NOTICE OF INTENT & NEGATIVE DECLARATION

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. ED21-014 **DATE: August 27, 2021**

PROJECT/ENTITLEMENT: 96 Old County Road LLC (Clyde) Tract Map/Conditional Use Permit) SUB2020-00019/VTTM3146

APPLICANT NAME: Kelly Clyde **Email:** CMF@oasisassoc.com
ADDRESS: 4041 MacArthur Blvd Ste 40, Newport Beach, CA 92660
CONTACT PERSON: Carol Florence (agent) **Telephone:** 805 541-4509

PROPOSED USES/INTENT: Request by Kelly Clyde/96 Old County Road, LLC for a Vesting Tentative Tract Map (Tract 3146) and concurrent Conditional Use Permit (SUB2020-00019) to subdivide an existing 1.78-acre parcel into five lots of 7,545 to 9,680 square feet (sf) in gross area, and a sixth lot of 36,234 gross square feet, for the purpose of sale and/or development. A Conditional Use Permit is required with the subdivision under County Ordinance section 22.104.090. The project includes off-site road improvements; the project will result in the disturbance of approximately 50,000 square feet with future development. The division will create one on-site private road. The project includes requested adjustments to Title 21 subdivision standards including minimum frontage lot width and Road Design.

LOCATION: The subject property is within the Residential Single-Family (RSF) land use category and is located at 96 Old County Road at Las Tablas Road, in the community of Templeton.

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: California Department of Fish and Wildlife
US 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.

	Cindy Chambers (cchambers@co.slo.ca.us)		County of San Luis Obispo
Signature	**Project Manager Name**	**Date**	**Public Agency**

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Initial Study – Environmental Checklist

Project Title & No.: 96 Old County Road LLC (Clyde) Tract Map - Conditional Use Permit/ ED21-014/ SUB2020-00019/ VTTM 3146

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

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

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

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

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

Cindy Chambers		August 23, 2021
Prepared by (Print)	Signature	
Steven McMasters	Steven McMasters Digitally signed by Steven McMasters DN: C=US, E=smcmasters@co.slo.ca.us, O=County of San Luis Obispo, OU=Department of Planning & Building, CN=Steven McMasters Date: 2021.08.24 15:58:17-07'00' for	Xzandrea Fowler, Environmental Coordinator
Reviewed by (Print)	Signature	

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: A request by Kelly Clyde/96 Old County Road, LLC for a Vesting Tentative Tract Map (Tract 3146) and concurrent Conditional Use Permit (SUB2020-00019) to subdivide an existing 1.78-acre parcel into five lots of 7,545 to 9,281 square feet (sf) in gross area, and a sixth lot of 36,234 gross square feet, for the purpose of sale and/or development. A Conditional Use Permit is required with the subdivision for development of new residential units in proximity to Toad Creek under Templeton Community Standards section 22.104.090. The project includes off-site road improvements. The project will result in the disturbance of approximately 50,000 square feet with future development of the 1.78-acre parcel. The division will create one on-site private road. The project includes requested adjustments to Title 21 subdivision standards including minimum frontage lot width and Road Design. The subject property is within the Residential Single-Family (RSF) land use category and is located at 96 Old County Road at Las Tablas Road, in the community of Templeton. The site is in the Salinas River Sub Area of the North County Planning Area.

The proposed project is a six-lot subdivision of a 1.78-acre parcel located at 96 Old County Road, in the Community of Templeton, CA. The subject property consists of a triangular vacant parcel at the northwest corner of the intersection of Old County Road and Las Tablas Road. Proposed lots 1-5 will range from 7,545 to 9,281 square feet in gross area; each lot will meet the required net 7,500 square foot minimum area. Lot 6 will include the Toad Creek channel and riparian area in the westernmost corner, with 36,234 square feet of gross and 20,533 net lot area. Access to all parcels is proposed from Las Tablas Road with a 20-foot shared driveway within a 30-foot easement on Lot 6 that would also accommodate drainage and underground utilities. The parcels will each be accessed from the rear yard with the front yard setbacks on Old County Road. The project is within the Residential Single-Family (RSF) land use category in Templeton Urban Reserve and subject to the Templeton Community Design Plan and is within the Salinas River Sub Area of the North County Planning Area. The project will result in the following proposed parcel sizes:

Parcel	1	2	3	4	5	6
Gross sf	8619	7545	7827	7859	9281	36234
Net sf	8619	7541	7558	7500	7501	20535

The applicant is requesting an Adjustment to Title 21 standard for a minimum 60-foot frontage width at the

setback on lots 1 and 2 to be 59 feet and 55 feet, respectively. An Adjustment is requested to County Road Design standards to allow detached sidewalk and eliminating on-street parking along a portion of Old County Road to save two heritage oaks and avoid an existing utility vault. A proposed 12-foot trail easement for the Toad Creek Trail Corridor is offered along the west edge of the private access drive. An offer of dedication along the north property line on Lot 6 for a future connection between Old County Road and Las Tablas Road is required by the Public Works Department.

This tract has a water and sewer Intent to Serve letter from the Templeton Community Services District (TCSD). The location of the shared driveway has been analyzed for site distance compliance with County Engineering Standards. The shared access is designed to meet specifications of the Templeton Fire and Emergency Services Developers Guide.

ASSESSOR PARCEL NUMBER(S): 041-031-006

Latitude: 35° 33' 14.2'' N **Longitude:** 120° 42' 12.3'' W **SUPERVISORIAL DISTRICT #** 1

B. Existing Setting

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

Land Use Category: Residential Single-Family

Combining Designation: Flood Hazard Area

Parcel Size: 1.78 acres

Topography: Gently sloping to steeply sloping

Vegetation: Annual Grassland, Riparian, Oak Woodland

Existing Uses: Vacant

Surrounding Land Use Categories and Uses:

North: Residential Single-Family / Office Professional; Residences / Vacant

East: Commercial Retail; Commercial Services / Vacant

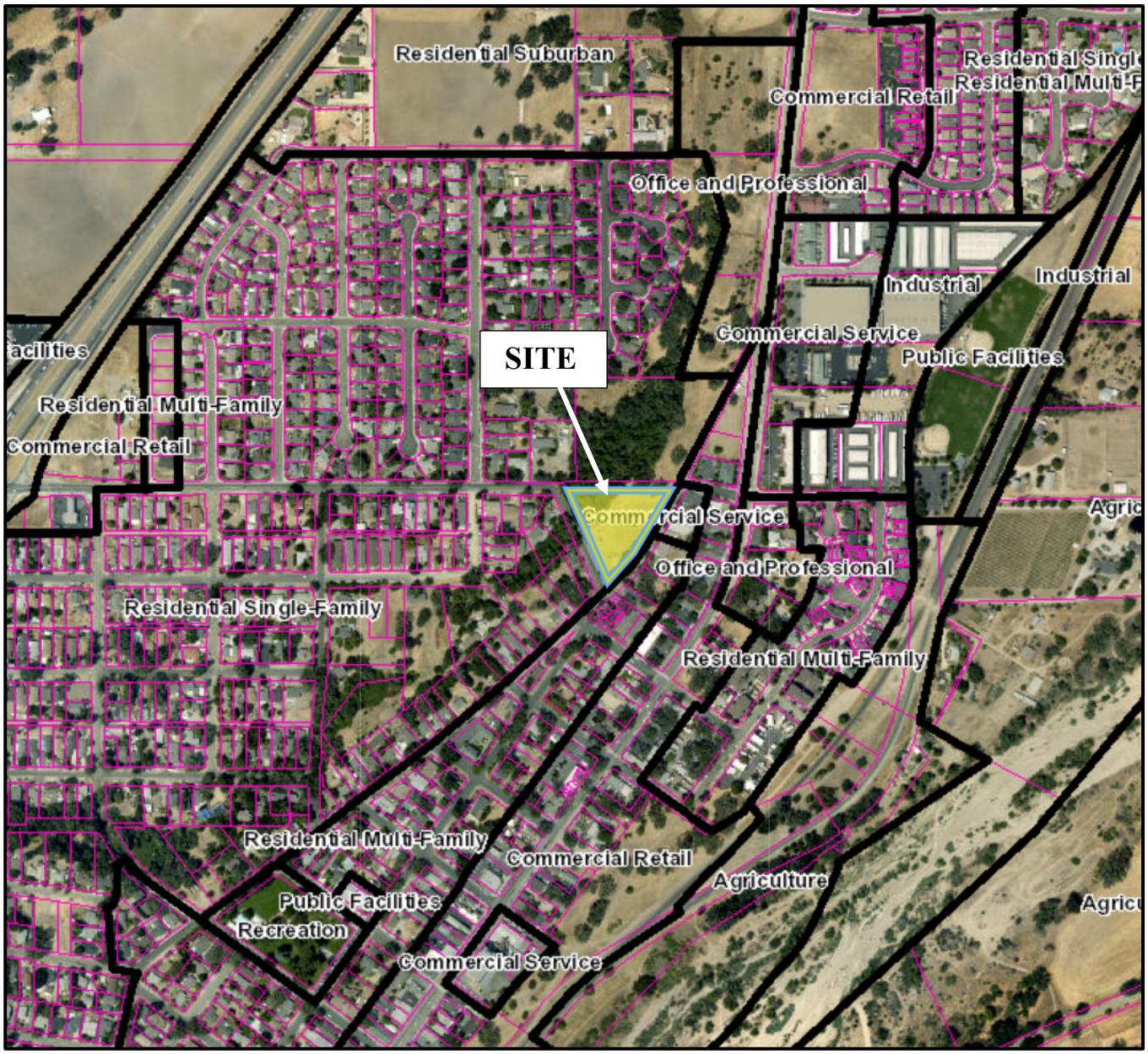
South: Residential Single-Family / Commercial Services; Vacant

