Negative Declaration & Notice Of Determination

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

ENVIRONMENTAL DETERMINATION NO. ED16-355 **DATE:** December 7, 2017

PROJECT/ENTITLEMENT: Estate Vineyards Grading Permit; PMT2016-07752

APPLICANT NAME: Estate Vineyards **Email:** amber@kirk-consulting.net
ADDRESS: 11444 w. Olympic Blvd., 10th floor , Los Angeles, CA 90064
CONTACT PERSON: Amber Davis, Kirk Consulting **Telephone:** 805-461-5765

PROPOSED USES/INTENT: Request by Estate Vineyards, LLC for the following:

- Approval of a grading permit for as-built grading and vegetation removal in areas with slopes in excess of 30% and to authorize remedial grading to stabilize and restore previously graded areas, including an agricultural reservoir, and
- Restoration activities within two impacted drainage features.

The project site is comprised of four parcels totaling 227 acres of gently to steeply sloping hills supporting dense stands of coast live oaks; one blue line creek (Sheep camp Creek) and three ephemeral drainages cross the project site.

LOCATION: The project site is within the Agriculture land use category and is located at 750 Sleepy Farm Road, approximately 0.9 miles south of Peachy Canyon Road and approximately 6 miles west of Paso Robles. The site is in the Adelaida Sub-area of the North County Planning Area.

LEAD AGENCY:
County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: http://www.sloplanning.org

STATE CLEARINGHOUSE REVIEW: YES ☒ **NO** ☐

OTHER POTENTIAL PERMITTING AGENCIES: Dept. of Fish and Wildlife

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.
COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT .....4:30 p.m. (2 wks from above DATE)

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County_____ as ☐ *Lead Agency* ☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

Signature	Project Manager Name	Date	Public Agency
	Kerry Brown (kbrown@co.slo.ca.us)		County of San Luis Obispo

Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

(ver 5.9) Using Form

Project Title & No. PMT2016-07752 Estate Vineyards LLC Major Grading Permit

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the 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	☒ Geology and Soils	☐ Recreation
☐ Agricultural Resources	☐ Hazards/Hazardous Materials	☐ Transportation/Circulation
☒ Air Quality	☐ Noise	☐ Wastewater
☒ Biological Resources	☐ Population/Housing	☒ Water /Hydrology
☐ Cultural Resources	☐ Public Services/Utilities	☐ Land Use

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.

Kerry Brown (kbrown@co.slo.ca.us)	Kerry Brown		11/30/17
Prepared by (Print)	Signature		Date
Steve McMasters (smcmasters@co.slo.ca.us)	Steve McMasters	Ellen Carroll, Environmental Coordinator	11/30/17
Reviewed by (Print)	Signature	(for)	Date

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

Request by **Estate Vineyards, LLC** for the following:

- Approval of a grading permit for as-built grading and vegetation removal in areas with slopes in excess of 30% and to authorize remedial grading to stabilize and restore previously graded areas, including an agricultural reservoir, and
- Restoration activities within two impacted drainage features.

The project site is comprised of four parcels totaling 227 acres of gently to steeply sloping hills supporting dense stands of coast live oaks; one blue line creek (Sheep camp Creek) and three ephemeral drainages cross the project site.

The project site is within the Agriculture land use category and is located at 750 Sleepy Farm Road, approximately 0.9 miles south of Peachy Canyon Road and approximately 6 miles west of Paso Robles. The site is in the Adelaida Sub-area of the North County Planning Area.

Background

The Estate Vineyards, LLC site is located in an area of the County dominated by wineries and wine grape cultivation. Historically, the project site has been used for livestock grazing. In 2016, the owners removed existing native and non-native vegetation and graded a portion of the project site for the purpose of planting wine grapes and an agricultural reservoir. The resulting grading and clearing activities covered about 114 acres including areas with slopes exceeding 30 percent and areas within existing drainage features. The property owner did not apply for a grading permit nor did they submit either an Agricultural Grading Form or an Alternative Review Form. As a result and after significant controversy, on June 24th, 2016, the County issued a Notice of Violation directing the property owner to complete the following actions:

1. Submit plans for sedimentation and erosion control for the site and install the approved sedimentation and erosion control measures.
2. Submit an application for grading to either restore the project site to pre-grading conditions or to authorize as-built grading on slopes exceeding 30% and the excavation of the agricultural reservoir.
3. Submit an Agricultural Grading Form to the County to authorize as-built grading on slopes less than 30% and any other grading that may be undertaken outside of drainage features.

Figure 1 is an aerial view of the project site showing conditions as they existed in 2012 prior to the grading and vegetation clearing. Figure 2 shows the post-grading conditions (2017).

Figure 1 – Pre-grading Conditions

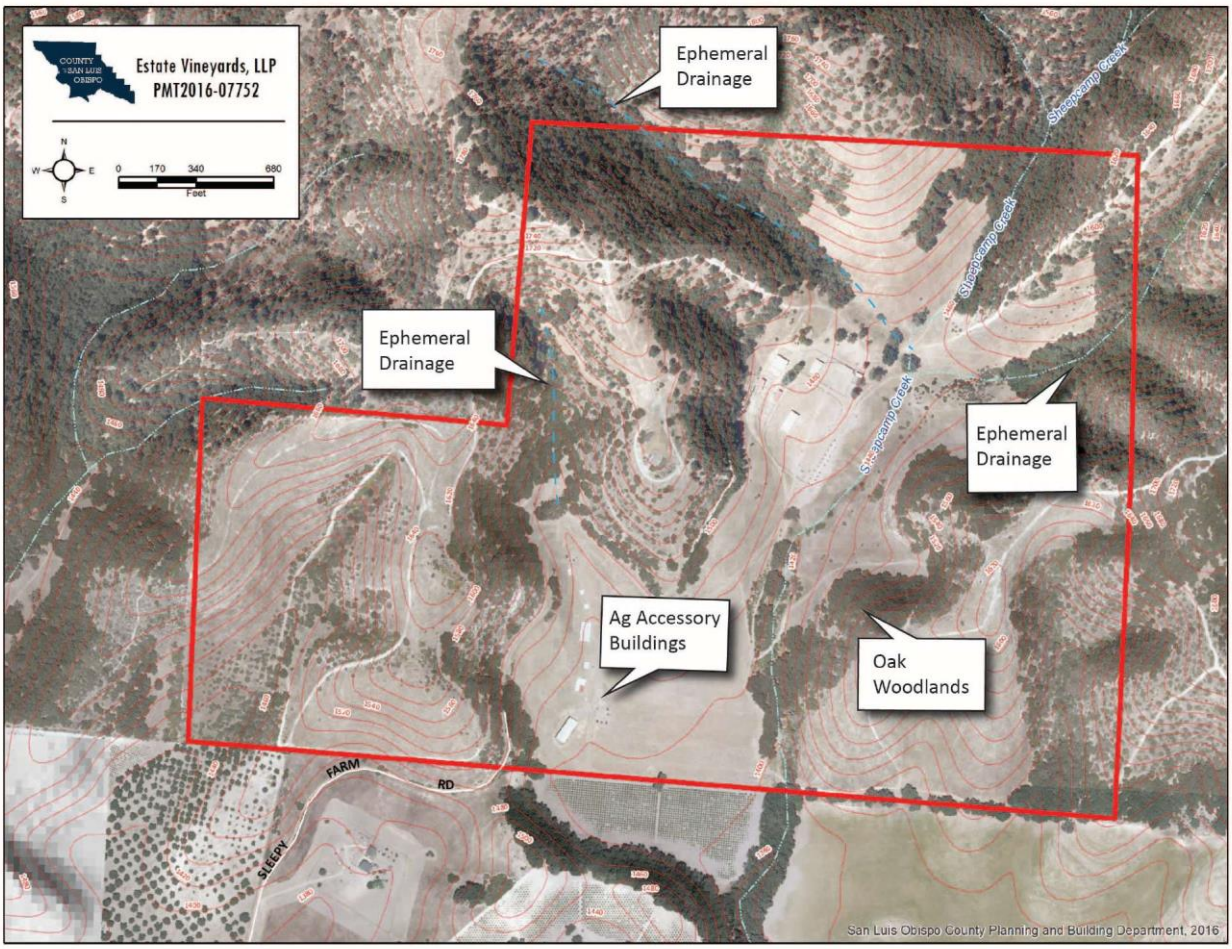
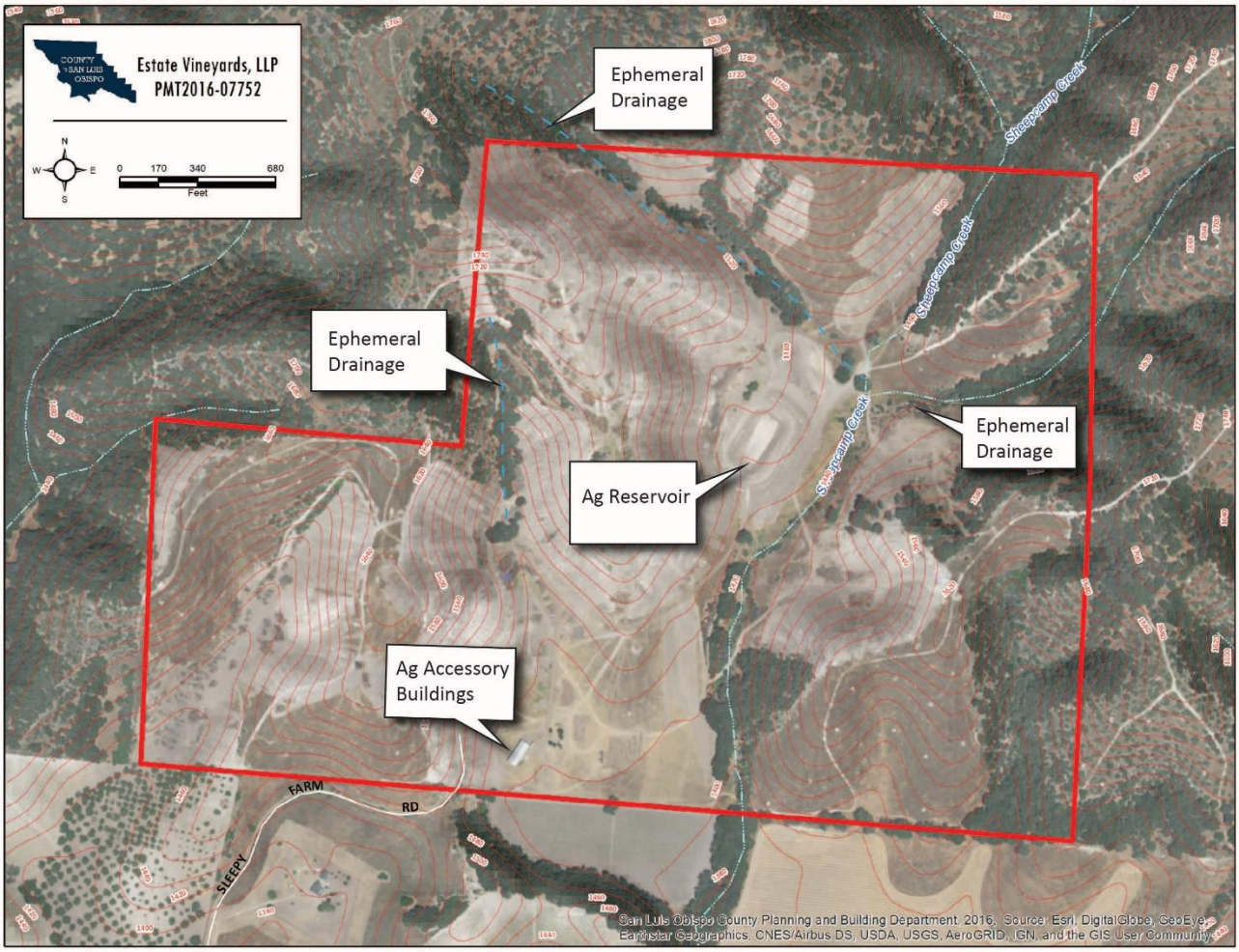


Figure 2 – Post-Grading Conditions



Regulatory Setting

County Grading Regulations
Grading is governed by LUO Section 22.52.060. Section 22.52.060 defines grading as the following activities: all new earthwork that involves one or more of the following activities: excavations, cuts, fills, dams, reservoirs, levees, impoundments, diking, dredging, borrow pits, stockpiling, compaction of fill, or removal of vegetation. Cultivation activities, including disking, harrowing, raking or chiseling, planting, plowing, seeding, or other tilling, are not considered grading and are not regulated under this ordinance.

