sediment controls, delineation of construction limits, and other pertinent measures to ensure the protection of sensitive habitats and resources.
- All equipment and vehicles shall stay within the project limits and staging areas and 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. The staging area shall be located a minimum of 100 feet from the blue-line creeks (Sheepcamp Creek), and all fueling and maintenance activities shall take place in the staging area.
- 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.
- 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-2 **Prior to initiation of any site preparation/construction activities,** a worker environmental awareness training shall be presented to all construction personnel by a qualified biologist within 30 days prior to initial activity beginning including ground disturbance and/or vegetation removal/trimming. At a minimum, the training shall include information on protection of aquatic resources, nesting birds, and special status species with potential to occur on the site. 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 specific to this project. 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 and provided to the Department of Planning and Building. A fact sheet conveying the information provided in the environmental awareness training will be developed prior to the training and will be provided to all project personnel and the Department of Planning and Building.

BIO-3 **Prior to initiation of any site preparation/construction activities,** if work is planned to occur between February 1 and September 15, a County of San Luis Obispo-qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming and immediately provide the survey to the Department of Planning and Building upon completion. If nesting birds are located on or near the project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active, as detailed below.

1. A 100-foot exclusion zone shall be established around non-listed, passerine species, and a 250-foot exclusion zone shall be established for raptor species. Each exclusion zone shall encircle the nest and have a radius of 100 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all exterior construction activities have been terminated for the current phase of work (e.g., if Phase 1 improvements are completed, exclusion zones may be removed until initiation of site preparation for Phase 2 begins), or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
2. If special-status avian species are identified and nesting within the work area, no work shall begin until an appropriate exclusion zone is

determined in consultation with the County of San Luis Obispo and any relevant resource agencies.

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

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming, the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated, and a separate survey report shall be prepared and submitted to the County of San Luis Obispo Planning and Building Department.

BIO-4 **During vegetation removal, ground disturbing activities, or working within 50 feet of drainages and in the riparian zone**, if work is planned to occur between October 15 through April 15, a County of San Luis Obispo-qualified biological monitor shall be present onsite. The biologist shall frequently survey the project area for wildlife (especially in the mornings), especially under parked vehicles and heavy equipment.

1. In the event that a species is captured during surveys or construction activities, the biologist will relocate to the nearest suitable habitat outside of the project area. Relocation of federally listed species, such as CRF, requires permits from U.S. Fish and Wildlife Service. Work shall stop in the unlikely event that federal, or state listed species are present, and the appropriate agency shall be contacted.

BIO-5 To the maximum extent feasible, impacts to oak trees shall be avoided and minimized. **Prior to ground disturbing activities,** the following avoidance and minimization measures shall be implemented to address potential impacts to oak trees:

- The canopy edge and trunk location of oak trees located within 50 feet of proposed construction shall be surveyed and placed on all plan sets. The tree map shall be used to protect oak trees during project implementation. The critical root zones of native oak trees shall be defined as an area of root space equivalent to 1.5 times the radius of the canopy dripline.
- Impacts to oak tree canopy or critical root zone should 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 critical 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. Demarcation such signage indicating No-Access-Tree Protection Zone or similar text is adequate.
- All construction activity shall remain outside delineation fencing installed for protection of oak trees.
- A licensed arborist or qualified botanist will be hired to oversee all removal or trimming of existing roots and necessary branch trimming.
- 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-6 **Prior to ground disturbing activities**, a licensed arborist or qualified botanist shall inspect and approve tree protective fencing. In the event that tree protective fencing must be removed to complete construction activities or if trimming or pruning of oak tree limbs/branches occur, an Arborist or Botanist shall be present and shall map the tree and area of impact in the field and record the activities. Any roots of 1-inch diameter or greater that are exposed during grading that cannot be saved, should be cut clean with a sharp pruning tool, and treated per Arborist direction.

1. Upon completion of work, an As-built Impact Report will be provided to the County that will include an assessment of impacts that occurred. The report will include the number of impacted trees and the type of mitigation recommended to meet the County requirements for impacts to native oak trees.

BIO-7 For oak tree removals or impacts identified in the As-Built Impact Report **during construction activities,** the owner shall provide mitigation (on site if feasible) per the County's guidelines, 4:1 for removals and 2:1 for impacted trees. For California bay trees and California bay woodland habitat, the owner shall provide mitigation (onsite if feasible), 2:1 for removals and 1:1 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/California bay tree mitigation. At a minimum, the plan shall:

- Include a detailed inventory of the species and quantity of all oak trees and/or California bay 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 trees and/or California bay 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. Replacement trees shall be a minimum of one gallon in size, of a local origin, and of the same species as was impacted.
- 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 permit final.

The results of the survey shall be provided to the County of San Luis Obispo Planning and Building Department prior to commencement of initial project activities.

To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than five years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors in interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of newly planted trees and approved by the Environmental Coordinator.

BIO-8 **Prior to ground disturbing activities,** signage shall be placed along the edge of work limits where they border California bay woodland habitat. The signage shall state "Environmentally Sensitive Area – Do Not Enter". The signage shall be maintained in good condition for the duration of construction**.**

BIO-1 to BIO-8 Monitoring: Required prior to ground disturbing activities. Compliance will be verified by the County Department of Planning and Building in consultation with the Environmental Coordinator.

Hazards and Hazardous Materials

HAZ-1 **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 **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.

HAZ-1 to HAZ-2 Monitoring: Required during construction and ground disturbing activities. Compliance will be verified by the County Department of Planning and Building in consultation with the Environmental Coordinator.

The applicant understands that any changes made to the project description after 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.

Jason Lamoreaux
_____

Signature of Agent(s)

02/01/2024
_____

Date

Jason Lamoreaux
_____

Name