West: Residential Single-Family; Residences / Toad Creek

C. Environmental Analysis

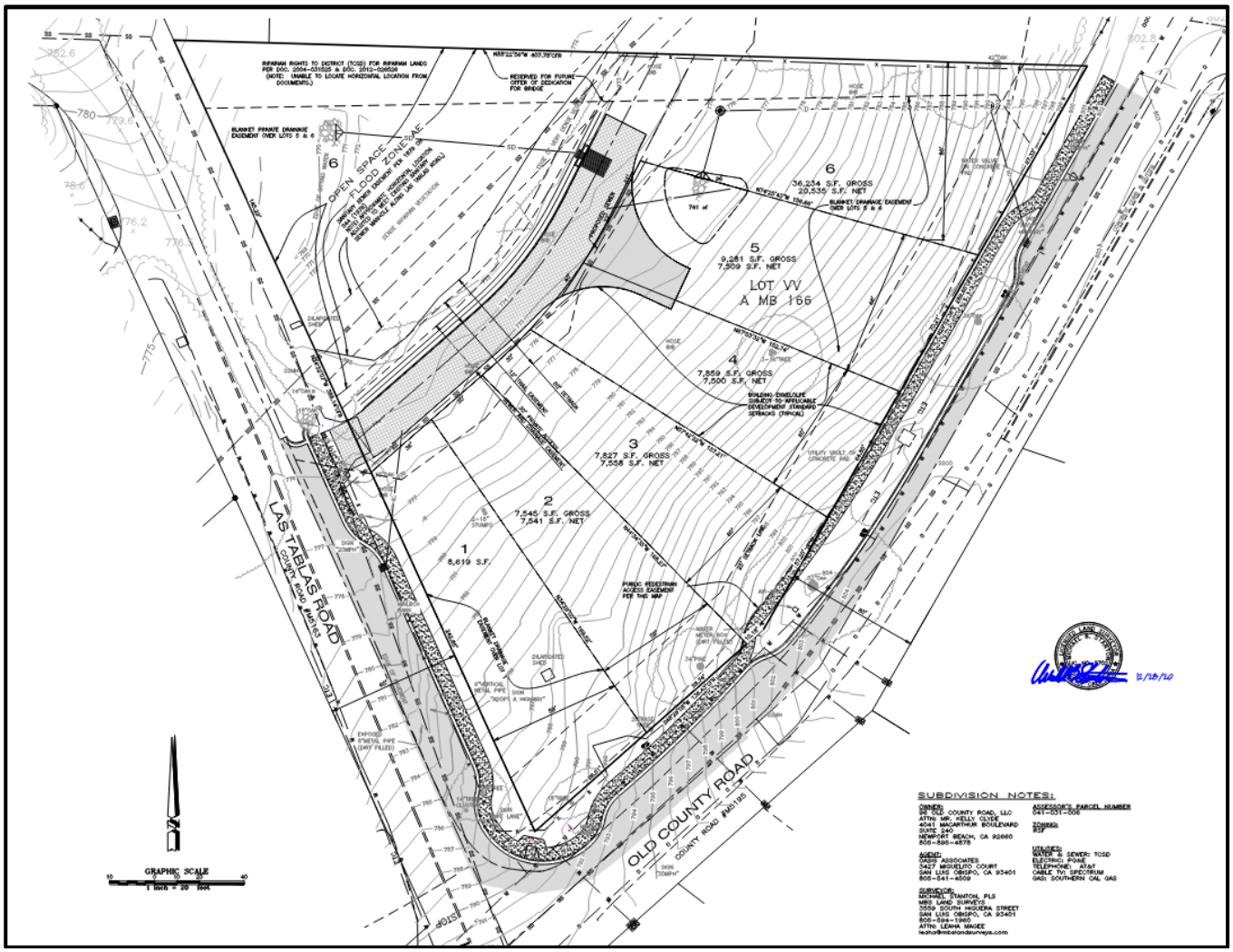
The Initital Study Checklist provides detailed information about the environmental impacts of the proposed project and mitigation measures to lessen the impacts.

Figure 1. Aerial view of the project's vicinity and surrounding land use categories.



Initial Study – Environmental Checklist

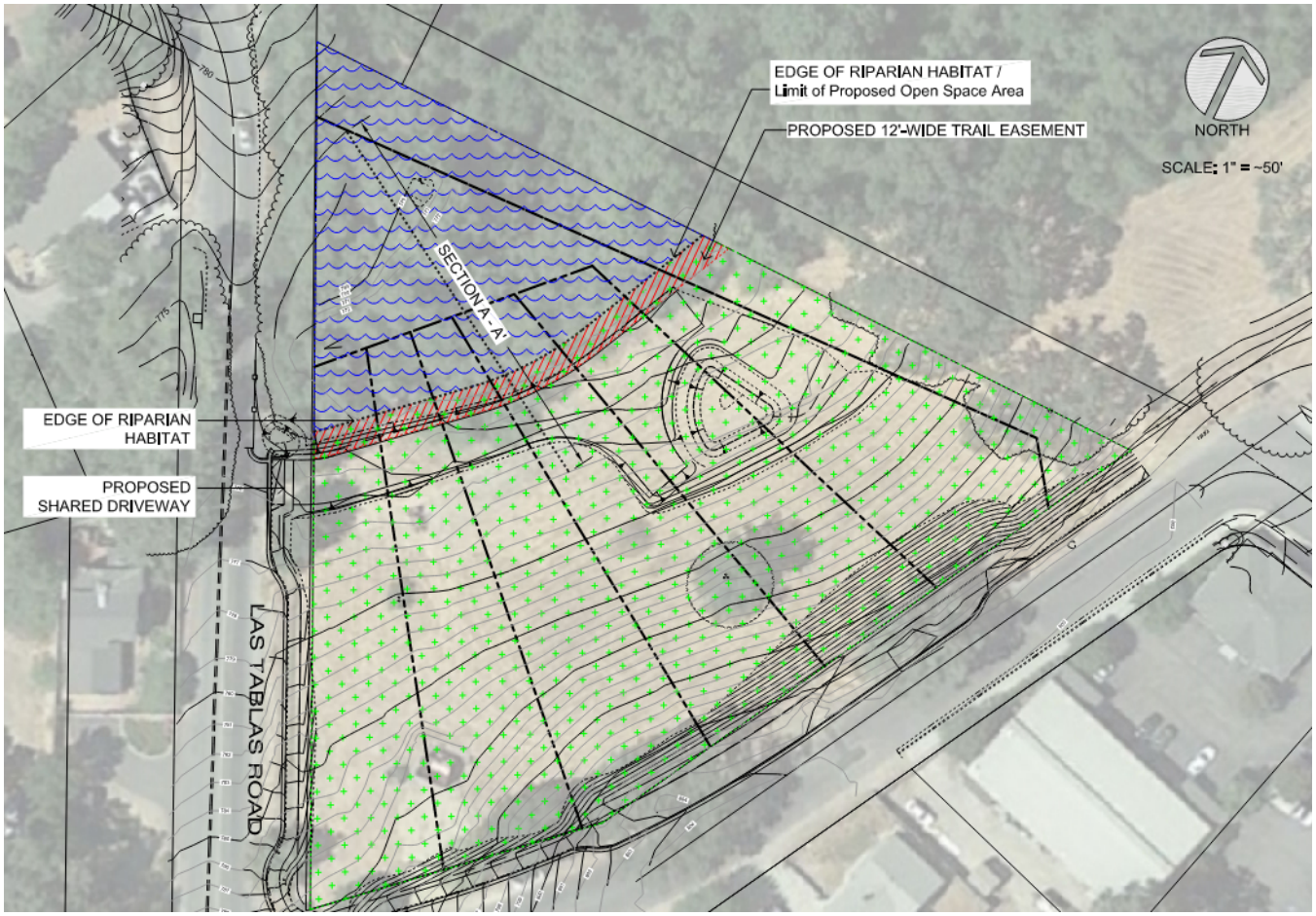
Figure 2. Proposed Vesting Tentative Tract 3146



Parcel Summary

Parcel	1	2	3	4	5	6
Gross sf	8619	7545	7827	7859	9281	36234
Net sf	8619	7541	7558	7500	7501	20535

Figure 3. Proposed Trail and Open Space Easement Areas



LEGEND

RIPARIAN HABITAT AREA

NON-NATIVE ANNUAL GRASSLANDS HABITAT AREA

PROPOSED 12-WIDE TRAIL EASEMENT

I. AESTHETICS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:					
(a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
(b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
(c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
(d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Setting

The project is located within the community of Templeton, northwest of the intersection of Old County Road and Las Tablas Road. The parcel is designated Residential Single-Family and bound to the west by Toad Creek and its riparian corridor. The west side of Toad Creek is characterized by single family residences on quarter-acre lots while the east side runs along Main Street with Commercial and Industrial land use categories. The topography of the project parcel is characterized by gentle slopes leading down from Old County Road on the east side to the steeper slopes associated with Toad Creek along the western site boundary. The project density and parcel design would be generally consistent with the range of single-family parcels to the south along Old County Road and with residential density to the west on Las Tablas. County LUO 22.104.090.(K) Templeton Community Standards, requires a minimum 7,500 square foot lot parcel in Residential Single-Family land use. The lots directly east of the subject parcel, across Old County Road, are zoned Commercial Retail and Residential Multi Family and are currently developed with a mix of commercial and residential use. The proposed residences would be visible from the fronting streets (Las Tablas and Old County Roads) and would be primarily blocked from views along Main Street by intervening development and vegetation. The Templeton Community Design Guidelines, which were adopted in 1990, include design-guidelines which serve to guide the aesthetic development of the community and are applicable to development of the lots.

As discussed in the project biological resources assessment (Sage Institute, Inc., June 2020) the project site supports mostly disturbed non-native annual grassland habitat that is mowed annually for fire suppression

weed control. Coast live oak and valley oak trees occur along the margins of the parcel with an elm tree in the center of the site. The grassland habitat is dominated by mostly non-native annual grasses and non-native herbaceous broadleaf plant species. The proposed road and street frontage improvements will impact some of the perimeter trees. The existing tree cluster located on Lot 4 is proposed to remain. The final improvement plans will include replacement street trees of a species based on the County and Templeton Community Design Plan.

The visual elements of the proposed subdivision project will be limited to the proposed grading, drainage and frontage improvements depicted in the project preliminary grading plan (attached) and would include temporary excavation activities, including transport trucks and equipment, equipment staging and soil stockpiling, construction fencing, and other related construction activities. No structural development is proposed at this time. However, the project's Conditional Use Permit associated with this tract will provide conditions for future residential development to comply with the design standards of the Templeton Community Design Plan.

Discussion

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

(b) The project is located within the urban area of the community of Templeton. It is not within a dedicated scenic vista and will therefore not cause any substantial adverse effects on a scenic vista. It is also important to note that the proposed subdivision project is limited to the grading associated with on-site improvements and does not include any structural development. Regarding visual impact to scenic resources, it is important to note that, according to County Ordinance 22.05.030(d)(3), a grading permit may be issued only where the Building Official first finds, where applicable, that: "The proposed grading will not create substantial adverse long-term visual effect visible from off-site." Therefore, project impacts would be *less than significant*.