A grading permit is generally required when the amount of graded material will exceed 50 cubic yards and/or when grading activities will result in more than one acre of vegetation removal. Grading plans must generally incorporate erosion and sedimentation control measures. Grading for activities other than agriculture is limited to slopes of less than 30 percent unless a variance has been obtained in accordance with Section 22.62.070.

Exemption for Agricultural Grading
Certain types of agricultural grading may be exempt from a grading permit in accordance with LUO Section 22.52.070(A) and (C). The exemption allowed under Section 22.52.070 (C) applies to the following types of agricultural grading:

- Grading to prepare new land for crop production or grazing purposes and vegetation removal including drainage improvements and vegetation removal, on slopes with a natural gradient less than 30 percent.
- Construction of small reservoirs, subject to the standards listed in Section 22.52.150F.
- Projects which are undertaken for soil, water quality, habitat, or wildlife restoration, conservation, or enhancement occurring outside of the channel of a stream.
- Imbalanced agricultural grading projects that involve the importation of 2,000 cubic yards of material to a site per year.

To receive the agricultural grading exemption, an Agricultural Grading Form (AGF) must be submitted to the County prior to commencement of any grading activities to verify that the exemption criteria are met. An applicant's signature on the AGF indicates participation in an educational, waiver, or certification program approved by the Planning Director in consultation with the Resource Conservation District (RCD) and Natural Resources Conservation Service (NRCS), and acknowledgment of required compliance with the agricultural management practices and erosion and sedimentation control measures set forth in Subsections 22.52.070 A and C.

In sum, any grading activities must receive all necessary approvals from other County, state, or federal agencies, regardless of whether the activity is exempt. Exempted grading must incorporate all reasonable measures to ensure against erosion and sedimentation both during and after such activities.

Alternative Review Process
An applicant may use the Alternative Review Process (ARP) described in LUO Section 22.52.080 and managed jointly by the County and the RCD for specified agricultural activities that don't qualify for AGF. The ARP was established to provide a simplified and expedited permitting process for certain types of agricultural grading. In order for the RCD to consider acceptance of the project into ARP, the project must meet the following minimum standards:

- The project is able to meet Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG) practice standards.
- The project implements, to the extent feasible, natural resource protection and enhancement measures. This process allows the RCD to perform the review, approval, and monitoring duties in lieu of the County.

The following activities are eligible for the ARP:

- Hillside benches and other appropriate methods for planting orchards and vineyards on slopes of 30% or more
- Grading or vegetation removal for new rangeland on slopes of 30% or more
- New agricultural roads
- Cathbasins (not including groundwater filled reservoirs)
- Streambank restoration or conservation projects (note: if another resource agency is reviewing, approving, and inspecting plans, this is exempt)
- Recreational trails
- Waste management systems
- Imbalanced grading

An Alternative Review Form must be completed and submitted to the County to verify that the project qualifies for the ARP. The Department of Agriculture also reviews to determine if activities are in support of existing or proposed agricultural operations prior to the commencement of any grading activities.

Oak Woodland Ordinance
In April, 2017, the County adopted the Oak Woodland Ordinance (LUO Section 22.58) which establishes criteria to limit the clear-cutting of oak woodland. The intent of the ordinance is to maintain the character of the existing landscape and promote oak woodland management independent of regulation. The ordinance applies to sites located outside of Urban or Village areas within the inland portions of the unincorporated areas of San Luis Obispo County and applies to oak woodland clear-cutting activities occurring on or after April, 2017. The Oak Woodland Ordinance sets forth the following limitations on the removal of oak trees:

- In general, clear-cutting of Oak Woodlands on slopes of 30 percent or greater is prohibited on any site in any land use category except to establish a fence line or to create a fire break or to conduct a prescribed burn.
- Clear-cutting of oak woodland on slopes of less than 30 percent is allowed as follows:
    1. As allowed as a component of the granting of a Minor Use Permit or Conditional Use Permit, pursuant to Section 22.58.050 for an allowed use as identified in Table 2-2 or for the harvesting of wood where no land use is proposed.
    2. As specified in an approved Oak Woodland Management Plan.
    3. To establish a fence line, where the amount of tree removal is the minimum necessary to install adequate fencing.
    4. To create a fire break or conduct a prescribed burn in consultation with or as required by Cal Fire or other applicable fire agency with fire safety jurisdiction.

- Minor Use Permit approval is required to clear-cut between one (1) and three (3) acres of a Site's Oak Woodland over a ten year period. Clear-cutting shall be cumulative where clear-cutting may not exceed the maximum allowable by this section during one event or multiple events occurring over a ten year period.
- Conditional Use Permit approval is required to clear-cut more than three (3) acres of a Site's Oak Woodland over a ten year period. Clear-cutting shall be cumulative where the clear-cutting may not exceed the permitted amount during one event or multiple events occurring over a ten year period.
- Minor Use Permit approval is required to remove any Heritage Oak.
- An Oak Woodland Management Plan may be used to allow clear-cutting of Oak Woodland. Plans shall be administered by the landowner or land manager. The cumulative amount of clear-cutting allowed in an Oak Woodland Management Plan, as defined by this ordinance, shall not exceed 5 percent of a Site's total Oak Woodland Canopy,

The Oak Woodland Ordinance was adopted after the unpermitted grading and vegetation removal occurred on the project site.

Expanded Project Description

In order to resolve the Code Enforcement violations the applicant has undertaken a three phase program described as follows:

Phase 1: Initial Boundary Control Plan (completed in 2016)

The initial Boundary Control Plan (Phase 1) consisted of installing sediment barriers (silt fencing) to provide immediate sediment control to prevent sediment transport off of the site. The boundary Control Plan measures were implemented in July 2016, as approved by the County.

Phase 2: Erosion Control Plan (completed in 2016)
Following the initial Boundary Control Plan, a separate permit was submitted to the County for a complete Erosion Control Plan which was developed and implemented to prepare the site for the 2016/2017 rainy season. The Erosion Control Plan consisted of three sub phases:

- Phase 2A - Fill and Organic Waste Removal Plan, approved by the County on July 26th
- Phase 2B - Site Modification Plan, approved by the County on August 17th, 2016. Re-contouring of the existing reservoir was completed during this phase to facilitate the use of the reservoir for sedimentation control.
- Phase 2C - Application of Erosion Control Measures, approved by the County on August 23rd, 2016.

Phases 2A, 2B and 2C were completed on December 6th, 2016.

The erosion control measures implemented during Phase 2 included hydro seeding with a native erosion control mix which was blended with sterile wheat. All disturbed areas were groomed, hydro seeded and then covered with erosion control blankets. The erosion control blankets consist of a matrix of 100% coconut fibers stitched between two biodegradable nets, serving as a mulching layer.

In areas with gently sloping topography, native chipped material was applied to the ground surface. Erosion control blankets were placed in such a way to work around and avoid areas in which native vegetation was naturally regenerating.

In order to further restore the areas subject to the Notice of Violation, the applicant has identified planting areas for oak acorns and container oak trees on slopes over 30% (Figure 3). As of May 2017, a total of 3,400 oak acorns have been planted in 1,700 basins on approximately 19 acres of the project site. The installation locations were chosen by grade of slope (>30%), proper aspect, suitable soil, historic presence of oak trees, and logistical ability to maintain acorns over the summer.

In addition to the already planted acorns, an additional 325 container oak trees will be planted on the western slopes of the site in December of 2017. The additional planting areas will cover approximately 6.5 acres. The planting ratio for the container oak trees will be approximately 50 trees per acre.

Phase 3: As-Built Grading Permit and Restoration Plan
Phase 3 is the subject of the current application and includes the following components:

Grading Permit for As-Built Grading and Recontouring of Sedimentation Basins
A grading permit is required to authorize as-built grading that does not meet the criteria for the Agricultural Grading Exemption allowed under LUO Section 22.52.070(A) and (C) and to authorize additional grading to re-contour the ag reservoir and sediment detention basin areas to pre-existing conditions. Cut and fill quantities associated with recontouring the sedimentation basins are summarized in Table 1.

Table 1 -- Summary of Cut and Fill for Sediment Basin Grading			
Basin	**Cut**	**Fill**	**Balance**
C9	23,250 cy	20,200 cy	3,050 cy
F3	10,000 cy	9,150 cy	850 cy
A3	1,700 cy	1,450 cy	250 cy
Total:	34,950 cy	30,800 cy	4,150 cy

The grading permit will also authorize improvements to previously modified drainages, and other minor grading activities required to ensure any erosion control features and measures implemented in Phases 1 and 2 remain in place and are stable.

Habitat Restoration Plan

The application includes a Habitat Restoration Plan (Terra Verde, May 2017) which identifies restoration activities proposed for the two drainage features that were adversely impacted by unpermitted grading. Both drainages have been subjected to disturbances including vegetation clearing and trimming, grading and road construction. Site stabilization activities within and adjacent to Drainages 1 and 2, have occurred including the removal of woody debris and sediment from the channel bottoms, installation of standard erosion control best management practices (BMPs), and seeding exposed/grading slopes with an erosion control seed mix.

Restoration activities conducted within the existing creek and drainage features that are within the jurisdiction of the California Department of Fish and Wildlife (CDFW) are subject to a Streambed Alteration Agreement (SAA) in accordance with Fish and Game Code section 1602.

Total site disturbance is summarized in Table 2.

Table 2 -- Summary of Total Site Disturbance	
Project Component	**Quantity**
Non Exempt Grading	41 Acres
Total Site Disturbance:	41 Acres
Cut	34,900 cy
Fill	30,800 cy
Balance	4,150 cy

Table 3 provides a summary of each phase along with the corresponding level of CEQA compliance.

Table 3 -- Project Phases and Corresponding CEQA Compliance

Phase	Description	Status	CEQA Compliance
1.	Initial Boundary Control Plan	Completed in July, 2017	Not a project as defined by Public Resources Code section 21065.
2.	Erosion Control Plan		
2A	Fill and Organic Waste Removal	Approved July, 2016	
2B	Site Modification Plan	Approved August, 2016	
2C	Application of erosion control measures.	Approved August, 2016	
3.	As-Built Grading and Restoration Plan: • Grading where vegetation was removed on slopes over 30%: • Recontouring of the reservoir and sediment detention basins areas to pre-existing conditions; • Improvements to previously modified drainages; and • Other minor grading activities required to ensure any erosion control features and measures implemented in Phases 1 and 2 remain in place and are stable.	Current project PMT2016-07752	Not exempt.
	Restoration activities in the two impacted drainage features.		Not exempt. Restoration and grading activities within drainage features will require a Streambed Alternation Agreement from CDFW.

Phases 1 and 2 resolved the Notice of Violation issued on June 24th, 2016 and are not part of the current project.

