



DATE: August 27, 2025
TO: GRAD2022-00120 File
FROM: Andy Knighton, Planner
SUBJECT: **Responses to Comments Received, GRAD2022-00120 MND**

Memorandum

The environmental review for the County of San Luis Obispo Department of Planning and Building (County) major grading permit GRAD2022-00120 resulted in the determination to draft and circulate a Mitigated Negative Declaration (MND) in compliance with CEQA Guidelines Section 15070. Pursuant to CEQA Guidelines Section 15073, the County, acting as lead agency, provided a public review period via the State Clearinghouse. During the MND circulation period, the County received comments from the Department of Toxic Substance Control (DTSC), State Water Resources Control Board (SWRCB), and the Department of Conservation (DOC). While the County is not obligated to respond to comments received during the public review process, they must be considered prior to the project's approval.

The DTSC provided comments requesting that the lead agency address the potential presence of contaminants of concern (COCs), including pesticides, organochlorine pesticides, and arsenic on the project site since the project involves a residential use on a site also used for agricultural crop production. The DTSC also recommends that all imported soil/fill material be tested to assess that any COCs present meet screening levels. To address these comments, according to the current owner of the parcel, pesticides are not used- the parcel has been dry farmed with straw only and disced with a tractor. No data has been provided that indicates usage of named pesticides on the location, nor any documented contamination. The project site is not on any list of hazardous materials compiled pursuant to Government Code 65962.5 (Cortese List), as stated on MND pages 55 and 56. Additionally, only a small portion of cultivated land will be disturbed for the project access driveway and building pad (refer to Figure 4 in the MND, page 29). The project will primarily be located on Wild Oats and Annual Brome Grassland. The project does not require any imported fill.

The SWRCB had comments requesting information on how water would be provided and how many individuals would be served at the site at least 60 days of the year (residents and employees for agriculture operations) to ensure that the project would not require a water supply permit for a public water system. Per California Health and Safety Code (Health & Saf. Code) § 116275 subd. [h], a "public water system" provides water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals at least 60 days out of the year. To address this comment, the owner stated the number of residents occupying the new single-family residence would be 6, and the Accessory Dwelling Unit can accommodate up to 4 residents. The agricultural operations on the project site include harvesting straw and Christmas trees sales in the winter, which would both require 1-2 seasonal employees.

Therefore, less than 25 individuals will be served at the site for at least 60 days, and a water supply permit is not required.

The DOC provided comments requesting to review the plans indicating there is an oil well on the project site. To address this comment, the well identified on the project plans is a water well and not an oil well.

Pursuant to CEQA Guidelines Section 15073.5, a lead agency is only required to recirculate an MND when the document must be substantially revised after public notice of its availability. Substantial revision is defined as the following:

- 1. A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or*
- 2. The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.*

Therefore, with the responses to comments received, recirculation of the MND is not required pursuant to CEQA Guidelines Section 15073.5.c.4 because no new information was added to the MND and no new avoidable significant effects were identified because of the comments received.

Sincerely,

A handwritten signature in black ink, appearing to read 'AK Knighton', with a stylized flourish at the end.

Andy Knighton
Planner