(c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

According to the County's Conservation and Open Space Element, no officially designated state scenic highways are located in the vicinity of the subject site (SLO County, 2010). The project site is bound to the west by Toad Creek and the associated riparian corridor; a public trail easement is offered for future public access. Future residential development of the parcels could have the potential to block some views of the riparian corridor from Old County Road; however, views of the riparian corridor through the project site from Main Street and from US. 101 are currently blocked by existing intervening development and vegetation. There is currently no scenic highway designated in the vicinity that would be affected by development of the site; therefore the project would not result in substantial damage to scenic resources within a state scenic highway, and impacts would be *less than significant*.

(d) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The project is within an urbanized area and will be required to meet all applicable zoning and other regulations governing scenic quality for the area, including the Templeton Community Design Guidelines. Therefore, impacts to the visual character and quality of the area would be *less than significant.*

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

Although structural development is not proposed, future development of the property is unlikely to have any substantial adverse effect on day or nighttime visual resources through the creation of substantial light or glare. The County of San Luis Obispo's Land Use Ordinance 22.10.060 prohibits light or glare which is transmitted or reflected in a concentration or intensity that is detrimental or harmful to persons, or that interferes with the use of surrounding properties or streets. The Templeton Community Design Guidelines also requires that light shielding be used for outdoor lighting on new projects. Therefore, impacts relating to nighttime lighting and glare would be *less than significant.*

Conclusion

The project is not expected to have any adverse effects on the visual quality of the site or its surroundings, including any scenic vistas or resources. Additionally, the project would not substantially degrade the existing visual character or create a new source of substantial light or glare. The project will be visible from Old County Road and Las Tablas Road but would be blocked from views along Main Street. The project is proposing an Open Space Easement over the west corner where Toad Creek is located; see *Figure 3 - Proposed Trail and Open Space Easement Areas*. Implementation of the Templeton Community Design Guidelines, the County's Land Use Ordinance, including North County Planning Area 22.94/Salinas River Sub-Area Standards §22.94.080 which includes standards for open space preservation and floodplain habitat protections, would reduce any impacts to less than significant levels.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

II. AGRICULTURE AND FORESTRY RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
(a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☒	☐
(b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
(c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
(d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
(e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Setting

The project parcel is approximately 1.78-acres, within the Residential Single-Family land use category and is not under a Williamson Act contract. Additionally, the site does not support any agricultural activities and no historic crops exist on-site. The subject parcel is not known to contain any forestland and does not support any timberland activities.

Initial Study – Environmental Checklist

Based on the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) and the San Luis Obispo County Important Farmland Map (FMMP 2018), the project site contains Prime Farmland if Irrigated. The soil type(s) and characteristics on the subject property include:

Arbuckle-Positas complex (15 - 30 % slope). This moderately to steeply sloping coarse loamy soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Hanford and Greenfield fine sandy loams (2 - 9% slope). This gently sloping, coarse loamy bottom soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: no severe limitations identified. The soil is considered Class IV without irrigation and Class II when irrigated.

Arbuckle Positas Complex, 15-30% slopes are the dominant soil map unit associated with the Toad Creek portion of the site and Hanford and Greenfield gravelly sandy loams, 2-9% slopes are mapped upslope along Old County Road. These are moderately-drained alluvial soils derived from mixed rock materials.

Discussion

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

Based on information provided by the Farmland Mapping and Monitoring Program of the California Resources Agency, the proposed single-family residences would be located atop soils which are designated as "Prime Farmland if Irrigated". However, the site is within the Templeton urban area, bordered by Toad Creek, residential development, and commercial/industrial development and there were no recorded agricultural activities on site. The physical setting, surrounding uses and zoning makes it unlikely the site will ever be used for agriculture. As such, no Farmland would be converted to non-agricultural uses and potential impacts would be *less than significant*.

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

The parcel is not zoned for agricultural use, nor is it under a Williamson Act contract, therefore no impact would occur.

(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The project would not be located in an area that is zoned as forest land, timberland, or timberland zoned Timberland Production, nor would the project cause the rezoning of such lands. Therefore no impact would occur.

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

The project is not located in an area that is considered forest land and would therefore not result in the loss of forest land or conversion of forest land to a non-forest use. Therefore no impact would occur.

(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The project would not directly or indirectly result in the conversion of farmland, forest land, or timber land to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. No significant impacts to agricultural resources would occur.

Conclusion

The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or within its immediate vicinity. The parcel is not under a Williamson Act contract and is not within an area zoned for agricultural uses. There are no areas identified as forest land or timberland which will be disturbed by the project. Therefore, no significant impacts to agricultural resources are anticipated.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

III. AIR QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:					
(a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
(b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
(c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
(d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Setting

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD has developed and updated a CEQA Air Quality Handbook (2012) and clarification memorandum (2017) 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 SLOAPCD).

San Luis Obispo County Clean Air Plan

The SLOAPCD's San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and PM10. The CAP presents a detailed description of the sources and pollutants which impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality.

As proposed, the subdivision would include moving a total of 2,968 cubic yards: 887 cubic yards of cut, 1,484 cubic yards of fill material including 597 cubic yards of imported fill material in order to construct the proposed site improvements. This would result in the creation of construction dust, as well as short- and long-term vehicle emissions. According to the United States Department of Agriculture's Wind Erodibility Index, the wind erodibility of the soils which would be disturbed by the proposed project is "moderately low".

The project would be within close proximity (approx. 1,000 feet) to sensitive receptors including businesses and residences that might result in nuisance complaints resulting from nuisance dust or odors from emissions. The subdivision would be subject to ordinance-required dust and/or emission control measures during construction of improvements and future lot development. The project would not be within close proximity to any serpentine rock outcrops and/or soil formations which may have the potential to contain naturally occurring asbestos. Additionally, there are no known faults within close proximity to the project site.

Discussion

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

The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook 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).

As proposed, the project will result in moving 887 cubic yards of cut and 1,484 cubic yards of fill material and would include 597 cubic yards of imported fill material in order to implement the proposed site improvements. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The project will be moving less than 1,200 cubic yards/day of material and will disturb less than four acres of area, and therefore will be below the general thresholds triggering construction-related mitigation. From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project will result in less than 10 lbs/day of pollutants, which is below thresholds warranting any mitigation. Additionally, the project is consistent with the general level of development anticipated and projected in the Clean Air Plan and would therefore not conflict with or obstruct the implementation of the applicable air quality plan. Impacts to the County's air quality plan are considered *less than significant*.

(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Based on the project description, the project will be moving less than 1,200 cubic yards/day of material and will not result in an area of disturbance of more than four acres for the construction of the proposed buildings, driveway, and other associated improvements. Therefore, construction related emissions will fall below the general thresholds. Therefore, construction related emissions will result in *a less than significant impact* to ambient air quality standards.

(c) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity or exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The nearest off-site residences are approximately 60 feet from the subject site located on the east side of Old County Road and on the west side of Las Tablas Road. Residences may be occupied by sensitive receptors who could be exposed to diesel particulates and fugitive dust from construction activities. Construction of on-site improvements are expected to require the use of large diesel-powered construction equipment or significant amounts of grading. The project is within close proximity to Toad Creek and has the potential to expose sensitive organisms to construction related pollution impacts. Therefore, mitigation AQ-1 is recommended to ensure impacts to sensitive receptors will be *less than significant with mitigation*.

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

The project is not expected to result in any other emissions, such as those leading to odors.

Conclusion

Incorporation of mitigation measures AQ-1 relating to control of dust and emissions in construction activities, would reduce project-related impacts to air quality to a less than significant level pursuant to CEQA.

Mitigation

See Exhibit B for mitigation measure AQ-1.

Sources

See Exhibit A.

IV. BIOLOGICAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
(b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☒	☐	☐
(c)	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
(d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
(e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
(f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Setting

Federal and State Endangered Species Acts

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

Migratory Bird Treaty Act

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

Clean Water Act and State Porter Cologne Water Quality Control Act

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

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State. Based on the U.S. Fish and Wildlife Service National Wetlands Inventory, the project site does not support wetlands, riparian or deep-water habitats (USFWS 2019).

Conservation and Open Space Element

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

Site Setting

The following discussion is based on the Biological Resources Assessment (Sage Institute, Inc., June 2020) prepared for the proposed project. As discussed in the report, the proposed project site is a vacant infill parcel in the midst of residential and commercial development in Templeton, east of Highway 101. The site is bordered by Las Tablas Road on the south, Old County Road and development on the east, a vacant parcel on the north, and Toad Creek riparian corridor through the west corner. The project site supports mostly disturbed non-native annual grassland habitat that is mowed annually for fire suppression weed control. Coast live oak and valley oak trees occur along the margins of the parcel with an elm and a locust in the development area of the site. The grassland habitat is dominated by mostly non-native annual grasses and non-native herbaceous broadleaf plant species. The site has sloping topography from Old County Road down to the north Toad Creek corridor. An existing Templeton Community Services District sewer line follows along Toad Creek.

The proposed project includes a six-lot residential subdivision on a 1.78-acre parcel at 96 Old County Road at the northwest corner of Las Tablas Road in the community of Templeton. The project would result in the creation of six lots ranging from 7,545 to 36,234 square feet with access to the residential lots from a new driveway off Las Tablas Road. The project includes improvements (i.e., widening and sidewalks) of both Old County Road and Las Tablas Road. The proposed subdivision would result in development of all of the non-native grassland habitat (1.65 acres), impact the two valley oak trees and three coast live oak trees, and remove several non-native trees. A public trail easement is offered along the northwestern side of the shared drive access at the treeline edge of the riparian area, just outside the limits of the flood zone, and an Open Space Easement over the Toad Creek area west of the trail easement; see *Figure 3 - Proposed Trail and Open Space Easement Areas.* Driveway access and three stormwater outfalls would impact approximately 0.10 acre of riparian habitat fringe along Toad Creek.

Habitat Types and Plant Communities. The proposed project site supports two plant communities, disturbed non-native annual grassland habitat with a few common native plant species, and willow/cottonwood riparian habitat along the Toad Creek corridor. Several valley oak and coast live oak trees are around the perimeter of the site, along with several non-native trees on the site.

- **Disturbed Annual Grassland:** The disturbed non-native annual grassland habitat, or semi-natural annual brome grassland alliance (CDFW CA Code: 42.026.00), is typically dominated by non-native annual grasses and herbaceous broadleaf plant species, along with native forbs and wildflowers. Annual grassland habitat occurs over most of the site comprising approximately 1.61 acres of the study area. The non-native annual grassland within the project was observed to be relatively low in species diversity and dominated by ripgut brome (*Bromus diandrus*) and oats (*Avena sativa*), with a native component of common fiddleneck (*Amsinckia intermedia*) and sky lupine (*Lupinus nanus*). Other common forbs observed include mustards (*Hirschfeldia; Brassica*), fillarees (*Erodium cicutarium, E. botrys*), vetch (*Vicia sativa*), and California poppy (*Eschscholzia californica*). A complete list of plant species observed during the floristic inventory and rare plant survey is included in the project Biological Resources Assessment.