Baseline Conditions for Environmental Review

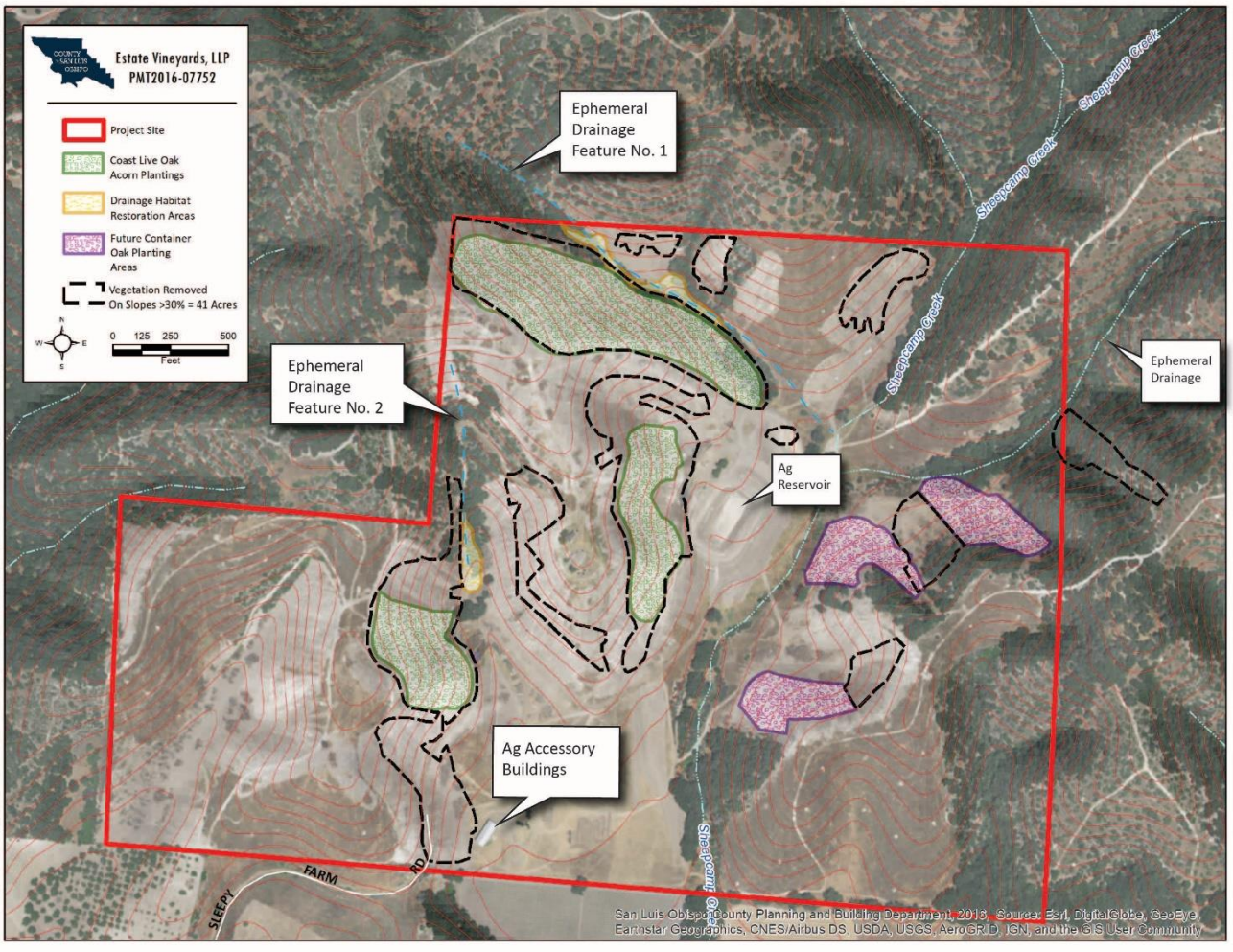
Section 15126 of the State CEQA Guidelines provides the following guidance for determining the baseline conditions for the assessment of a project's environmental effects:

> "*The Lead Agency should normally limit it's examination to changes in the existing physical conditions in the affected area as they exist at the time the Notice of Preparation is published* [for a project subject to an EIR], *or where no notice of preparation is published, at the time environmental analysis is commenced*."

For purposes of this initial study, environmental review commenced on the day the Notice of Violation was issued (June 24, 2016). The baseline conditions for environmental review are generally described as follows:

a. Three ephemeral drainages and one blue-line creek (Sheep camp Creek) and associated riparian vegetation;
b. Disturbed and denuded riparian vegetation along Drainages 1 and 2 as shown on Figure 3;
c. An agricultural reservoir;
d. Scattered stands of coast live oak woodlands and non-native grasslands;
e. 41 acres of grading on slopes greater than 30% that previously supported dense coast live oak woodlands and associated native vegetation (Figure 3);
f. 11acres of agricultural grading on slopes of less than 30% that previously supported dense coast live oak woodlands and associated native vegetation (Figure 3);
g. 62 acres of agricultural cultivation (no vegetation removal)
h. A network of un-paved ranch roads;
i. One agricultural accessory building;
j. One single family residence

Figure 3 – Areas of Vegetation Removal on Slopes >30% and Proposed Restoration Areas



ASSESSOR PARCEL NUMBER(S): 026-331-012, 036, 037, 038

Latitude: 35 degrees 36' 16.896" N Longitude: 120 degrees 47'37.27"W

SUPERVISORIAL DISTRICT # 1

B. EXISTING SETTING

PLAN AREA: North County **SUB**: Adelaida **COMM:** Rural

LAND USE CATEGORY: Agriculture

COMB. DESIGNATION:

PARCEL SIZE: 227 acres

TOPOGRAPHY: Gently rolling to steeply sloping

VEGETATION: Oak woodland

EXISTING USES: Agricultural uses

SURROUNDING LAND USE CATEGORIES AND USES:

North: Rural Lands; undeveloped	*East:* Rural Lands; undeveloped
South: Agriculture; agricultural uses	*West:* Rural Lands; agricultural uses

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, at least one issue was identified as having a potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

1. AESTHETICS *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	☐	☐	☒	☐
b) Introduce a use within a scenic view open to public view?	☐	☐	☒	☐
c) Change the visual character of an area?	☐	☐	☒	☐
d) Create glare or night lighting, which may affect surrounding areas?	☐	☐	☐	☒
e) Impact unique geological or physical features?	☐	☐	☐	☒
f) Other: _____	☐	☐	☐	☒

Setting. The project site is located in a rural area of the County on Sleepy Farm Road just north of Willow Creek Road, a rural collector providing the primary access to ranches and vineyards in the area. Willow Creek Road exhibits dips and curves as it extends south from its intersection with Peachy Canyon Road. The visual qualities of Willow Creek Road in the vicinity of the project site consist of orchards, vineyards and trees fronting the roadway with a backdrop of oak-covered hillsides.

Topography of the project site slopes gently to steeply. Aesthetic and visual features of the project site include the following:

- Three ephemeral drainages and one blue-line creek (Sheep Camp Creek) and associated riparian vegetation;
- Disturbed and denuded riparian vegetation along Drainages 1 and 2 as shown on Figure 3;
- An agricultural reservoir;
- Scattered stands of coast live oak woodlands and non-native grasslands;
- 41 acres of grading on slopes greater than 30% that previously supported dense coast live oak woodlands and associated native vegetation (Figure 3);
- 11acres of agricultural grading on slopes of less than 30% that previously supported dense coast live oak woodlands and associated native vegetation (Figure 3);

- 62 acres of agricultural cultivation (no vegetation removal)
- A network of un-paved ranch roads;
- One agricultural accessory building;
- One single family residence

Views of the project site from Willow Creek Road are completely blocked by roadside vegetation, orchards, and the intervening topography (Figures 4 and 5).

Figure 4 – View from Willow Creek Road Looking to the North West

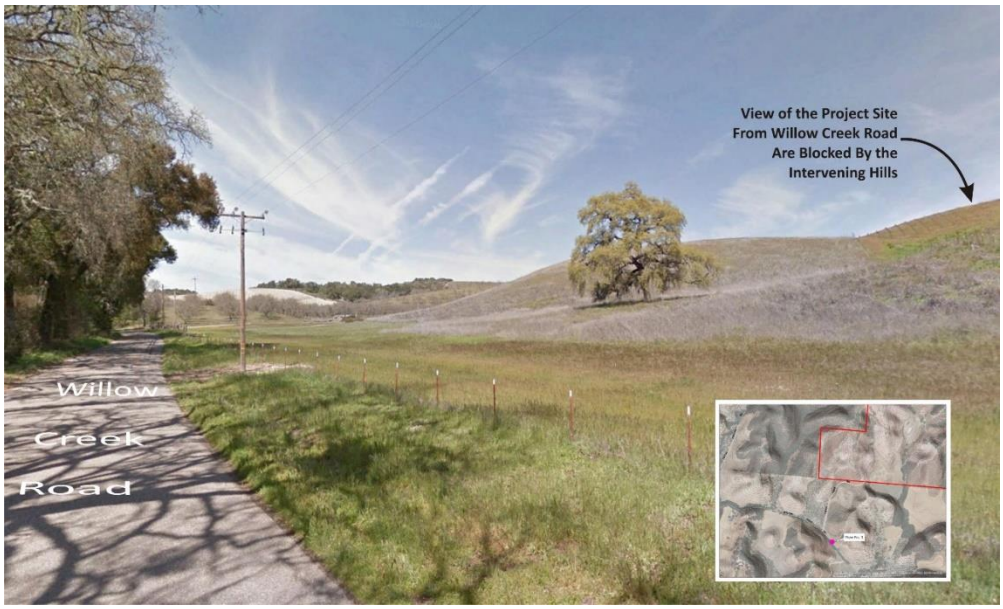


Figure 5 – View From Willow Creek Road Looking to the South East

Impact. Impacts to aesthetic and visual resources are considered beneficial because:

- No remaining oak trees or other native vegetation will be removed as part of the remedial grading (see Section 4. Biological Resources).
- The remedial grading has been designed to return the previously graded areas to the topography generally as it existed before the unpermitted grading occurred.
- Remedial grading will take place outside of areas that have been planted with acorns and areas where oak tree seedlings will be planted in the future.
- Implementation of the habitat restoration plan will help restore the visual qualities of the two drainage features that were adversely impacted by unpermitted grading.

Mitigation/Conclusion. The project is expected to have a beneficial impact in visual and aesthetic resources compared with baseline conditions. No mitigation measures are necessary.

2. AGRICULTURAL RESOURCES *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?	☐	☐	☒	☐
b) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	☐	☐	☒	☐
c) Impair agricultural use of other property or result in conversion to other uses?	☐	☐	☒	☐
d) Conflict with existing zoning for agricultural use, or Williamson Act program?	☐	☐	☐	☒
e) Other: _____	☐	☐	☐	☒

Agricultural Resources

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

Land Use Category: Agriculture

State Classification: Prime farmland and non-prime farmland

Historic/Existing Commercial Crops: None

In Agricultural Preserve? No

Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include:

Linne-Calodo complex, 9 to 30 percent slopes

Component**:** Linne (30%)

Slopes are 9 to 30 percent. This component is on hills. The natural drainage class is well drained. Water

movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria.

Component: Calodo (25%)

Slopes are 15 to 30 percent. This component is on hills. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria.

Linne-Calodo complex, 30 to 50 percent slopes

Component: Linne (30%)

Slopes are 30 to 50 percent. This component is on hills. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Nonirrigated land capability classification is 6e. Irrigated land capability classification is 6e. This soil does not meet hydric criteria.

Component: Calodo (25%)

Slopes are 30 to 50 percent. This component is on hills. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Nonirrigated land capability classification is 7e. Irrigated land capability classification is 7e. This soil does not meet hydric criteria.

Linne-Calodo complex, 50 to 75 percent slopes

Component: Linne (30%)

Slopes are 50 to 75 percent. This component is on mountains. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is low. Shrinkswell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Nonirrigated land capability classification is 7e. Irrigated land capability classification is 7e. This soil does not meet hydric criteria.

Component: Calodo (25%)

Slopes are 50 to 75 percent. This component is on mountains. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Nonirrigated land capability classification is 7e. Irrigated land capability classification is 7e. This soil does not meet hydric criteria.

Mocho clay loam, 2 to 9 percent slopes

Component: Mocho (80%)

Slopes are 2 to 9 percent. This component is on inset fans, alluvial fans, alluvial plains, valleys. The parent material consists of alluvium derived from sedimentary rock. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 2e. This soil does not meet hydric criteria.