  Several large valley oaks (*Quercus lobata*) occur around the project site perimeter (on-site and off-site) along Old County Road and the northern property boundary. A non-native pine, elm, and western red cedar are along Old County Road with one black locust tree in the center of the site. Several coast live oak trees (*Quercus agrifolia*) are along Las Tablas Road near Toad Creek. These scattered oaks do not constitute an oak woodland habitat type. The south and east border of the study area is ruderal compacted road shoulder.

- **Willow/Cottonwood Riparian (Toad Creek Corridor):** The Toad Creek corridor supports a willow/cottonwood riparian habitat dominated by arroyo willow (*Salix lasiolepis*) with scattered cottonwood (*Populus fremontii*) best fitting the *Salix Lasiolepis* Shrubland Alliance (CDFW CA Code: 61.201.00). The fringe of the willow/cottonwood riparian on-site included Himalayan blackberry (*Rubus armeniacus*) thickets and curly dock (*Rumex crispus*).

Wildlife. The annual grassland habitat within the surrounding the project site provides minimal quality habitat for wildlife species that have become adapted to the urban environment. Given that the site is surrounded by urban development, other wildlife use is likely limited with generally low wildlife values attributed to this site. The habitat on the project area does not support a significant amount of grassland habitat in the context of the great expanse of the interconnected and diverse habitat mosaic available to wildlife in the undeveloped areas in this region of northern San Luis Obispo County. The Toad Creek riparian corridor through the project does represent a movement corridor for local wildlife as it meanders through the developed Templeton community area. However, the corridor is of limited quality given the adjacent urban development along most of its reach and Highway 101, just to the west of the site.

Waters of the U.S., Wetlands, and Waters of the State. The Toad Creek and adjacent willow/cottonwood riparian corridor represents jurisdictional waters of the U.S./State pursuant to the Clean Water Act Section 404, Porter Cologne Water Quality Control Act, and California Fish and Game Code Section 1600. Project elements encroaching into the riparian corridor would need permits/authorizations from the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and the California Department of Fish and Wildlife.

Special-Status Species and Natural Communities of Special Concern. Special-status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the United States Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) under the federal Endangered Species Act (FESA); those considered "species of concern" by the USFWS; those listed or proposed for listing as rare, threatened, or endangered by the CDFW under the California Endangered Species Act (CESA); animals designated as "Species of Special Concern" by the CDFW; and plants occurring on lists 1B, 2, and 4 of the California Native Plant Society (CNPS) Inventory of Rare and Endangered Vascular Plants of California. Natural Communities of Special Concern are habitat types considered rare and worthy of tracking in the California Natural Diversity Database (CNDDB) by the CNPS and CDFW because of their limited distribution or historic loss over time.

The search and review of the CNDDB revealed fifty special-status species composed of thirty special status plants and twenty special-status wildlife species, with one natural community of special concern with recorded occurrences in the ten-mile search radius of the proposed project site. The scattered valley oak trees do not constitute a Valley Oak Woodland natural community of special concern. The following briefly describes or summarizes the special-status species issues and potential for occurrence on the project site.

- **Special Status Botanical Resources:** The CNDDB revealed the recorded occurrences of thirty special-status plant species within a ten-mile radius of the project site (eight within a 5-mile radius). Only one of these species, the Chorro Creek bog thistle (*Cirsium fontinales var. obispoense*), is a FESA/CESA listed endangered species, with the remainder being CNPS rank 1.B species suggesting rarity. The special-status plant species occurrences recorded in the CNDDB are commonly associated with a specific soil type, moisture regime, habitat, and/or elevation range that dictates the range or microhabitat of the species. No rare, threatened, or endangered plant species or remnants thereof were observed within the project area during the appropriately timed 2020 floristic inventory and rare plant survey. The Chorro Creek bog thistle occurs only in serpentine seeps that do not occur on the site and, therefore, this species is not expected to occur on the project site. The remaining special

status botanical resources listed in the project Biological Resources Assessment with the potential to occur on-site would have been noticeable and identifiable throughout the year and were not observed during the SII rare plant surveys.

Special-status plants recorded in the CNDDB associated with serpentine soils or clay soils were also listed in the project report. No serpentine or clay soils are mapped or observed within the project area, therefore, the site does not represent suitable habitat for these plant species. None were observed during the 2020 rare plant surveys.

The special-status plant species recorded in the CNDDB known from mesic/moist/wetland type habitats occurring in the region are the Chorro Creek bog thistle, San Luis Obispo sedge, shining navarretia (*Navarretia nigeliformis ssp. radians*), and Santa Lucia dwarf rush (*Juncus luciensis*). No mesic/moist/wetland habitats occur on the project site therefore, these species are not expected to occur. None were observed during the 2020 rare plant surveys.

The remaining special-status plant species associated with grassland habitats occurring in the region are the Hoover's bent grass (*Agrostis hooveri*), dwarf calycadenia (*Calcadenia villosa*), San Luis Obispo owl's-clover (*Castilleja densiflora var. obispoensis*), straight-awned spineflower (*Chorizante rectispina*), yellow flowered eriastrum (*Eriastrum luteum*), and Oregon meconella (*Meconella oregana*). None were observed during the 2020 rare plant surveys.

- **Special Status Wildlife:** The CNDDB search revealed the recorded occurrences of twenty special-status wildlife species within the 10-mile search radius of the project site (only 12 within a 5-mile radius). Special-status wildlife species known from the region evaluated for this study are discussed below by groups based upon habitat preferences, specific habitat use requirements (i.e. terrestrial or aquatic), mobility, and migratory patterns.

  Aquatic Species – The CNDDB has recorded occurrences for the western pond turtle (*Emys marmorata*) and western spadefoot toad (*Spea hammondii*), California red-legged frog (*Rana draytonii;* CRLF*),* the vernal pool fairy shrimp *(Branchinecta lynchi)*, steelhead (*Oncorhynchus mykiss irideus*), and the San Luis Obispo pyrg (snail; *Pyrgulopsis taylori*) within the 10-mile search range. The CRLF and western pond turtle are highly aquatic species found in lowlands and foothills in or near permanent sources of deep water with dense, shrubby, emergent or riparian vegetation, none of which occur on the project site. Toad Creek may support suitable aquatic habitat for the western pond turtle and San Luis Obispo pyrg (an aquatic snail). A habitat suitability assessment for the CRLF is provided in the project Biological Resources Assessment and summarized below. The steelhead are perennial stream species and are not known to inhabit Toad Creek. The upland grassland portion of the project site does not support suitable aquatic habitat for these species. The vernal pool fairy shrimp and western spadefoot are closely associated with vernal pool or temporary pond/puddle habitats that are not subject to flowing water. No evidence of vernal pool or seasonal pond/puddle habitats were observed during on-site field surveys. As such, the project site does not support suitable seasonal aquatic habitat for these two species.

  Birds – The CNDDB includes occurrences for wide-ranging resident and migratory bird species known from the region of the project site. The tricolored blackbird (*Agelaius tricolor*) is locally nomadic but requires bulrush and cattail marsh or ponds for breeding that are not present on the project site. The golden eagle (*Aquila chrysaetos*) is a wide-ranging species with nests in the region that could, on rare occasions, forage over the site. The purple martin (*Progne subis*) is a colonial nesting species in trees or human-made structures not likely to occur on the project site. The least Bell's vireo (*Vireo bellii pusillus*) is a breeding season migrant known from the Salinas River that requires dense riparian

habitat but is not known along the narrow Toad Creek riparian corridor. As such, the project site does not support suitable habitat for these species.

Invertebrates – The Lompoc grasshopper (*Trimerotropis occulens)* is mostly associated with sandy soils in grassland, coastal scrub or chaparral habitats. No such habitat occurs on site and the study area is well outside the known range of this species. The Atascadero June beetle (*Polyphylla nubila*) is known only from inland sand dunes that are not present on the project site and would not occur. The Crotch bumble bee and obscure bumblebee (*Bombus crotchii; B. caliginosus*) range throughout California to Baja typically found in wildflower rich grasslands and shrublands foraging on many families and genera of flowering plants. The local CNDDB records are unspecified locations around Atascadero from 1968 and 1959 collection records with no current observations or information. No bumblebees were observed during SII field surveys.

Reptiles/Amphibians (Uplands) – The northern California legless lizard (*Anniella puchra*) is associated with sandy soils in grassland, coastal scrub or chaparral habitats. The project site does not support suitable sandy soils or shrub cover for the northern California legless lizard. The lesser slender salamander (*Batrachoseps minor*) is known from wooded shaded slopes with an abundance of leaf litter. No such habitat occurs on the project site. The coast range newt (*Taricha torosa)* breeds in streams and uses woodland upland habitats with abundant moist refuge (logs and debris) during nonbreeding season. Toad Creek may support the coast range newt but the upland open grassland is not suitable upland refuge.

Mammals -- The Townsend's big-eared bat (*Corynorhinus townsendii*) requires caves or structures for roost sites that do not occur on the project site. The American badger (*Taxidea taxus*) is typically found in grasslands and requires friable soils for digging burrows. While there is suitable grassland habitat for this species within the project area, the American badger can be easily detected by their distinctive burrows and digging activities. No badger dens or potential badger dens were observed within the project site during the on-site field surveys. The project site is outside of the range of the San Joaquin kit fox (*Vulpes macrotis mutica*).

California Red-Legged Frog Habitat Suitability Analysis -- Based on the USFWS habitat assessment procedure described in the project Biological Resources Assessment, the project site area proposed for development does not support suitable habitat for the CRLF as it is mostly uplands site surrounded by urban development. There are no CRLF records in Toad Creek, and the surrounding land use mosaic dominated by blocks of residential and commercial development would restrict the movement of CRLF across the landscape between the project site and aquatic habitats of Paso Robles Creek, Graves Creek, and the Salinas River. The subdivision development could potentially impact CRLF upland movement if site disturbance work is started in the rainy season.

Discussion

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

The project site, supporting a mostly non-native annual grassland habitat, provides minimal habitat for locally common wildlife accustomed to the developed environment such as gophers, raccoons, opossum, and skunks. The proposed subdivision would result in grading associated with on-site improvements and would have the potential to commit the on-site non-native grassland habitat to single family residential development. Given the small infill project size, urbanized blocks of residential

and commercial development surrounding the site, lack of special-status plants observed and no special-status wildlife species habitat impacts, conversion of the non-native annual grassland portion of the site to residential development would result in a less than significant impact. However, it is possible that bumblebees may be impacted by ground disturbance during construction of site improvements or residential units. Mitigation BR-3 requires pre-construction surveys to ensure that no sensitive species are affected by construction activity, reducing the potential for impact to bumblebees and other sensitive wildlife species to *less than significant*.

The project improvements would encroach into an approximately 0.10-acre area of arroyo willow riparian habitat for the access driveway and three stormwater outfall structures resulting in significant but mitigable impacts to waters of the U.S./State, which will trigger resource agency permitting.

The project site is an infill location surrounded by existing residential and commercial development with Toad Creek riparian corridor offering the only localized connectivity to other habitat areas within the mostly developed/natural lands mosaic around the community of Templeton. The final improvements may be designed to avoid disturbance impacts in jurisdictional area; if that is not possible, Measure BR-6 (A – C) will ensure compliance with jurisdictional agency requirements. With implementation of the project mitigation measures and required jurisdictional agency permitting for waters of the US/State, impacts related to wildlife movement corridors are considered less than significant.

Two large valley oak trees located along Old County Road will be retained but impacted by sidewalk improvements, and three coast live oaks would be impacted by drainage and road improvements along Las Tablas Road. Six non-native trees (pine, locust, elm, tree of heaven, western red cedar) would be removed for project implementation. The potential for impacts to nesting birds, raptors, and roosting bats is mitigated by BR-4; and BR-5 provides for protection of oaks and mitigation measures for impacts or removal.

No special-status plants were observed during the floristic inventory and rare plant survey and the identified species are not expected to occur. Therefore, the project would result in less than significant impacts related to special-status plants. No special-status wildlife species were observed or expected to occur on the project site. Toad Creek impacts would be limited to an approximately 0.10-acre area, required to be off-set from the active creek channel and avoiding impacts to any aquatic species. Potential for impacts to CRLF, although unlikely, could occur if site disturbance is initiated in the rainy season; with identified mitigations BR-3 and BR-6 applied, the project will have no impact or adverse effect on the CRLF.

Vegetation clearing and grubbing or tree removal during the nesting season for birds could result in the destruction of active bird's nests. Destruction of active nests is prohibited by the Fish and Game Code of California Sections 3503 and 3503.1 (raptors specifically). As such, this would be considered a potentially significant but mitigable impact. The required mitigation measures BR-1 through BR-7 would avoid take or destruction of active nests and compensate for oak tree impacts and riparian habitat impacts, thereby reducing the potentially significant impacts to a less than significant level.

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

The proposed project would encroach into an approximately 0.10-acre area of arroyo willow riparian habitat for the access driveway and three stormwater outfall structures, resulting in significant but

mitigable impacts to waters of the U.S./State which will trigger resource agency permitting. Two valley oak trees will be retained but impacted by sidewalk improvements along Old County Road, and three coast live oaks would be impacted for drainage and road improvements along Las Tablas Road. Six non-native trees (pine, locust, elm, tree of heaven, western red cedar) would be removed for project implementation.

The project site is an infill location surrounded by existing residential and commercial development, with Toad Creek riparian corridor offering the only localized connectivity to other habitat areas within the semi-urban community of Templeton. The proposed subdivision improvements for site and development drainage are proposed to occur within the 100-year flood zone and within 50 feet of the creek channel. Work within waters of the State is potentially subject to regulatory permitting authority of the USACE, RWQCB and CDFW. The final improvements may be designed to avoid disturbance impacts in jurisdictional area. The applicant will be required to provide evidence to the County that either a permit was not necessary or provide a copy of the required jurisdictional agency permits (BR-6 A-C) and pre-construction surveys and monitoring will be conducted (BR-3). Therefore, impacts to riparian habitat will be *less than significant with mitigation*.

(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

As discussed above, the proposed project would encroach into an approximately 0.10-acre area of arroyo willow riparian habitat for the access driveway and three stormwater outfall structures potentially resulting in significant but mitigable impacts to waters of the U.S./State.

The project civil engineer, Monsoon Consultants has prepared a Stormwater Control Plan and Application and a Preliminary Drainage Report (see attached). The Stormwater Control Plan outlines low impact development design strategies with a focus on preservation of natural features, compact and efficient development, and minimization of new impervious surfaces in order to minimize impacts to Toad Creek. The analysis includes off-site road improvements, on-site improvements, and an estimated development area for the future residential developments. The proposed permeable pavement with 2' of gravel underneath for the shared driveway will fulfill Performance Requirement #4 and future residential permits will address additional performance requirements, as required at the time of individual lot development. The Conditional Use Permit conditions for residential development permits will require that each application for lot development provide measures to ensure protection of the tract's common stormwater infrastructure, consistency with measures in the Stormwater Control plan, with the Post-Construction Stormwater Management Resolution R3-2013-0032, and the current edition of the County's LID Handbook. Mitigation Measure BR-1 and BR-6 A-C include compensatory mitigation measures to reduce impacts to waters of the U.S./State. With the implementation of these measures, impacts will be reduced to *less than significant with mitigation*.

(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The project site is an infill location surrounded by existing residential and commercial development with Toad Creek riparian corridor offering the only localized connectivity to other habitat areas within the mostly developed/natural lands mosaic around the community of Templeton. With the implementation of the project mitigation measures, residential development conditions, and compliance with required jurisdictional agency permitting for waters of the US/State, impacts related to wildlife movement or migratory wildlife corridors are considered *less than significant*.

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

The County of San Luis Obispo has adopted site development Oak Tree Preservation standards; Title 22.56.030 of the San Luis Obispo County Code identifies tree removal standards and permits the removal of oak trees which are obstructing proposed improvements that cannot be reasonably designed to avoid the need for oak tree removal.

The northwest corner of the subject property adjacent to Toad Creek is a riparian area. Aside from a proposed storm drain and outfall, this area is proposed to remain outside the proposed development of the subdivision. South and east of the riparian area, the triangular property is vegetated with grasses and herbaceous plants with several existing trees along the street frontages. The proposed private road and public street frontage improvements will impact some of the perimeter trees, including a total of 6 native oak trees and 5 landscape trees. An existing 3-trunk black locust tree located on proposed Lot 4 near the center of the building area may be removed when the parcel is developed; an existing 14-inch pine on Lot 2 will be impacted or removed by sidewalk and frontage improvements on Old County Road. Neither of these species is protected by County ordinance. Consistent with the County's Oak Tree Preservation Ordinance (§22.56), an assessment of the species, size, and impacts to oaks has been prepared by a qualified arborist (A&T Arborists, October 21, 2020).

Street trees are required for the subdivision and the final improvement plans will include street trees of a species consistent with the Templeton Community Design Plan. Two large valley oaks (52" and 36" DBH) along Old County Road frontage are proposed to be retained with an Adjustment to Title 21 to modify street design standards and sidewalk improvements. These trees will be impacted by road grading and compaction for construction of curb and gutter along the street side (southeast), within 3-4 feet of the trunks. The sidewalk is proposed to be detached along the northwest side of the trees, with 2-4 feet of fill under the canopies. The Project Arborist has provided recommendations for root protection and monitoring during construction. To offset impacts to the two valley oak trees, and the three impacted coast live oaks, Mitigation BR-5 will require replacement oaks in-kind at 2:1, which may be planted within the riparian area or as street trees. In addition, Mitigation BR-5.B will require submittal of a detailed curb-gutter-sidewalk design for modified grading compaction and spanning/protecting large oak roots for approval by Public Works and Planning.

(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state habitat conservation plan adopted that includes the project site. Therefore, there will be *no impact*.

Conclusion

The site supports two natural plant communities: annual grassland and riparian. The annual grassland habitat is common to the region, does not support any special status species, and is not considered a special status or sensitive biological resource. The riparian area will be undisturbed except for a 0.10-acre area disturbed by construction of the driveway access and installation of a drainage pipe and riprap.

The project's Biological Resources Assessment finds that no new impacts to special-status species are anticipated, and recommended mitigation measures have been provided in Exhibit B to reduce the potential for impacts. Mitigation Measures BR-1 through BR-7 address site related impacts and mitigation to nesting

birds, waters of the U.S./State, and native oak trees. With the implementation of these mitigation measures, impacts to biological resources will be *less than significant with mitigation*.

Mitigation

See Exhibit B for mitigation measures BR-1 through BR-7.

Sources

See Exhibit A.

V. CULTURAL RESOURCES

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

Setting

The project site exists in the community of Templeton, an area known for high archeological sensitivity.

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

San Luis Obispo County possesses a rich and diverse cultural heritage and therefore has a wealth of historic and prehistoric resources, including sites and buildings associated with Native American inhabitation, Spanish missionaries, immigrant settlers, and military branches of the United States.

As defined by CEQA, a historical resource includes:

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

to be a historical resource, provided the lead agency's determination is supported by substantial evidence.

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

A Cultural Resources Investigation report was prepared for the subject site (APN 041-031-006) and two adjacent parcels to the north (APN 041-031-005 and -0013) by John Parker in December of 2003. A subsequent investigation and report was prepared in April of 2004 on the two adjacent northern parcels. The December 2003 report found two isolated chert cores on the subject parcel, in addition to a few pieces of historic pottery and glass. No prehistoric or historic cultural materials or historic structures were found on the lots to the north in either survey. The conclusion for the project site is that the isolated chert cores indicate general prehistoric use of the area; however, in the absence of any other cultural materials these items do not indicate evidence of a prehistoric village, camp, or special use site. The Parker report concluded that, as such, they do not meet the criteria necessary to be considered a "significant" cultural resource.

The project AB52 referrals were sent on May 24, 2021 to four local tribal groups. A response from the Northern Salinan tribe requested monitoring during ground disturbance due to the proximity of recorded sites in the area. There are 4 recorded sites within a 1-mile proximity of the site. While the chert cores in isolation are not "significant", they raise the possibility that other cultural resources may be uncovered during construction. In light of the fact that prehistoric use of the site has been demonstrated (by the presence of the chert cores) and the AB52 request that grading of the site be monitored by a member of the Salinan Tribe of Monterey and San Luis Obispo Counties, a mitigation measure requiring cultural resource monitoring during ground disturbing activities for site grading, improvements and construction is appropriate.

See also Section XVIII – Tribal Cultural Resources for AB52 consultation.

Discussion

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

The project site is within close proximity to Toad Creek, a blue line stream. According to the Cultural Resources Investigation (Parker, December, 2003), the historic features identified (fence, glass and pottery) indicated that a home may have occupied the site area at one time. There is no evidence or records of a residence, and the few items observed do not meet the State criteria of "significant". The proposed project will not cause a substantial adverse change in the significance of a historical resource. Therefore, *impacts will be less than significant*.