Rincon clay loam, 2 to 9 percent slopes

Component: Rincon (90%)

Slopes are 2 to 9 percent. This component is on terraces on valleys, alluvial fans on valleys. The parent material consists of clayey alluvium derived from sedimentary rock. The natural drainage class is well drained. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 2e.

The project is located in an area where wine grape production and orchards are the dominant agricultural activities. Portions of the project site have been used for livestock grazing.

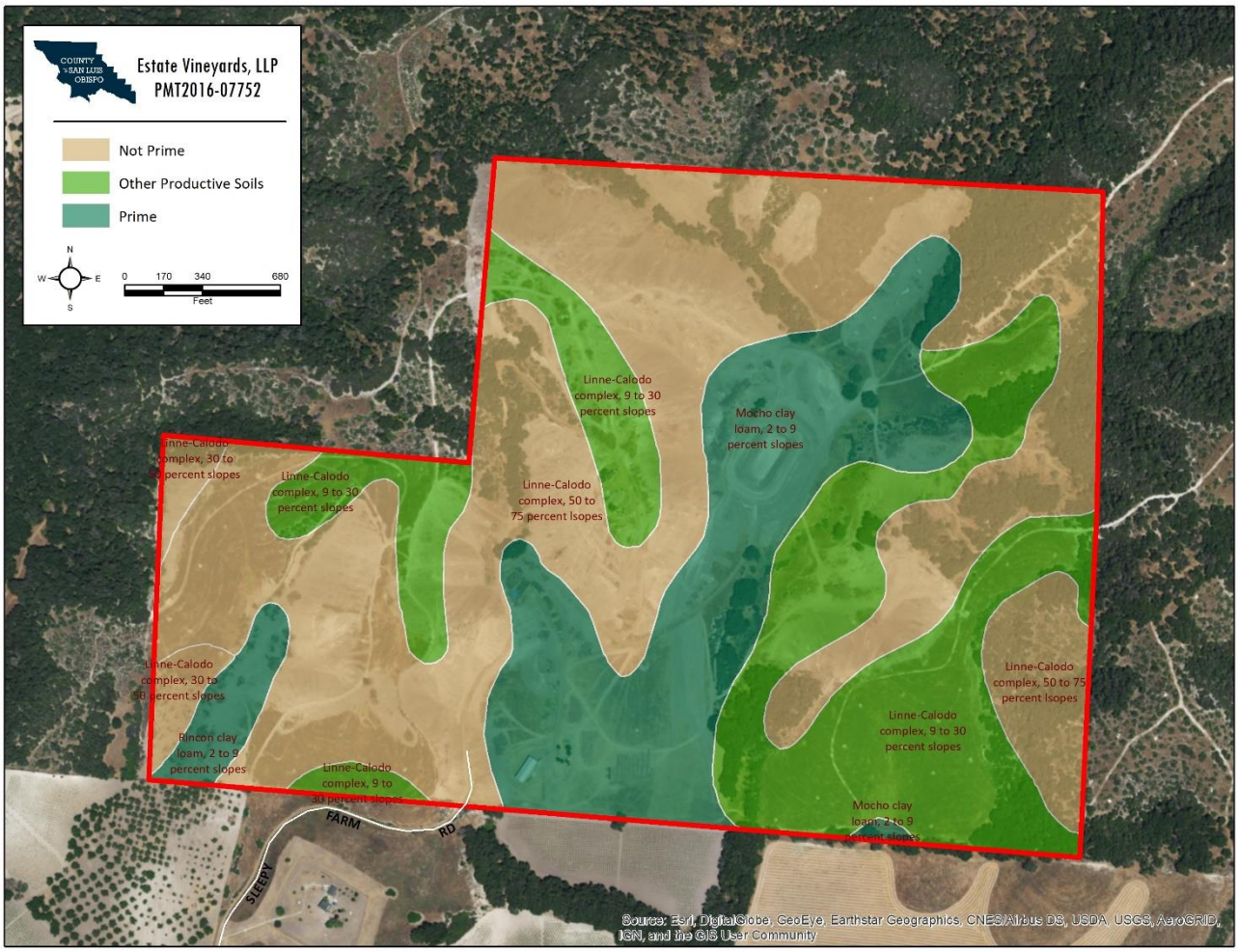
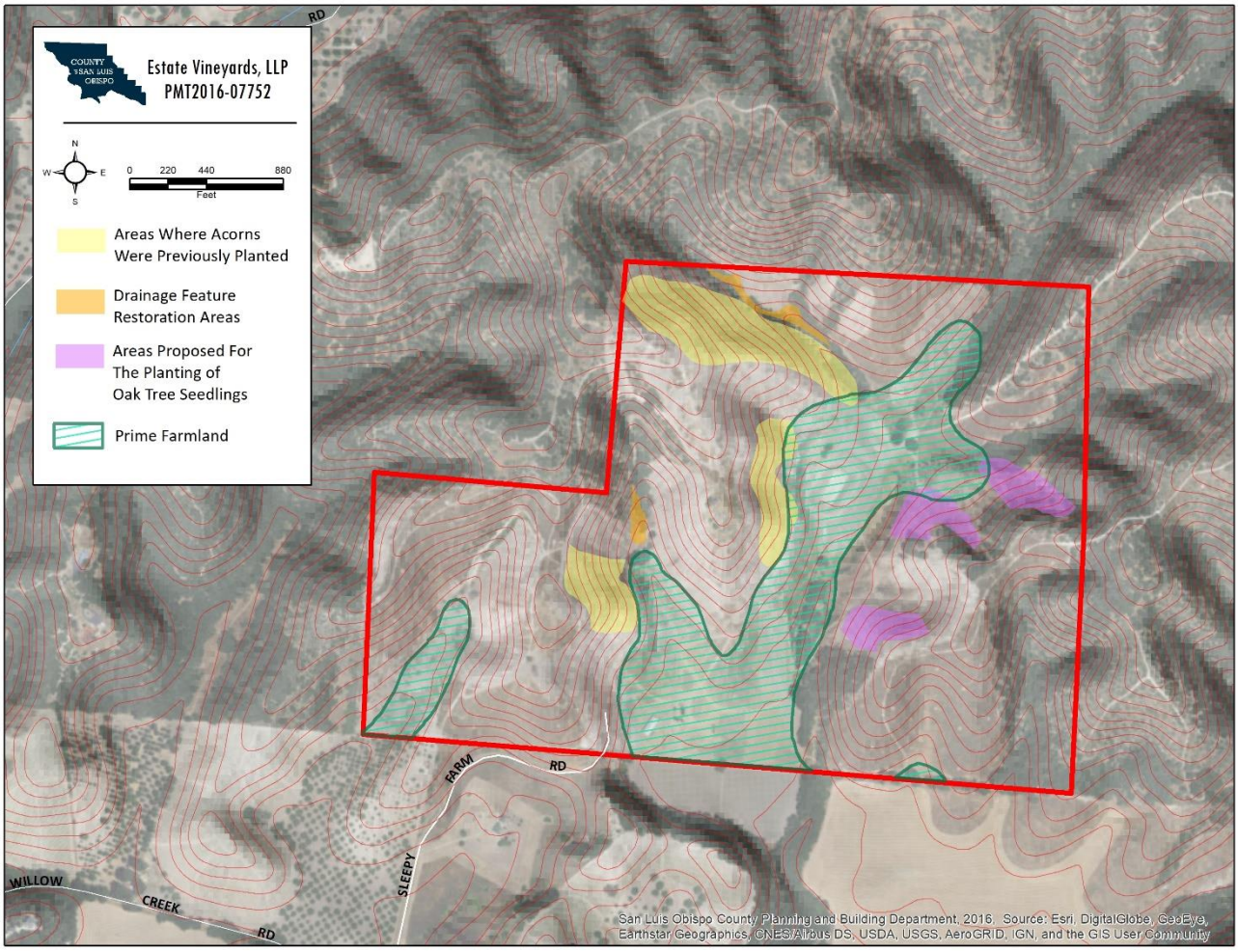


Figure 6 – Soils and Important Farmland Classifications

Impact.

Conversion of Prime Farm Land. As shown in Figure 7, the project site contains areas of Prime Farmland as defined by Table SL-2 of the County's Conservation and Open Space Element. These soils occur generally on the gently sloping terrain along the ephemeral drainages and along Sheep Camp Creek and are outside the areas where restoration activities have occurred and are proposed in the future (Figure 7). The remedial grading will not affect these portions of the project site for agricultural purposes; no structures or roadways are proposed as part of the project.

Figure 7 -- Prime Farmland in Relation to Previous and Proposed Restoration Activities



Impair the Agricultural Use Of Other Property Or Result in Conversion To Other Uses. Surrounding properties consist of ranches and vineyards on parcels of 50 acres or more. The remedial grading

activities are not expected to adversely impact the agricultural use of properties in the area, or result in the conversion of existing agricultural lands to other uses.

Conflict With Existing Zoning or Williamson Act Program. The project site is within the *Agriculture* land use category (zoning) where agricultural grading is allowed subject to the standards set forth in LUO Section 22.52.070. The project site is not subject to a Williamson Act contract.

Mitigation/Conclusion. The project is expected to have a less than significant impact on agricultural resources. Grading activities in areas of the project site containing Prime Farmland will be recontoured to reflect the topography as it existed prior to unpermitted grading.

No mitigation measures are necessary.

3. AIR QUALITY *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☐	☒	☐	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☐	☐	☒	☐
c) Create or subject individuals to objectionable odors?	☐	☐	☒	☐
d) Be inconsistent with the District's Clean Air Plan?	☐	☐	☒	☐
e) Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?	☐	☐	☒	☐
GREENHOUSE GASES				
f) ***Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***	☐	☐	☒	☐
g) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐
h) Other: _____	☐	☐	☐	☒

Air Quality

Setting. The Air Pollution Control District (APCD) has developed and updated their CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

The SLO APCD's 2012 CEQA Air Quality Handbook assists lead agencies, planning consultants, and project proponents in assessing the potential air quality impacts from new development (Table 4). The Handbook establishes thresholds of significance for various types of development and associated activities. According to the Handbook, a project with grading in excess of 4.0 acres and moving 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM_{10}).

Table 4 – Thresholds of Significance for Construction

Pollutant	Threshold1		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG+NOx (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM10), Dust2		2.5 tons	
Greenhouse Gases (CO2, CH4, N2O, HFC, CFC, F6S)	Amortized and Combined with Operational Emissions		

Source: SLO County APCD CEQA Air Quality Handbook, page 2-2.

Notes:

1. Daily and quarterly emission thresholds are based on the California Health & 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 PM10 quarterly threshold.

One of the main concerns with grading is the generation of wind-borne fine particulates (PM10), which in turn is a function of the wind erodability of the underlying soils. The wind erodibility index is a numerical value indicating the susceptibility of soil to wind erosion, or the tons per acre per year that can be expected to be lost to wind erosion. There is a close correlation between wind erosion and the texture of the surface layer, the size and durability of surface clods, rock fragments, organic matter, and a calcareous reaction. Soil moisture and frozen soil layers also influence wind erosion. According to the NRCS Soils Survey, the project site is located on soils that have been given the following wind erodibility ratings. A higher number represents a higher potential for wind erosion.

Table 5 – Wind Erodability of Soils On the Project Site			
Soil	Acres	Wind Erodability	
		Quantitative Rating	Qualitative Rating
Linne-Calodo complex, 50 – 75 percent slopes	263.47	No data	No data
Line-Calodo complex 9 – 30 percent slopes	87.17	No data	No data
Mocho Clay loam, 2 – 9 percent slopes	44.90	Low	6
Rincon clay loam, 2 – 9 percent slopes	4.41	Low	6

Source: NRCS Web Soil Survey, 2017

Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO2/year (MT CO2e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO2e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict

emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

Impacts

Construction-Related Impacts. The project will result in site disturbance as summarized in Table 6, below.