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

As noted above, the Cultural Resources Survey identified no known archaeological resources except two chert cores. The presence of the chert cores does not constitute a significant find. However, it increases the potential for additional prehistoric cultural material to be discovered on the project site. County Land Use Ordinance Section 22.10.040 includes a provision that construction work cease in the event resources are unearthed with work allowed to continue once the issue is resolved:

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

The AB52 Tribal consult resulted in a request for monitoring of the site during ground-disturbing activity. Based on the isolated chert cores, the presence of known significant sites within a one-mile radius, and the request for monitoring of the project site, mitigation is applied to require preparation and implementation of a monitoring plan for site development. With implementation of MM CR1 through MM CR3, impacts to archaeological resources would be *less than significant with mitigation*.

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

The record and literature search of the project area did not identify any know burial sites within 0.25 miles of the project. Additionally, consultation with the Native American tribes did not result in identification of known burials. (See Section XVIII. Tribal Cultural Resources.) Based on the low known sensitivity of the project site, and with implementation of monitoring during ground-disturbing activity per MM CR-1 through CR-3, impacts to human remains are expected to be *less than significant with mitigation*.

Conclusion

No significant impacts on cultural resources are anticipated to occur with implementation of the mitigation measures for submittal of a Cultural Resource monitoring plan and monitoring during construction site disturbance. Potential impacts to cultural resources would be reduced to less than significant with mitigation.

Mitigation

See Exhibit B for mitigation measures CR-1 through CR-3.

Sources

See Exhibit A.

VI. ENERGY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
(b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from greenhouse gas-free resources (PG&E 2019).

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

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

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the 2019 Building Energy Efficiency Standards. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements.

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. This designation is intended to identify areas of the county where

renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100).

Discussion

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

The proposed subdivision project entails short-term construction activities related to grading and construction of on-site improvements. The project does not include any development and does not include an operational phase that would have the potential to consume energy resources in the long run.

Standard diesel-fueled construction equipment is proposed for use. In accordance with applicable air quality regulations, the construction equipment will be equipped with fuel-efficient engines and properly maintained. At the completion of remediation, energy consumption will be limited to occasional vehicle trips and equipment used for construction.

Future development of the site would include residential activities and would be expected to consume approximately 40,104 kwH of electricity per year which is about the equivalent energy demand associated with six (6) single family residences (6,684 kwH per year per dwelling). Future project development would utilize connections to existing nearby power sources. Energy use would likely be limited to powering the residences. Although the nature of future development is speculative at this time, development of the six residential lots created by the proposed project is expected to result in less than significant energy resource impacts.

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

The proposed project would not interfere with the County of San Luis Obispo's EnergyWise Plan, which notes the emission reduction goals for the County by 2035 (San Luis Obispo County 2011). Nor would the project conflict with any state plans for renewable energy or energy efficiency. Therefore, impacts would be *less than significant*.

Conclusion

The project would not result in significant energy usage or wasteful, inefficient, or unnecessary consumption of energy resources. The project would not result in a conflict with state or local renewable energy or energy efficiency plans. Therefore, the project would not result in any potentially significant impacts related to energy and no mitigation measures are necessary.

Mitigation

No mitigation measures above what are already required by ordinance are necessary.

Sources

See Exhibit A.

VII. GEOLOGY AND SOILS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
	(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
	(ii) Strong seismic ground shaking?	☐	☐	☒	☐
	(iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
	(iv) Landslides?	☐	☐	☒	☐
(b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
(c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
(d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
(e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

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

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the County and that are currently zoned under the State of California Alquist-Priolo Fault Zoning Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon fault system generally consists of two fault zones: the Hosgri fault zone that is mapped off of the San Luis Obispo County coast; and the San Simeon fault zone, which appears to be associated with the Hosgri, and comes onshore near the pier at San Simeon Point, Lastly, the Los Osos Fault zone has been mapped generally in an east/west orientation along the northern flank of the Irish Hills.

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

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Groundshaking can endanger life and safety due to damage or collapse of structures or lifeline facilities. The California Building Code (CBC) currently requires structures to be designed to resist a minimum seismic force resulting from ground motion.

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

Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structure, earthquakes, or a combination of these factors. Despite current codes and policies that discourage development in areas of known landslide activity or high risk of landslide, there is a considerable amount of development that is being impacted by landslide activity in the County each year. The County Safety Element identifies several policies to reduce risk from landslides and slope instability. These policies include the requirement for slope stability evaluations for development in areas of moderate or high landslide risk, and restrictions on new development in areas of known landslide

activity unless development plans indicate that the hazard can be reduced to a less than significant level prior to beginning development. The project is located in an area with low potential for landslides.

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly. According the NRCS, Hanford and Greenfield fine sandy loams (2 - 9 % slope) underlying the site is characterized as having a moderate erodibility and low shrink-swell characteristics, no potential septic system constraints have been identified.

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. All land use permit applicants located within a GSA are required to include a report prepared by a certified engineering geologist and/or registered civil/soils engineer as appropriate. This report is then required to be evaluated by a geologist retained by the County. In addition, all uses within a GSA are subject to special standards regarding grading and distance from an active fault trace within an Earthquake Fault Zone (LUO 22.14.070). The proposed project is not located within GSA combining designation.

The County Conservation and Open Space Element (COSE) identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils.

The project site is gently to moderately sloping and the soils on the site have a low shrink-swell (expansive) potential. According to the County's Land Use View, the project site is not within the County's Geologic Study Area, and it has a low landslide risk and low to moderate liquefaction potential. There is one potentially active fault approximately a mile northeast of the project site, and there are no notable geologic features on the project site, including serpentine or ultramafic rock/soils.

Discussion

(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

(a-i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

The project is not on or near an earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or based on other evidence. The project would therefore not likely cause potential substantial adverse effects from the rupture of a known earthquake fault. An unnamed fault form is located 1-mile northeast of the project site. In addition, the proposed project would be subject to professional engineering and construction standards to ensure the development is constructed in a stable manner. Therefore, the potential for impacts related to surface ground rupture to occur at the residential sites is low, and potential impacts would be *less than significant*.

(a-ii) Strong seismic ground shaking?

The project would be required to comply with the California Building Code (CBC) to ensure the effects of a potential seismic event would be minimized to the greatest extent feasible. The project would be

subject to California Building Code, therefore impacts related to the production of strong seismic ground shaking would be *less than significant*.

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

The project site is gently to moderately sloping. Based on the County Safety Element Landslide Hazards Map is located in an area with low to moderate potential for liquefaction. Therefore, the project would not cause adverse effects involving liquefaction, a product of landslides, and impacts would *be less than significant.*

(a-iv) Landslides?

The project site is gently to moderately sloping. Based on the County Safety Element Landslide Hazards Map is located in an area with low potential for landslide risk. Therefore, the project would not cause adverse effects involving landslides, and impacts would be *less than significant.*

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

The project would result in the disturbance of approximately 1.65-acres. During grading activities there would be a potential for erosion and sedimentation to occur. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. Upon implementation of the above control measures, as recommended by the county, impacts related to soil erosion and sedimentation would be reduced to *less than significant*.

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

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

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

(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

The project site is located on soils that have a low expansion potential. The project would also be required to comply with the most recent CBC requirements, which have been developed to safeguard structures and occupants from land stability hazards, such as expansive soils. Therefore, the project will not create a substantial direct or indirect risk to life or property from soil expansion, and impacts will be *less than significant.*

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

The applicant provided a will-serve letter from the Templeton Community Service District confirming that the community service district is willing and able to provide sewer services. The project will not involve the use of onsite waste disposal systems, and no impacts from the use of septic tanks or alternative wastewater disposal systems are expected. Therefore, there would be *no impact.*

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

According to the Cultural Resources Investigation (Parker, April 2004), no paleontological sites have been identified near the project site. No unique geological features exist on the project site and would therefore not be affected. Therefore, impacts would be *less than significant.*

Conclusion

The project would be required to comply with CBC requirements which have been developed to properly safeguard against seismic and geologic hazards. The project would not result in significant impacts related to geology or soils and no mitigation is necessary.

Mitigation

No mitigation measures above what are required by ordinance are required.

Sources

See Exhibit A.

VIII. GREENHOUSE GAS EMISSIONS

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

Setting

Greenhouse gasses (GHGs) are any gases that absorb infrared radiation in the atmosphere. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement). Carbon dioxide (CO_2) is the most abundant GHG and is estimated to represent approximately 80–90% of the principal GHGs that are currently affecting the earth's climate. According to the California Air Resources Board (CARB), transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

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

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

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

The initial Scoping Plan was first approved by CARB on December 11, 2008 and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by CARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

When assessing the significance of potential impacts for CEQA compliance, an individual project's GHG emissions will generally not result in direct significant impacts because climate change is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation. Accordingly, in March 2012, the SLOAPCD approved thresholds for GHG impacts that were incorporated into their 2012 CEQA Air Quality Handbook. The Handbook recommended applying a 1,150 $MTCO_2e$ per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a 'gap analysis' and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with the Global Warming Solutions Act (AB32) and the 2008 Climate Change Scoping Plan which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch") that determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. The bright-line and service population GHG thresholds in the Handbook are AB 32 based, and project horizons are now beyond 2020 and the SLOAPCD no longer recommends the use of these thresholds for CEQA evaluations. Instead, the County, as the lead agency, recommends a bright-line threshold of 690 MTCO2e for the following reasons.

- According to an update of the County's EnergyWise Plan prepared in 2016, overall GHG emissions in San Luis Obispo County decreased by approximately seven percent between 2006 and 2013, or about one-half of the year 2020 target of reducing greenhouse gas emissions by 15% relative to the 2006 baseline.
- According to the California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators, published in 2019 by the California Air Resources Board, in 2017, emissions from GHG emitting activities statewide were 424 million MTCO2e, which is 7 million MTCO2e below the 2020 GHG Limit of 431 million MTCO2e established by AB 32.
- Therefore, application of the 1,150 MTCO2e Bright Line Threshold in San Luis Obispo County, together with other local and State-wide efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB32 for the year 2020.

As discussed above, Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extend the state's GHG reduction goals to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40% below 1990 levels by 2030, and 80% below 1990 levels by 2050. Since SB 32 requires the state to reduce GHG levels by 40% below 1990 levels by the year, a reasonable SB 32-based working threshold would be 40% below the 1,150 MTCO2e Bright Line threshold, or 1,150 x 0.6 = 690 MTCO2e. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, a project estimated to generate 690 MTCO2e or more GHG is assumed to have a significant adverse impact that is cumulatively considerable.