Table 6 -- Summary of Total Site Disturbance

Project Component	Quantity
Non Exempt Grading	41 Acres
Total Site Disturbance:	41 Acres
Cut	34,900 cy
Fill	30,800 cy
Balance	4,150 cy

Remedial grading will result in temporary construction-related traffic amounting to about three trips per day for the duration of grading activities.

Grading and excavation activities will generate exhaust emissions from construction equipment and vehicles, and particulate matter (fugitive dust) from earth disturbance. In addition, the emission of ozone precursors (NOx and ROG) associated with these activities would contribute to periodic high ozone levels in the southern portion of the County.

The project will result in the disturbance of more than 4 aces and is also likely to be moving more than 1,200 cubic yards/day of material associated with recontouring and cut and fill, and therefore will likely exceed the general thresholds triggering construction-related mitigation. The project is not in close proximity to sensitive receptors that might otherwise result in nuisance complaints and be subject to limited dust and/or emission control measures during construction.

Naturally Occurring Asbestos. According to the APCD web map, the project is not located in a candidate area for the potential presence of naturally occurring asbestos (NOA).

Operational Impacts. Following the proposed grading activities, emissions associated with motor vehicles will return to baseline conditions and will fall below APCD thresholds of significance for operational impacts.

Greenhouse Gases. As discussed above, motor vehicle trips associated with post-grading use of the project site are expected to generate emissions that fall below the APCD threshold for operational impacts. With regard to greenhouse gas emissions, using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150

metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required.

Mitigation/Conclusion. The project will have a potentially significant impact on air quality associated with fine particulate matter. With incorporation of recommended mitigation measures, project impacts will be less than significant.

4. BIOLOGICAL RESOURCES *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a loss of unique or special status species* or their habitats?	☐	☒	☐	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☐	☒	☐	☐
c) Impact wetland or riparian habitat?	☐	☐	☒	☐
d) Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☐	☐	☒	☐
e) Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☒

* **Species – as defined in Section15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.**

Setting. The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: Coast live oak woodland, non-native grasses, riparian vegetation

Name and distance from blue line creek(s): Three unnamed drainage features cross the site. Sheep Camp Creek crosses the project site generally north to south.

Site's tree canopy coverage: Approximately 20% within the project area.

Vegetation and Plant Communities. Previous vegetation activities affected about 114 acres of the project site and resulted in the removal of an unknown number of coast live oaks and associated vegetation, as well as disturbance to the riparian vegetation along two of the drainage features. The unpermitted grading preceded adoption of the Oak Woodland Ordinance as described in the Regulatory Setting.

Within and immediately adjacent to the two drainages adversely impacted by previous grading activities

(Figure 2), the dominant vegetation community is coast live oak *(Quercus agrifolia)* - valley oak *(Quercus lobata)* woodland. Toyon *(Heteromeles arbutifolia),* western poison oak *(Toxicodendron diversilobum),* and blue elderberry *(Sambucus nigra* subsp. *caerulea)* are common components of the shrub and lower tree canopy. Both drainages have been subjected to recent past disturbances including vegetation clearing and trimming, grading, and road construction.

Wildlife. The areas where remedial grading will occur are disrobed and all native and non-native vegetation has been removed. Therefore, wildlife habitat is minimal.

Sensitive Resources. Based on biological surveys of comparable properties in the area and a search of the California Natural Diversity Database, the following sensitive resources and listed species have the potential to occur on the project site where native and non-native vegetation has not been removed. For the purposes of this analysis, a sensitive resource is defined as a resource that is of management concern to county, state, and/or federal resource agencies.

Coast Live Oak Trees and Woodland

Although coast live oaks are not a state or federally listed botanical species, the evaluation of impacts to oak woodlands is required by Senate Bill 1334 and the addition of Section 21083.4 to the California Public Resources Code (PRC). PRC Section 21083.4 requires that California lead agencies certify completion of project environmental review under the California Environmental Quality Act (CEQA).

The County's CEQA review process requires the evaluation of potential significant effects to oaks greater than 5 inches DBH, as measured at a height of four feet six inches above ground. Impacts include any ground disturbance within the critical root zone (i.e., 1.5 times the edge of canopy/drip line), trunk damage, or any pruning of branches that are three inches in diameter or greater. Mitigation ratios for removed and impacted trees are 4:1 and 2:1, respectively.

No oak trees are proposed for removal

Listed Plant Species

A search of the California Natural Diversity Database in 2017 revealed the following listed plant species that may occur within a four mile radius of the project site:

Bishop manzanita (*Arctostaphylos obispoensis*) Ca Rare Plant Rank: Class 4.3
Salinas milk-vetch (*Astragalus macrodon*) CA Rare Plant Rank: Class 4.3
Oregon meconella (*Meconella oregana*) CNPS Class: 1B.1
Palmer's spineflower (*Chorizanthe palmeri*) Ca Rare Plant Rank: Class 4.2
Umbrella larkspur (*Delphinium umbraculorum*) CNPS Class: 1B.3

Sensitive Wildlife Species

Migratory Nesting Birds

The federal Migratory Bird Treaty Act (MBTA) and the Convention for the Protection of Migratory Birds and Animals, agreements between the United States and Canada and the United States and Mexico, respectively, afford protection for migratory birds by making it unlawful to collect, sell, pursue, hunt, or kill native migratory birds, their eggs, nests, or any parts thereof. Certain game birds have been omitted from this protection. The laws were adopted to eliminate the commercial market for migratory bird feathers and parts, especially those of larger raptors and other birds of prey.

Suitable nesting habitat is provided by the remaining oak woodland on site. The likelihood of the

presence of nesting birds during the typical avian nesting season (February 1 through September 15) is considered very high.

Listed Animal Species

A search of the California Natural Diversity Database in 2017 revealed the following listed animal species that may occur within a four mile radius of the project site:

Lesser slender salamander (*Batrachoseps minor*), SSC
California red-legged frog (*Rana draytonii*) Federal: Threatened, State: SSC
Coast Range newt (*Taricha torosa*), SSC
Golden eagle (*Aquila chrysaetos*), State: Fully Protected, Watch List
Steelhead - south-central California coast DPS (Oncorhynchus mykiss irideus), Federal: Threatened
Monterey dusky-footed woodrat (*Neotoma macrotis Luciana*), SSC
Pallid bat (*Antrozous pallidus*), SSC
Western pond turtle (*Emys marmorata*), SSC

Impacts.

The total area of project disturbance that associated with non-exempt grading (ie, grading on slopes greater than 30% and/or within a streambed) is 41 acres. The remaining 73 acres of grading was done as agricultural grading prior to adoption of the Oak Woodland Ordinance. Accordingly, the impacts of this prior activity are not assessed. Rather, the following section is focused on the impacts of the as-built grading and vegetation removal on slopes greater than 30% and in streambed areas that formed the Notice of Violation.

Impacts to Unique or Special-status Species or Their Habitats. Areas where grading occurred on slopes greater than 30% have been cleared of vegetation and therefore provide little to no habitat for unique or listed species.

Direct impacts to wildlife could result from take (e.g., injury, death) via construction-related disturbances such as trampling or crushing from equipment or construction crews. Indirect impacts to wildlife species could result from noise, harassment, dust, or other disruption during construction activities or through modifications to the species' habitat. Impacts to these species could occur as a result of the remedial grading activities.

Effects Relating to Extent, Diversity, or Quality of Native or Other Important Vegetation.

Per Section 21083.4 of the PRC, if the County determines that there may be a significant effect to oak woodlands (e.g., oak trimming or removal), the County must require one of the following four methods of impact mitigation under CEQA:1) conservation of existing oak woodlands, 2) planting and subsequent success monitoring of an appropriate number of trees, 3) contribution to the Oak Woodlands Conservation Fund, or 4) other measures established by the County.

The County requires mitigation for impacts to, or removal of, native oak trees with a diameter at breast height (DBH) of five inches or greater, as measured at a height of four feet six inches above ground. Impacts include any ground disturbance within the critical root zone of one and one-half times the canopy/drip line diameter, trunk damage, or any pruning of branches three inches in diameter or greater. Mitigation ratios to removed and impacted trees are 4:1 and 2:1, respectively. These mitigation requirements would have been applied through the permitting process for grading on slopes in excess of 30% that occurred in 2016.

Remedial grading associated with this project will take place on areas of the project site where the native vegetation has been removed. Therefore, potential impacts to oak trees and other sensitive and important vegetation will be less than significant.

Effects on Wetland or Riparian Habitat. Restoration activities proposed along drainage features No. 1

and 2 will involve grading to restore the streambed to its pre-graded condition. According to the Habitat Restoration Plan (Terra Verde, May 2017) the upper limits of Drainage 1 occurs on an adjacent property, which flows roughly east onto the subject property into a clearly-defined channel for approximately 1,230 feet before widening into a gently-sloped area. At this point, water appears to sheet-flow across approximately 450 feet of relatively flat grassland habitat toward Sheepcamp Creek, a USGS blue line drainage. Drainage 1 was impacted during the construction of a new dirt road within the channel bottom and along the side slope above the channel. Much of the fill and other debris placed in the channel during road construction has since been removed per CDFW authorization, leaving a mostly natural contour in the bed and along the banks of the channel in the upper and lower reaches, with the originally constructed road fill remaining in place.

This drainage feature flowed only minimally during the past rain season (i.e., October 2016 - March 2017) and remained stable without any evidence of major erosion and/or sedimentation impacts to downstream areas.

Drainage 2 flows roughly south within a clearly-defined channel for approximately 750 feet before entering a culvert, which empties into a wide, flat area that is currently cleared and used for equipment staging. Water from this drainage appears to sheet flow across approximately 1,400 feet of graded areas and grassland habitat before entering Sheepcamp Creek, near the southern property boundary. Past impacts to this drainage include clearing the eastern bank of all vegetation (trees, shrubs, and herbaceous cover) and clearing the majority of the understory vegetation along the western bank, leaving the tree canopy intact.

The areas proposed for mitigation include the lower 10 to 25 feet of the banks of Drainage 1, and Drainage 2 along the extent of recently impacted areas, totaling approximately 1.4 acres. These areas will be planted with container stock of native seedlings typical of the riparian habitat on site, as well as valley oak acorns. Additionally, the portion of Drainage 1 that currently has remnant fill remaining in the channel bottom will be ripped for de-compaction, re-contoured to resemble a natural flow channel, and planted with container stock plantings and valley oak acorns. The ripped area will also be seeded with an erosion control mix for rapid stabilization of exposed soils and standard BMPs (e.g., weed- free fiber rolls) will be installed. Implementation of the Habitat Restoration Plan will require a Streambed Alteration Agreement with the CDFW.

Effects on Movement of Resident or Migratory Fish and Wildlife Species. Based on the project description, no adverse impacts to the movement of resident or migratory fish or wildlife species are expected.

Mitigation/Conclusion

Activities Occurring After The Notice of Violation

Following a site visit conducted by CDFW on July 21, 2016, the applicant conducted recommended site stabilization activities within and adjacent to Drainages 1 and 2, which included the removal of woody debris and sediment from the channel bottoms, installation of standard erosion control best management practices (BMPs) (e.g., jute netting, fiber rolls), and seeding exposed/graded slopes with an erosion control seed mix. The applicant is now preparing to submit a Streambed Alteration Agreement (SAA) application to complete habitat restoration activities within the two impacted drainage features, as directed by CDFW. The restoration of habitat along the two drainages will be guided by a Habitat Restoration Plan prepared by Terra Verde Environmental Consultants in May, 2017.

As discussed under Phase 2C of the project description, the applicant implemented an erosion control plan that was completed in 2016 that included the following:

- Hydro seeding with a native erosion control mix which was blended with sterile wheat.
- In areas of the site with gently sloping topography, native chipped material from the site was applied to the ground surface. Erosion control blankets were placed in such a way to work

around and avoid areas in which native vegetation was naturally regenerating.

- In order to further restore the areas subject to the Notice of Violation, the applicant has identified planting areas for oak acorns and container oak trees on slopes over 30% (Figure 3). As of May 2017, a total of 3,400 oak acorns have been planted in 1,700 basins on approximately 19 acres of the project site. The installation locations were chosen by grade of slope (>30%), proper aspect, suitable soil, historic presence of oak trees, and logistical ability to maintain acorns over the summer.
- In addition to the already planted acorns, an additional 325 container oak trees will be planted on the western slopes of the site in December of 2017. The additional planting areas will cover approximately 6.5 acres. The planting ratio for the container oak trees will be approximately 50 trees per acre.

Recommended Mitigation Measures

Implementation of the recommended mitigation measures will reduce impacts to sensitive botanical resources to a less than significant level.

5. CULTURAL RESOURCES *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Disturb archaeological resources?	☐	☐	☒	☐
b) Disturb historical resources?	☐	☐	☒	☐
c) Disturb paleontological resources?	☐	☐	☒	☐
d) Cause a substantial adverse change to a Tribal Cultural Resource?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☒

Cultural Resources

Setting. The project is located in an area historically occupied by the Obispeno Chumash and Salinan. No historic structures are present and no paleontological resources are known to exist in the area.

In July, 2015, the legislature added new requirements to the CEQA process regarding tribal cultural resources in Assembly Bill 52 (Gatto, 2014). By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process.

The Public Resources Code now establishes that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." (Pub. Resources Code, § 21084.2.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. (Pub. Resources Code, § 21080.3.1.) If a lead agency determines

that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code §20184.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources.

The project is not located in a designated Archaeologically Sensitive combining designation area. Letters requesting information concerning cultural resources in the area were sent to each of the tribal contacts identified by the Native American Heritage Commission (NAHC) on October 12, 2017. No consultation was requested.

Impact. The project site is located in an area that was historically occupied by native peoples. A Phase I archaeological survey was conducted for the project site in 2016 by SWCA Environmental Consultants which included a records search and field survey of the site. The study found that no historical resources or unique archaeological resources as defined by CEQA were identified within or adjacent to the study area. No further cultural resources survey is recommended.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☐	☒	☐
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?	☐	☐	☐	☒
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	☐	☒	☐	☐
d) Include structures located on expansive soils?	☐	☐	☒	☐
e) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?	☐	☐	☒	☐
f) Preclude the future extraction of valuable mineral resources?	☐	☐	☐	☒
g) Other: _____	☐	☐	☐	☒

* **Per Division of Mines and Geology Special Publication #42**

Setting. The following relates to the project's geologic aspects or conditions:

Topography: Gently rolling to steeply sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: High

Liquefaction Potential: Low to moderate

Nearby potentially active faults?: Yes Distance? 3 miles to the east

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Moderate to High

Other notable geologic features? None

GEOLOGY - The topography of the project site is gently sloping to steep. The project site is not subject to the Geologic Study Area designation. Liquefaction potential during a ground-shaking event is considered low to moderate. However, landslide risk over the majority of the project site is considered high. The project is not within an area known to contain serpentine or ultramafic rock or soils.

DRAINAGE/EROSION – As described in the Natural Resource Conservation Service Soil Survey, soils on the project site are considered well drained. For areas where drainage is identified as a potential issue, LUO Sec. 22.52.080 includes a provision to prepare a drainage plan to minimize potential drainage impacts.

As discussed in the project description, Phase I of the applicant's response to the Notice of Violation was implementation of a Boundary Control Plan which consisted of installing sediment barriers (silt fencing) to provide immediate sediment control to prevent sediment transport off of the site. The Boundary Control Plan measures were implemented in July 2016, as approved by the County.

Following the initial Boundary Control Plan, a separate permit was submitted to the County for a complete Erosion Control Plan which was developed and implemented to prepare the site for the upcoming rainy season. The Erosion Control Plan consisted of three sub phases:

- Phase 2A - Fill and Organic Waste Removal Plan, approved by the County on July 26th
- Phase 2B - Site Modification Plan, approved by the County on August 17th, 2016. Re-contouring of the existing reservoir was completed during this phase to facilitate the use of the reservoir for sedimentation control.
- Phase 2C - Application of Erosion Control Measures, approved by the County on August 23rd, 2016.

Phases 2A, 2B and 2C were completed on December 6th, 2016.

The erosion control measures implemented during Phase 2 included hydro seeding with a native erosion control mix which was blended with sterile wheat. All disturbed areas were groomed, hydro seeded and then covered with erosion control blankets. The erosion control blankets consist of a matrix of 100% coconut fibers stitched between two biodegradable nets, serving as a mulching layer.

Impacts

Erosion and Sedimentation. As-built grading on slopes greater than 30 percent resulted in the disturbance of approximately 41 acres, Remedial grading will include 34,900 cubic yards of cut and 30,800 cy of fill to accomplish the remedial grading. The project will result in the disturbance of approximately 114 acres and will include 34,900 cubic yards of cut and 30,800 cy of fill to accomplish the remedial grading.

The project was reviewed by the Building Division and the Department of Public Works. Grading activities are subject to the provisions of the California Building Code and County standards for grading. A grading and drainage plan has been submitted as part of the project application; review and approval will be required prior to building permit issuance in accordance with Section 22.52.110 of the Land Use Ordinance. In addition, the project is required to provide a complete erosion and sedimentation control plan in accordance with Section 22.52.120. The recommendations of the Public Works and Building Departments will be incorporated as conditions of approval.

No significant impacts associated with unstable earth conditions, earthquakes or ground failure are expected to occur. The project site is not located within extractive zone and no mineral resources are known to be present within the project site.

Conclusion/Mitigation Measures. The project is not expected to result in adverse impacts associated with grading, erosion and sedimentation because:

- The project will be required to submit a complete grading and drainage and erosion prevention plan to demonstrate compliance with County regulations relating to the prevention of erosion and the protection of surface water quality in accordance with relevant State and federal laws.

- Project grading and drainage plans will be verified by the County prior to issuance of the grading permit.

Compliance with existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. No additional measures above what are required or proposed are needed to protect water quality.

	Potentially Significant	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
7. HAZARDS & HAZARDOUS MATERIALS - ***Will the project:***				
a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a 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 ¼-mile of an existing or proposed school?	☐	☐	☐	☒

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?	☐	☐	☒	☐
e) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?	☐	☐	☒	☐
f) If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?	☐	☐	☒	☐
h) Be within a 'very high' fire hazard severity zone?	☐	☐	☐	☒
i) Be within an area classified as a 'state responsibility' area as defined by CalFire?	☐	☐	☒	☐
j) Other: _____	☐	☐	☐	☒

Setting. The State of California Hazardous Waste and Substances Site List (also known as the "Cortese List") is a planning document used by state and local agencies and developers to comply with the siting requirements prescribed by federal, State, and local regulations relating to hazardous materials sites. A search of the Cortese database conducted in August, 2017 revealed no active sites in the vicinity, including the project site.

The project is not within an Airport Review area.

According to the CalFire map of fire hazard severity zones for San Luis Obispo County, the project site is located in a *High Fire Hazard Severity Zone*. Based on the County's fire response time map, it will take approximately 15 - 20 minutes to respond to a call regarding fire or life safety. *Refer to the Public Services section for a further discussion of project impacts on fire protection facilities.*

Impact. Grading activities may involve the use of oils, fuels and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by the Department of Toxic Substances Control (DTSC) (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations. In addition, compliance with the requirements of a SWPPP and standard best management practices would also address this impact (refer to Section 13 Water).

The project is required to comply with the California Building Code. CalFIRE will also review the any planned residential building improvements prior to permit issuance and completion for installation of adequate fire safety measures.

The project is not expected to conflict with any regional emergency response or evacuation plan.

Mitigation/Conclusion. Compliance with existing regulations and code requirements will ensure potential impacts associated with hazards and hazardous materials impacts will be less than significant.

8. NOISE *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Expose people to noise levels that exceed the County Noise Element thresholds?	☐	☐	☒	☐
b) Generate permanent increases in the ambient noise levels in the project vicinity?	☐	☐	☒	☐
c) Cause a temporary or periodic increase in ambient noise in the project vicinity?	☐	☐	☒	☐
d) Expose people to severe noise or vibration?	☐	☐	☒	☐
e) If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?	☐	☐	☐	☒
f) Other: _____	☐	☐	☐	☒

Setting. The project is located in a rural area of the county where agriculture is the prevailing land use. Consequently, noise levels on the project site and in the vicinity are low and there are no sources of loud noises beyond those associated with ongoing agricultural operations. There are no sensitive noise receptors in the vicinity of the project site.

The Noise Element includes projections for future noise levels from known stationary and vehicle-generated noise sources. According to the Noise Element, the project lies within an area where future noise levels are expected to remain within an acceptable threshold. The project site is about 1 mile north of Willow Creek Road which is a minor source of transportation-related noise due to the low traffic volumes and distance to the project site. The Noise Element establishes a threshold for acceptable exterior noise levels for sensitive uses (such as residences) of 60 decibels[a] along transportation noise

[a] The sound level obtained by using the A-weighting filter of a sound level meter, expressed in decibels (dB). All sound levels referred to in this policy document are in A-weighted decibels. A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A-weighting, as it provides a high degree of correlation which human annoyance and health effects.

sources and provides an estimate of the distance from certain roadways where noise levels will exceed those levels. For Willow Creek Road, these distances have not been modeled.

Impact.

Construction Impacts. Construction activities may involve the use of heavy equipment for grading. Construction-related noise impacts would be temporary and localized. The nearest ranch house is more than 1,000 feet to the south. Therefore, construction activities could result in temporary adverse noise impacts to surrounding residences. County regulations limit the hours of construction to day time hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends.

Operational Impacts. Following completion of the remedial grading and restoration activities, operational traffic will be comparable to that of surrounding agricultural properties.

Mitigation/Conclusion. No significant noise impacts are anticipated. Compliance with County standards for the management of construction noise will ensure impacts to surrounding residences will be less than significant. No additional mitigation measures are recommended.

9. POPULATION/HOUSING *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?	☐	☐	☐	☒
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Create the need for substantial new housing in the area?	☐	☐	☐	☒
d) Other: _____	☐	☐	☐	☒

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

Impact. Based on the project description (remedial grading and restoration), the project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated. No additional mitigation measures beyond the ordinance requirements are necessary.

10. PUBLIC SERVICES/UTILITIES

	Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a)	***Fire protection?***	☐	☐	☒	☐
b)	***Police protection (e.g., Sheriff, CHP)?***	☐	☐	☒	☐
c)	***Schools?***	☐	☐	☐	☒
d)	***Roads?***	☐	☐	☒	☐
e)	***Solid Wastes?***	☐	☐	☐	☒
f)	***Other public facilities?***	☐	☐	☐	☒
g)	***Other:*** _____	☐	☐	☐	☒

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

Police: County Sheriff Location: (Approximately 5 miles to the east

Fire: Cal Fire (formerly CDF) Hazard Severity: High Response Time: 15-20 minutes

Location: (Approximately 4.0 miles to the southwest)

School District: Paso Robles Joint Unified School District.

Police protection is provided by the County Sheriff which has a sub-station at 356 N Main St, Templeton. The nearest County fire stations are located at 4820 Heritage Rd, in Heritage Ranch, about five miles to the north, and at 2510 Ramada Dr, Paso Robles, about five miles to the east. Emergency response times to the project site are 15 – 20 minutes. The project is located within the Paso Robles School District.

Impact. To mitigate the demand for new or expanded public facilities caused by development, the County has adopted development impact fees in accordance with Government Code Section 66000 et seq.. Under this program private development is required to pay a fee that is proportional to the incremental demand for a particular facility needed to serve such development. The amount of the fees must be justified by a supporting study (fee justification study) which identifies the new or expanded facilities needed to serve expected demand into the future and apportions these costs to new development. New development is required to pay the appropriate fees for new or expanded public facilities commensurate with the type and size of development.