Discussion

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

The proposed subdivision would involve temporary construction related to proposed on- and off-site improvements and would enable future development of up to six single-family residences (five more than currently allowed on the existing parcel). During construction, fossil fuels and natural gas would be used by construction vehicles and equipment. Federal and state regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. The subdivision is not anticipated to result in GHG-emissions that would exceed existing thresholds during construction activities; however, Mitigation Measure AQ-1 identifies diesel idling restrictions during construction activities that would further reduce potential GHG emissions during construction activities.

Operational emissions would come primarily from vehicle trips to and from the project site and residential energy use. Additional residential units onsite would result in an increase in vehicle trips to and from the project site. Energy for the project would be supplied by PG&E which sources approximately 39% of electricity from renewable resources and an additional 47% is sourced from non-renewable GHG-free resources (PG&E 2019). Operational energy use is not anticipated to generate a significant amount of GHGs because it is sourced primarily from GHG-free resources.

The project is not expected to generate GHG emissions that would exceed existing thresholds and Mitigation Measure AQ-1 would further reduce construction-related GHG emissions; therefore, impacts would be *less than significant*.

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

The proposed project would not interfere with any applicable plans, policies, or regulations regarding greenhouse gas emissions including the County of San Luis Obispo's EnergyWise Plan, which notes the emission reduction goals for the county by 2035 (San Luis Obispo County 2011). Therefore, impacts would be *less than significant.*

Conclusion

The project would not violate any regulations regarding GHG emissions, and it would not surpass any emission thresholds. Therefore, the project would result in less than significant impacts related to Greenhouse Gas Emissions.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

IX. HAZARDS AND HAZARDOUS MATERIALS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
(b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
(d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
(e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
(f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Initial Study – Environmental Checklist

Setting

The project is not located in an area of known hazardous material contamination and is not on a site listed on the "Cortese List" (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5) (SWRCB 2019; California Department of Toxic Substance Control [DTSC] 2019). The project is not located within a mapped fire hazard severity zone. The project is located within a Local Responsibility Area (Templeton Fire) and based on the County's response time map, it will take approximately 0 to 5 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts. The project is not located within an Airport Review Area and the closest active landing strip, Oak Country Ranch Airport is located approximately 5 miles west of the project site.

Discussion

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

The project does not propose the routine use, transportation, or disposal of hazardous materials. Therefore, the project is not likely to create a significant hazard to the public or environment through exposure to hazardous materials, and impacts will be *less than significant*.

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

Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Handling of these materials has the potential to result in an accidental release. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws. Additionally, the construction contractor would be required to implement Best Management Practices for the storage, use, and transportation of hazardous materials during all construction activities. Therefore, impacts would be *less than significant*.

(c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The project does not propose the use of hazardous materials, nor the generation of hazardous emissions. There are no schools within a quarter mile of the proposed project, the nearest school is Templeton Middle School, located 0.65 miles to the south. Therefore, impacts would be *less than significant.*

(d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The project is not located in an area of known hazardous material contamination and is not on a site listed on the "Cortese List" pursuant to Government Code Section 65962.5. Therefore, there would be *no impact*.

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

The project is not located within an airport land use plan and is not located within close proximity to an airport. Therefore, there would be no risk of exposing people to a safety hazard or excessive noise from the operation of an airport and therefore there would be *no impact.*

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

The project would not conflict with any regional emergency response or evacuation plan as the existing access roads would be wide enough to accommodate emergency vehicles and project construction would be contained within the project site. Construction and operation of the project would not require road closure, and the project would not physically block the onsite residents from evacuating during an emergency. Therefore, impacts would be *less than significant*.

(g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

According to the County GIS mapping layers, the project is not located in a Fire Hazard Severity Zone, and response times are between 0 and 5 minutes. In accordance with sections 903.2 of the Building Code, fire sprinklers will be installed for potential future residents. The project proponent would also be required to adhere to a Fire Safety Plan prepared by the Templeton Fire to lessen fire risk within the project site. With this in consideration, impacts would be *less than significant*.

Conclusion

The project site and proposed improvements are not known to contain or involve hazardous materials. Safety issues pertaining to wildland fires, emergency evacuation plan implementation, and airport hazards are less than significant; therefore, no significant impacts related to hazards or hazardous materials would occur.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

X. HYDROLOGY AND WATER QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
(b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
(c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
	(i) Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
	(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
	(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
	(iv) Impede or redirect flood flows?	☐	☐	☒	☐
(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Setting

The project proposes to obtain its water needs from a community water system (Templeton Community Service District). The proposed project would require six residential service connections for future development of the site under the proposed subdivision. The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant. The subdivision is also required to annex into the Templeton Community Facilities District and comply with the water provider requirements.

The topography of the project is gently to moderately sloping. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and is considered moderately drained. The project parcel is within the Salinas Valley – Atascadero Area Groundwater Basin and the Atascadero/Templeton Water Planning Area. The closest creek from the proposed development is Toad Creek, which flows north along the western site boundary. Project construction is proposed to primarily stay outside of the edge of the riparian vegetation. Disturbance is proposed up to the riparian edge and temporary disturbance to 0.10 acres of riparian vegetation is proposed for development of three outfall structures. A portion of the project parcel is located within a 100-year flood zone, however development is outside of the boundary.

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. The applicant provided a Preliminary Stormwater Control Plan (Monsoon Consultants, February 13, 2020). The report found the infiltration of stormwater at the depths and locations of this site to be feasible for moderate volumes of water.

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

Discussion

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

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

- Approximately 1.70 acres of site disturbance;
- Storm Water Pollution Prevention Plan (SWPPP) is required;
- The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- The project is on soils with moderate erodibility, and gentle to steep slopes;
- The project site is within a 100-year Flood Hazard designation, but the development is not;
- The project is within 500 feet of Toad Creek;

- All hazardous materials and/or wastes will be properly stored onsite, which include secondary containment should spills or leaks occur; and
- Stockpiles will be properly managed during construction to avoid material loss due to erosion.

Implementation of Land Use Ordinance Section 22.52.110 and Section 22.52.120 will help ensure less than significant impacts to water quality standards and surface and ground water quality. Therefore, impacts would be *less than significant*.

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

The project is not located within a groundwater basin designated as level of Severity III per the County's Resource Management System or in severe decline by the Sustainable Groundwater Management Act (SGMA). The project would not substantially increase water demand, deplete groundwater supplies, or interfere substantially with groundwater recharge; therefore, the project would not interfere with sustainable management of the groundwater basin. Potential impacts associated with groundwater supplies would *be less than significant.*

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

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

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

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

(c-iv) Impede or redirect flood flows?

The subdivision will be conditioned to provide final grading, drainage, erosion and sedimentation control plans, and SWPPP for review and approval prior to improvement plan or building permit issuance as required by LUO Section 22.52.100, 110 and 120.

The amount of increased impervious surfaces is not expected to exceed the capacity of stormwater conveyances or increase downslope flooding. Therefore, impacts would be *less than significant*.

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

The proposed project is greater than 10 miles from the Pacific Ocean. Therefore, impacts would be *less than significant*.

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

The project will be conditioned to comply with relevant provisions of the Central Coast RWQCB Basin Plan. Therefore, impacts would be *less than significant*.

Conclusion

No significant hydrology and water quality impacts would occur.

Mitigation

No mitigation measures are necessary beyond those required by ordinance.

Sources

See Exhibit A.

XI. LAND USE AND PLANNING

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Physically divide an established community?	☐	☐	☐	☒
(b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Setting

The proposed project would be located in an area designated Residential Single-Family by the County of San Luis Obispo. Surrounding uses are identified on Page 2 of this Initial Study and the proposed project is considered compatible with these surrounding uses. The proposed project was reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, North County Area Plan, Templeton Community Design Guidelines, etc.). Referrals were sent to outside agencies and other County departments to review for policy consistencies (e.g., Templeton Community Service District, Environmental Health, Public Works, Templeton Area Advisory Council, City of Atascadero, City of Paso Robles, and Native American Outreach (AB52).

Discussion

(a) Physically divide an established community?

The proposed project is located on an existing parcel and would not involve any components that would physically divide the residential community. The proposed subdivision is considered in-fill development and the project would utilize the existing circulation system and proposes to construct an onsite driveway for access, offers a trail easement segment for future development by the County Parks Department, and would not require the construction of offsite infrastructure. Therefore, there would be *no impact.*

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

The proposed subdivision will establish potential for future development of up to six single-family residences. The project was found to be consistent with standards and policies set forth in the County General Plan, the Inland Area Plan, the Templeton Community Design Guidelines, the SLOAPCD Clean Air Plan, and other land use policies for this area. The Conditional Use Permit conditions of approval for the future development will require development to be consistent with these land use policies and the standards set forth by the Templeton Fire Authority and the Public Works Department. Therefore, impacts related to inconsistency with land use and policies adopted to address environmental effects would be *less than significant.*

Conclusion

No significant land use or planning impacts would occur.

Mitigation

None needed.

Sources

See Exhibit A.

XII. MINERAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☒	☐
(b)	Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☒	☐

Setting

The County Land Use Ordinance provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The proposed project is not located within an EX or EX1 designation. Information provided by the USGS Mineral Resources Data System confirms that the proposed project does not cross any active mining operations and no significant economic mineral resources have been recorded on site. The proposed project is more than three miles from any existing mines.

Discussion

(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

It is unlikely that the proposed project will result in the loss of a valuable mineral resource due to the lack of record of such mineral on site. Therefore, impacts would be *less than significant*.

(b) Would the project result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Based on Chapter 6 of the County of San Luis Obispo General Plan Conservation and Open Space Element – Mineral Resources, the project site is not located within an extractive resource area or an energy and extractive resource area, and the site is not designated as a mineral resource recovery site. Therefore, impacts related to preclusion of future extraction of locally important mineral resources would be *less than significant.*

Conclusion

Due to the lack of known valuable minerals on the project site, and the lack of a mineral resource recovery designation, the proposed project would not result in the loss of availability of or future extraction of valuable mineral resources.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

XIII. NOISE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
(a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
(b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Setting

The proposed six-lot residential subdivision and potential future development are considered a sensitive noise receptor. The project site is surrounded by single-family residences to the north, south, and west, with commercial and additional residential land use categories located to the east. The existing ambient noise environment is characterized by traffic on the surrounding streets: Main Street, Gibson Road, and Old County Road, as well as typical residential activities in surrounding homes and commercial activities in the commercial and residential land use categories to the east. Noise sensitive land uses typically include residences, schools, nursing homes, and parks. The project is not located within an Airport Review Area and the closest active landing strip, Oak Country Ranch Airport, is located approximately 5 miles west of the project site.