Mitigation/Conclusion. The project involves remedial grading and restoration and will have no effect on public services.

11. RECREATION

	Will the project:	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a)	***Increase the use or demand for parks or other recreation opportunities?***	☐	☐	☐	☒

11. RECREATION

	Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b)	***Affect the access to trails, parks or other recreation opportunities?***	☐	☐	☒	☐
c)	***Other*** _____	☐	☐	☐	☒

Setting. Regional county parks serving the project site include Heilmann Park in Atascadero and Lake Nacimiento Recreational Area.

The County has adopted a Trails Plan for the purpose of establishing a trail system serving the unincorporated areas of the County. The Trails Plan does not show any trails affecting the project site. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

Impact. As discussed in Section 9, Population and Housing, no additional population is expected to be attracted to the county as a result of the project. The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/CIRCULATION

	Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	***Increase vehicle trips to local or areawide circulation system?***	☐	☐	☒	☐
b)	***Reduce existing "Level of Service" on public roadway(s)?***	☐	☐	☒	☐
c)	***Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?***	☐	☐	☒	☐
d)	***Provide for adequate emergency access?***	☐	☐	☒	☐
e)	***Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?***	☐	☐	☒	☐
f)	***Conflict with an applicable congestion management program?***	☐	☐	☒	☐

12. TRANSPORTATION/CIRCULATION *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒
h) Result in a change in air traffic patterns that may result in substantial safety risks?	☐	☐	☐	☒
i) Other: _____	☐	☐	☐	☒

Setting. The project site is accessed by Sleepy Farm Road a rural road, and Willow Creek Road, a rural collector. Sleepy Farm Road is a narrow, two lane gravel roadway serving the project site. Traffic counts taken in 2014 indicate Willow Creek Road experiences an afternoon peak hour traffic volume of 28 vehicle trips and is operating at an acceptable level of service.

Impacts.
Construction Impacts. Traffic associated with grading and restoration activities will increase during the morning and afternoon peak hours on Willow Creek Road. Based on the project information, it is expected that as many as 3 workers may be arriving and leaving the project site on a typical construction work day. Assuming 28 trips on Willow Creek Road during the afternoon weekday peak hour, traffic will increase by less than 1% per day for a construction timeframe of three to four months. The temporary increase in traffic on will not reduce the currently-acceptable level of service.

Operational Impacts. Following completion of the remedial grading and restoration activities, operational traffic will be comparable to surrounding agricultural properties.

The project does not conflict with adopted policies, plans and programs on transportation.

Mitigation/Conclusion.

No significant traffic impacts are expected and no mitigation measures are required.

13. WASTEWATER *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	☐	☐	☐	☒
b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?	☐	☐	☒	☐
c) Adversely affect community wastewater service provider?	☐	☐	☐	☒

13. WASTEWATER

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
Will the project:				
d) Other: _____	☐	☐	☐	☒

Setting. Soil types for the project site are provided in Section 2., Agricultural Resource, based on the Natural Resource Conservation Service (NRCS) Soil Survey map.

Impacts.

The project involves grading and restoration activities that will not produce wastewater.

Mitigation Measures/Conclusions

The project will have no impacts associated with wastewater.

14. WATER & HYDROLOGY

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
Will the project:				
QUALITY				
a) Violate any water quality standards?	☐	☐	☒	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?	☐	☒	☐	☐
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☐	☐	☒
d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?	☐	☐	☒	☐
e) Change rates of soil absorption, or amount or direction of surface runoff?	☐	☒	☐	☐
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	☐	☒	☐	☐
g) Involve activities within the 100-year flood zone?	☐	☐	☐	☒
QUANTITY				
h) Change the quantity or movement of available surface or ground water?	☐	☐	☐	☒

14. WATER & HYDROLOGY

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
i) Adversely affect community water service provider?	☐	☐	☐	☒
j) Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure, etc.), or inundation by seiche, tsunami or mudflow?	☐	☐	☐	☒
k) Other: _____	☐	☐	☐	☒

Setting. .

The topography of the project is gently to steeply sloping. Sheep Camp Creek crosses the project site generally north to south As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

Projects involving more than one acre of disturbance are required to enroll in the State's Construction General Stormwater Permit (CGP) with required preparation of a Storm Water Pollution Prevention Plan (SWPPP) to control and minimize on-site sedimentation and erosion. The CGP requires that erosion and sedimentation control measures Best Management Practices (BMPs) be implemented, maintained, and evaluated for effectiveness year-round throughout the project. The permittee shall follow construction site BMP guidance according to the QSD, California Stormwater Quality Association (CASQA), and similarly recognized expert guidance.

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? No

Closest creek? Sheep Camp Creek Distance? Crosses the project site

Soil drainage characteristics: Well drained

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

SEDIMENTATION AND EROSION – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Moderate

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize these impacts. Projects involving more than one acre of disturbance are required to enroll in the State's Construction General Stormwater Permit (CGP) with required preparation of a Storm Water Pollution Prevention Plan (SWPPP) to control and minimize on-site sedimentation and erosion (unless the project is exempt). The CGP requires that erosion and sedimentation control measures Best Management Practices (BMPs) be implemented, maintained, and evaluated for effectiveness year-round throughout the project. The permittee shall follow construction site BMP guidance according to the QSD, California Stormwater Quality Association (CASQA), and

similarly recognized expert guidance. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact – Water Quality/Hydrology

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

- ✓ Approximately 41 acres of site disturbance is proposed and the movement of approximately 34,900 cy yards of cut and 30,800 cy of fill material;
- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project is not within a 100-year Flood Hazard designation;
- ✓ The project is more than 100 feet from the closest creek or surface water body;
- ✓ All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur;

Impact -- Water Quantity

Based on the project description, the project will have no impact on water quantity.

Mitigation/Conclusion. As specified above for water quality, the project will be regulated by the County Land Use Ordinance. These regulations and/or required plans will be developed and reviewed by engineers and planners. Land Use Ordinance requirements will adequately address surface water quality impacts during construction.

15. LAND USE

Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [County Land Use Element and Ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	☐	☐	☒	☐
b) Be potentially inconsistent with any habitat or community conservation plan?	☐	☐	☐	☒
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	☐	☐	☒	☐
d) Be potentially incompatible with surrounding land uses?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☒

Setting/Impact. Surrounding uses are identified on Page 2 of this Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, General Plan, etc.). Referrals were sent to external agencies to review for policy consistencies (e.g., CalFIRE for Fire Code, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent with the surrounding uses as summarized on page 2 of the Initial Study.

The proposed project is subject to the following Planning Area Standard(s) as found in the County's LUO:

1. LUO Section 22.52.060 – This section contains the County grading standards. The project may be consistent with this standard.
2. LUO Section 22.52.080 – This section describes the Alternative Review Process (ARP) described in and managed jointly by the County and the RCD. The project may be consistent with this section.
3. LUO Section 22.52.070(A) and (C). This section describes the exemption for agricultural grading. The project may be consistent with this standard.

Future uses on the site will be allowed based on the land use category and shall be consistent with the Land Use Ordinance and the County General Plan.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Have the potential to 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, 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 pre-history?	☐	☒	☐	☐
b) 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) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

For further information on CEQA or the County's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://resources.ca.gov/ceqa/ for information about the California Environmental Quality Act.

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	**Not Applicable**
☐	County Agricultural Commissioner's Office	**Not Applicable**
☐	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	**Not Applicable**
☐	CA Department of Forestry (Cal Fire)	**Not Applicable**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☐	Other _____	**Not Applicable**
☐	Other _____	**Not Applicable**

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

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

☒ Project File for the Subject Application

County documents

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

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

- San Luis Obispo County Traffic Counts:

  http://www.slocounty.ca.gov/PW/Traffic/Traffic_Counts.htm

- APCD referral response
- State of California Department of Toxic Substances Control Envirostor "Cortese List", October 2016
- http://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&reporttype=CORTESE&site_type=CSITES,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST
- Natural Resources Conservation Service Web Soil Survey
- San Luis Obispo Air Pollution Control District 2012 CEQA Air Quality Handbook
- Project plans and application
- Terra Verde Environmental Consultants, LLC, Habitat Restoration Plan for Estate Vineyards, May 2017
- SWCA Environmental Consultants, Phase I Archaeological Survey for 750 Sleepy Farm Road, October, 2016

Exhibit B - Mitigation Summary Table

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

Air Quality

AQ-1 **Dust Mitigation. During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

a. Reduce the amount of the disturbed area where possible;
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD'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 mph. Reclaimed (non-potable) water should be used whenever possible. The contractor shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants. see Section 4.3 of the CEQA Air Quality Handbook;
c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating. non-invasive grass seed and watered until vegetation is established;
f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders. jute netting, .or other methods approved in advance by the APCD;
g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with evc Section 23114;
j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
l. All PM10 mitigation measures required should be shown on grading plans;

m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

Biological Resources

BIO-1 Prior to the onset of restoration activities associated with the seasonal drainages, the applicant shall provide evidence to the Department of Planning and Building of an approved Streambed Alteration Agreement or operation of law letter with the California Department of Fish and Wildlife in accordance with Section 1602 of the California Fish and Game Code.

BIO-2 All habitat restoration activities associated with the seasonal drainages shall be conducted in accordance with the Habitat Restoration Plan for Estate Vineyards (Terra Verde Environmental Consultants, May 2017) including planting, maintenance, monitoring and reporting.

BIO-3 No further oak trees shall be removed as part of the remedial grading. **Prior to grading permit issuance**, all native oak trees (*Quercus* sp.) expected to be trimmed or impacted within the critical root zone as a result of project activities will be identified and included on restoration and grading plans. The following avoidance and minimization measures shall be implemented if project construction requires impacts oak trees on the site, or if work is conducted within 50 feet of the oak canopy:

- All native oak trees within 50 feet of proposed grading activities (DBH>5 in) to be preserved will be fenced and avoided at the drip line with a sturdy, high visibility fencing.
- No ground disturbance shall occur within the drip lines of fenced trees.
- No construction materials or vehicles may be stored within the fenced area surrounding the trees.
- An arborist certified by the International Society of Arboriculture (ISA) will be hired for all removal of existing roots and branch trimming.
- Pavement within the driplines of existing trees shall not exceed 25 percent coverage.
- In the event impacts to roots or limbs of oak trees occur, the Applicant shall provide mitigation (on site) per the County's guidelines (e.g., 2:1 for impacted trees and 4:1 for removed trees). This shall include development of an oak tree replacement plan and establishment of an oak tree planting site that shall be protected in perpetuity.
- A final list of oak trees impacted as part of the restoration project shall be submitted to the County by the certified arborist or project biologist following all site grading and remedial improvements on site.
- All replacement trees will have supplemental irrigation installed and maintained for no less than three years or as recommended by the restoration biologist.

BIO-4 **Drainage Modifications. At the time of application for a grading permit**, the applicant shall clearly show on the project plans all revised drainage patterns that are within 100 feet upslope of any existing (oak) trees to remain. All reasonable efforts shall be made to maintain the historic drainage patterns and flow volumes to these oak trees. If not feasible, the drainage plan shall clearly show which trees would be receiving more or less drainage. If the historic

drainage pattern and flow volume cannot be maintained for these trees, the drainage plan shall be submitted to the County for review. The County will determine the significance to the affected trees from the proposed drainage pattern changes and require appropriate replacement levels (up to 4:1 replacement ratio and up to 2:1 for impacted trees). The applicant agrees that at such time, the County recommended level of tree replacement along with any suggested measures to improve the success of existing and new trees will be completed. Additional monitoring of existing and/or replacement trees may also be required.

BIO-5 **Oak Trimming.** The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks:

a. Minimize removal of larger lower branches
b. Avoid making tree top heavy and more susceptible to "blow-overs"
c. Reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation
d. Retain the wildlife that is found only in the lower branches
e. Retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers)
f. Retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance.
g. If trimming is necessary, the applicant agrees to either use a skilled certified arborist or apply techniques accepted by the International Society of Arboriculture when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species.

BIO-6 **Nesting Birds – Pre-Construction Survey & Protection. Prior to any grading or restoration activities,** the Applicant shall avoid such restoration and grading activities during the typical avian nesting season (February 15 to August 15) to protect sensitive avian species and those species protected by the MBTA. If avoiding construction during this season is not feasible, a qualified biologist shall survey the area *within one week* prior to activity beginning on site. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged. A non-disturbance buffer of 50 feet will be placed around all non-sensitive, passerine bird species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until the Applicant's biologist has determined that the young have fledged. If special- status avian species are identified, no work will begin until an appropriate buffer is determined by consultation with the County's Environmental Coordinator, local CDFW biologist, and/or the USFWS.

BIO-7 **Surface Water Protection**. **Prior to grading permit issuance**, an erosion and sedimentation control plan shall be developed outlining BMPs, which shall be implemented to prevent erosion and sedimentation into the stream or wetland features during grading activities. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standards. BMPs shall be installed and maintained for the duration of the project. For long-term site stabilization, native vegetation appropriate to the site will be planted to minimize erosion and sedimentation, as needed. The following general measures to minimize impacts to sensitive resources are recommended:

a. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area

shall be clearly defined and marked with visible flagging and/or fencing. No work shall occur outside these limits.

b. All equipment and materials shall be stored at least 100 feet away from drainage features at the end of each working day. Secondary containment shall be used to prevent leaks and spills of potential contaminants from entering the drainage features when equipment must be staged, fueled, or repaired within 100 feet of the resource.

c. During construction, washing of equipment and refueling and maintenance of equipment shall occur only in designated areas a minimum of 100 feet from the drainage features. Sandbags and/or sorbent pads shall be available to prevent water and/or spilled fuel from entering water bodies. In addition, all equipment and materials shall be stored/stockpiled away from drainage features. Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

d. Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g., CDFW) shall be obtained (as necessary). All additional mitigation measures required by these agencies shall be implemented as necessary throughout the duration of the project.

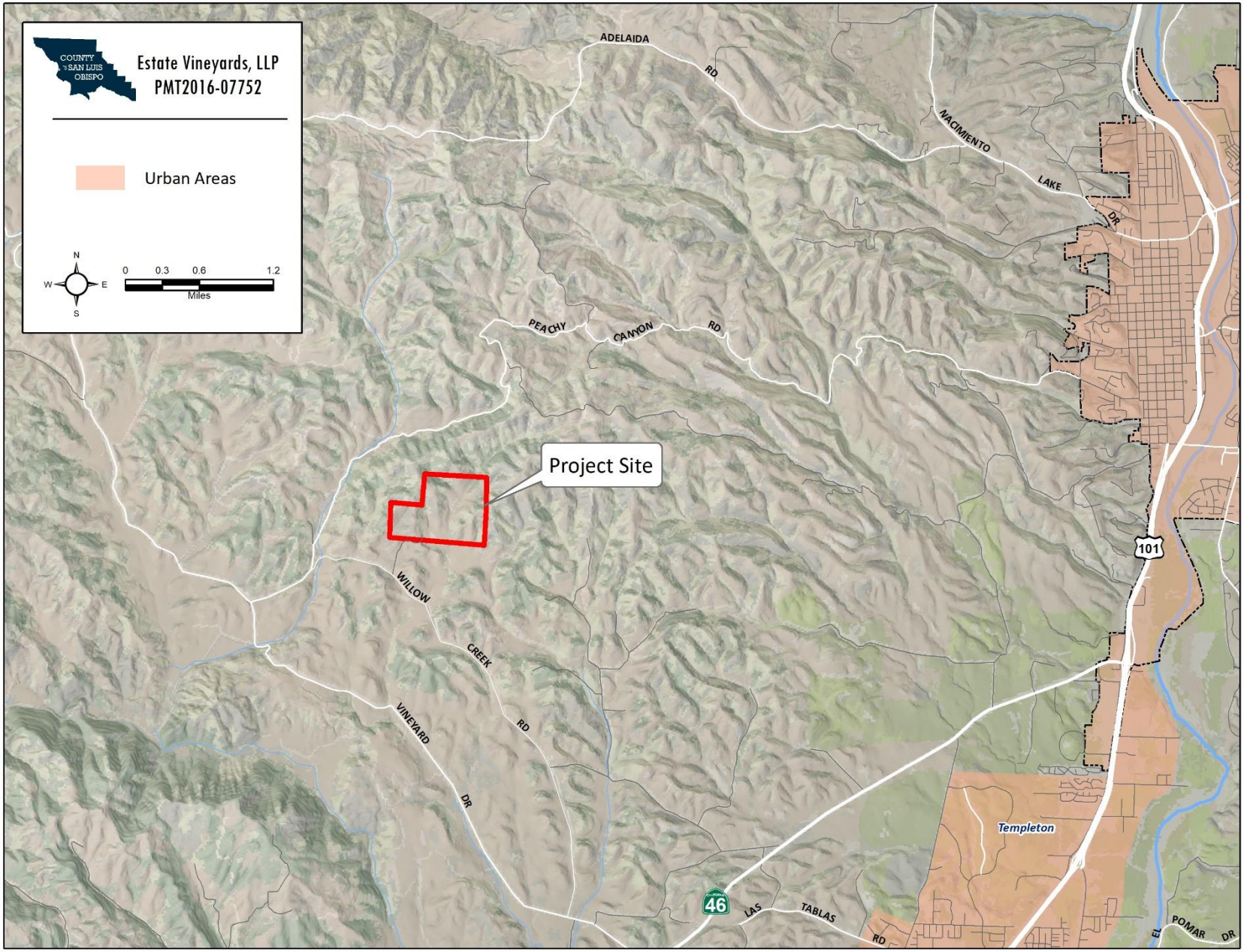
BIO-8 **Compliance/Monitoring**. Prior to grading permit approval, all 1) native vegetation removal, and 2) sensitive habitat protection measures to be implemented during construction, shall be shown on all applicable grading/ construction or improvement plans and reviewed/ approved by the County (Planning and Building Dept.) before any work or vegetation removal begins.

BIO-9 **Prior to grading activities**, an environmental awareness training shall be presented by a qualified biologist to all construction personnel prior to start of Project activities. The environmental sensitivity orientation shall include an overview of special-status species and sensitive resources with potential to occur on the Project site, habitat requirements, and their protection status.

BIO-10 **Prior to the initiation of grading activities**, a qualified biologist shall conduct a pre-activity, day time survey to ensure special-status wildlife species are not impacted. In the event sensitive wildlife species are found, they shall be allowed to leave the area on their own volition, relocated (as permitted) to suitable habitat areas located outside the work area(s), or resource agencies will be contacted for further guidance.

BIO-10 **During grading and restoration activities**, all temporarily disturbed areas including access routes, staging areas, and stockpile areas shall be stabilized using acceptable BMPs to avoid and/or minimize erosion and site run-off. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, silt fencing, and/or other industry standards. BMPs shall be installed and maintained for the duration of the project and an appropriate native seed mix for erosion control shall be applied, as necessary. These general BMP measures shall be outlined on all project plans.

BIO-11 **Following construction and before final inspection**, all areas where unpermitted grading has occurred (including two unnamed drainage features) since 2016 shall be seeded as recommended by the Habitat Restoration Plan prepared by Terra Verde dated May 2017.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EL POMAR DR
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November 16, 2017

REVISED DEVELOPER'S STATEMENT FOR THE ESTATE VINEYARDS GRADING PERMIT ED16-355 (PMT2016-07752)

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading 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.

Air Quality

AQ-1 **Dust Mitigation. During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

a. Reduce the amount of the disturbed area where possible;
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD'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 mph. Reclaimed (non-potable) water should be used whenever possible. The contractor shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants. see Section 4.3 of the CEQA Air Quality Handbook;
c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating. non-invasive grass seed and watered until vegetation is established;
f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders. jute netting, .or other methods approved in advance by the APCD;
g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with evc Section 23114;
j. Install wheel washers where vehicles enter and exit unpaved roads onto streets (unless exiting onto an unpaved street), or wash off trucks and equipment leaving the site;
k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
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m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

Monitoring: Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

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BIO-1 Prior to the onset of restoration activities associated with the seasonal drainages, the applicant shall provide evidence to the Department of Planning and Building of an approved Streambed Alteration Agreement or operation of law letter with the California Department of Fish and Wildlife in accordance with Section 1602 of the California Fish and Game Code.

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b. Avoid making tree top heavy and more susceptible to "blow-overs"
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d. Retain the wildlife that is found only in the lower branches

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Monitoring: Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

BIO-11 **Following construction and before final inspection**, all areas where unpermitted grading has occurred (including two unnamed drainage features) since 2016 shall be seeded as recommended by the Habitat Restoration Plan prepared by Terra Verde dated May 2017.

Monitoring: Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

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

Signature of Owner(s)

Date

SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

November 7, 2017

Ms. Kerry Brown
Department of Planning & Building
County Government Center
San Luis Obispo, CA 93408

SUBJECT: APCD Comments Regarding Phase 3 of the Grading and Restoration Project for Estate Vineyards, LLC (PMT2016-07752)

Dear Ms. Brown:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 750 Sleepy Farm Road in Paso Robles. The County of San Luis Obispo and the Upper Salinas-Las Tablas Resource Conservation District (RCD) have partnered to offer agricultural grading permits through the Alternative Review Program (ARP). ARP is a lower cost alternative to obtaining a county grading permit and results in the issuance of an agricultural grading permit, environmental review, permit assistance with regulatory agencies, and erosion control training.

Estate Vineyards, LLC entered into an ARP permit with the RCD on January 14, 2016 for the site, which is north of Willow Creek Road and west of Paso Robles. Estate Vineyard, LLC began preparing some of the land for future vineyard planting; however, at a later date, the RCD determined that some of these activities violated the terms of the ARP permit and the permit was revoked in June 2016. At the end of June 2016, the County issued a notice of violation with requirements to address the violation. The proposed project is Phase 3 of the requirements and includes a major grading permit for as-built grading and restoration, including restoration of 3 basins and drainage in 2 areas. Approximately 11-acres are proposed to be disturbed with a total cut and fill of 65,750 yards of soil. *The following are APCD comments that are pertinent to this project.*

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text**.

CONSTRUCTION PHASE IMPACTS - Below Threshold

The APCD evaluated the construction impacts of this project using Table 2-2 of the 2012 CEQA Air Quality Handbook (available at the APCD web site: slocleanair.org). We found that the project impacts would be below the APCD's Quarterly Tier 2 significance threshold values for ozone precursor and diesel particulate matter emissions that are identified in Table 2-1 of the Handbook. **Therefore, with the exception of the requirements below, the APCD is not requiring other construction phase mitigation measures for this project.**

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** If you have any questions regarding these requirements, contact the APCD Engineering & Compliance Division at (805) 781-5912.

Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. **Projects with grading areas that are greater than 4-acres shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD's 20% opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402):**

a. Reduce the amount of the disturbed area where possible;
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD'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 mph. Reclaimed (non-potable) water should be used whenever possible. **Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.** For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook
c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
j. "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 California Vehicle Code Section 23113 and California Water

Code 13304. To prevent track out, designate access points and require all employees, subcontractors, and others to use them. Install and operate a track-out prevention device where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;

k. 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 should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
l. All PM_{10} mitigation measures required should be shown on grading and building plans; and,
m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Engineering & Compliance Division prior to the start of any grading, earthwork or demolition.

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines;
- Tub grinders; and,
- Trommel screens.

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering & Compliance Division at (805) 781-5912 for specific information regarding permitting requirements.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,

Andy Mutziger, Air Quality Specialist

AJM/ihs

cc: Estate Vineyards, LLC (LA), Dora Drexler and Gary Willey, Engineering Division, APCD
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