The potential future residential development that would be facilitated by the proposed subdivision project is considered a sensitive noise receptor. Exterior noise exposure over 60 dB is required to be mitigated. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the subject property is outside of the 60db category. As such, no future residential development will be exposed to exterior noise over 60 db. Based on the expected noise levels, the additional construction measures, as specified in the Noise Element, would reduce interior noise levels to acceptable levels.

The County Land Use Ordinance Section 22.10.120 establishes maximum allowed noise levels for both daytime (7 a.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.) hours. The maximum allowed exterior hourly noise level is 50 db for the daytime hours and 45 db for the nighttime hours. Staff reviewed the Noise Element and associated noise contour mapping for transportation and stationary noise sources, as well as the surrounding uses and their potential to generate noise, and determined that a noise study was not necessary.

Discussion

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

The proposed project would introduce the potential for future residential development on the site which result in ambient noise levels consistent with the surrounding area. Based on the Noise Element's projected future noise generation from known stationery and vehicle-generated noise sources, the project is within an acceptable threshold area.

Project construction activities would generate short-term (temporary) construction noise. Activities that generate noise in excess of 60 dB at the project site boundary shall be limited to the hours of 7

a.m. to 6 p.m. If possible, the use of pile drivers shall be minimized in construction. Alternative techniques that produce less noise, such as drilled or bored piles, shall be considered. Furthermore, compliance with County LUO Section 22.10.120 would require construction noise to be limited. Noise impacts resulting from both construction and operation of the proposed facility are expected to be less than significant.

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

Operation of the proposed project would not result in groundborne vibration. No construction equipment or methods are proposed that would generate substantial ground vibration. Therefore, impacts related to temporary or permanent groundborne vibration would be *less than significant.*

(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The project is not located within an Airport Review Area and the closest active landing strip Oak Country Ranch Airport is located approximately 5 miles west of the project site. Since the project site is not located within two miles of a public airport or public use airport, and is not located in an area subject to an airport land use plan, there would be *no impact* to people residing or working in the project area from excessive air traffic related noise levels.

Conclusion

The project would not result in activity that would create noise (groundborne or otherwise) or vibrations that would be in excess of any established standards. Additionally, the project would be located further than two miles of a public airport or public use airport and therefore would not be exposed to excessive noise levels.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

XIV. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Setting

The County's current Housing Element (2020-2028) is intended to facilitate the provision of needed housing in the context of the General Plan Land Use Element and related ordinance. It is also intended to meet the requirements of State law. It contains a number of relevant goals, objectives, policies, and implementation programs to ensure the County meets its goals of meeting the housing needs while remaining consistent with State law.

Section 22.12.080 of the County LUO contains policies and procedures related to inclusionary housing that is a requirement as part of development projects. New single-family dwellings over 2,200 square feet in size, residential subdivisions, commercial/industrial uses with a cumulative floor area of 5,000 square feet or more, mixed-use development, and subdivision of land are subject to these requirements. Projects subject to the inclusionary housing provisions are required to make 8% of the project's base density affordable. This 8% inclusionary housing mix is broken down by 2% increments between Workforce, Moderate income, Low income, and Very Low-income households. The ordinance gives applicants a variety of options for meeting this requirement, including on-site or off-site construction of affordable housing. Applicants may also opt to pay an in-lieu fee per the Affordable Housing Fund, Title 29 of the County Code. As noted in Section 22.12.080.G.2, the County provides for a reduction in required inclusionary housing by 25% for those units constructed on-site.

Requirements for inclusionary housing for residential dwelling units are based upon the base density of a project. Base density is the maximum number of residential units that may be allowed, not including any density bonuses. Commercial and industrial development of 5,000 square feet or more of floor area for commercial or industrial use also requires the payment of a housing impact fee or construction of inclusionary housing units.

Initial Study – Environmental Checklist

Discussion

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

The proposed subdivision will create the potential for the development of new residences within an Urban Reserve area which will increase the supply of homes in the area leading to potential, small population growth. This is in line with County and Local plans to increase housing availability. The proposed project would not result in new jobs in the area that would require new housing. The project does not propose new roads or infrastructure to undeveloped or underdeveloped areas that would indirectly result in population growth. Therefore, impacts would be *less than significant*.

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

The proposed project does not involve the displacement, either directly or indirectly, of existing people or housing that would necessitate the construction of replacement housing elsewhere. The project would facilitate the creation of additional housing to increase home supply. Therefore, *no impacts* would occur.

Conclusion

The proposed project would provide the potential for additional housing. Therefore, no population and housing impacts would occur.

Mitigation

None needed.

Sources

See Exhibit A.

XV. PUBLIC SERVICES

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

Setting

The project area is served by the following public services:

Fire: Templeton Fire (Location: 206 5th Street Templeton, approximately 0.4 miles south of the project parcel). The project site does not have a Fire Hazard Severity rating. According to Cal Fire and County Fire response times are estimated to be between 0 to 5 minutes.

Police: County Sheriff (Location: 65 N Main Street, Templeton, San Luis Obispo County Sheriff North Patrol, approximately 0.6 miles north of the project parcel)

School District(s): Templeton Unified School District.

Parks: The project parcel is within the Toad Creek trail corridor.

Discussion

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

Fire protection?
The proposed project was reviewed by Templeton Fire for consistency with the Uniform Fire Code and will be required to adhere to the requirements of Uniform Fire Code. An Intent to Serve Water and Sewer Services was provided by the Templeton Community Services District ("District") dated July 29, 2020, the requirements of which will be incorporated into the project development. The project will be required to annex into the District's Community Facilities District and pay impact fees as part of the permit process. The shared private access proposed for construction is ±200 linear feet in length, would meet Cal Fire access road requirements, and includes a turnaround hammer head. Site topography and configuration would not allow for future connection; therefore, the private access easement would be for use by this subdivision only. The proposed project, along with other projects in the area, will result in a cumulative effect on fire protection services. The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place. Therefore, impacts would be *less than significant*.

Police protection?
The proposed project, along with other projects in the area, would result in a cumulative effect on police protection services. The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place. Therefore, impacts would be *less than significant*.

Schools?
The proposed project would result in the creation of new housing and may result in minor population growth. This population growth would result in a cumulative effect on existing school facilities. The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property. Therefore, impacts would be *less than significant*.

Parks?
The proposed project would result in the creation of new housing and may result in minor population growth. The project is subject to Quimby Act. The Quimby fees shall be collected at a time of building issuance, per 21.09.010 (Parks and recreation facilities). The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property. The applicant is proposing a future public trail easement along Toad Creek, as requested by the County Parks Department, providing additional recreational in the area. Therefore, impacts would be *less than significant*.

Other public facilities?
During pre-application coordination with County Public Works Department, there was discussion regarding a consideration by the County for a realignment of Las Tablas Road for a direct connection to Gibson Road. Based on this coordination the proposed subdivision is configured to include a future offer of dedication for this potential, future realignment. The proposed project would not generate a

substantial long-term demand for roads, solid waste, or other public services or utilities. Electrical demands of the project would be within expected uses for the property. The proposed project site would be accessed by the existing local circulation system and would not generate substantial long-term operational trips. Therefore, potential impacts on public services or utilities would be *less than significant*.

Conclusion

No significant impacts to public services or utilities would occur.

Mitigation

None required.

Sources

See Exhibit A.

XVI. RECREATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
(b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

Setting

The County of San Luis Obispo Parks and Recreation Element (Recreation Element) establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing, and the development of new, parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the county.

Toad Creek runs through the westerly corner of the project site. The Templeton Community Design Guidelines recommend offers of dedication along Toad Creek be required with subdivision and discretionary land use permit applications on creek-front properties where there is a reasonable expectation that a continuous corridor can eventually be acquired. County Department of Parks and Recreation requests a 12-foot wide trail easement on the east side of the Toad Creek riparian area and the proposed easement has been included in the project design. The trail would be constructed by County Parks in the future when sufficient connectivity is achieved, and would be subject to permitting review at the time that construction is proposed.

Discussion

(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The proposed project would have a cumulative effect on the use of existing parks and recreational facilities through population growth caused by the construction of new homes. The project is located within close vicinity (0.2 miles) to a public open space area. The project is subject to Quimby Act. The Quimby fees shall be collected at a time of building issuance, per 21.09.010 (Parks and recreation facilities). In additional, the project will be required to annex into the District's Community Facilities District and pay impact fees as part of the permit process. Therefore, the local area has the recreational capacity to handle the increased use caused by the project, and impacts would be *less than significant.*

(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The project is subject to Quimby Act. The Quimby fees shall be collected at a time of building issuance, per 21.09.010 (Parks and recreation facilities). At the request of County Parks and as consistent with the County General Plan, the proposed project includes a 12-foot wide trail easement along the east side of Toad Creek per County Parks request. Please refer to *Figure 3 - Proposed Trail and Open Space Easement Areas,* for a detailed depiction of the proposed trail easement and adjacent Open Space. Impacts will be *less than significant.*

Conclusion

No significant impacts to recreational resources would occur.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

XVII. TRANSPORTATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
(c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
(d)	Result in inadequate emergency access?	☐	☐	☒	☐

Setting

The County has established the acceptable Level of Service on roads for this residential area as "C" or better. The existing road network in the area including the project's access street, Old County Road, is operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable.

The project is subject to the Area A Templeton Road Fee, which addresses cumulative contributions to lessening capacity to areawide roads and intersections by funding areawide circulation improvements. No significant traffic-related concerns were identified from the Public Works Department.

The project is located outside of the County's Airport Review combining designation (AR). The project is within the urban reserve line. The proposed project is not located within a quarter mile buffer of a railroad crossing. There are bike lanes along Gibson Road or Old County Road, and the closest bus station and park and ride lot are located on Bennett Way, approximately 0.6 miles to the west.

Discussion

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

Per the Templeton Community Design Guidelines, private roads that do not meet the County standards, are permitted in closed, private communities with active homeowner's associations (HOAs). These HOAs will be responsible for street maintenance and parking regulation enforcement. The proposed project falls under this category and will require an HOA to regulate parking.

According to the project Traffic Analysis (Central Coast Transportation Consulting. January 31, 2020), the proposed project would generate 57 new vehicle trips per weekday, including four AM peak hour trips and six PM peak hour trips. With payment of the required Templeton Area Road Improvement Fee, impacts related to traffic generation are considered less than significant. Short-term construction-related trips would be minimal, and area roadways are operating at acceptable levels and would be able to accommodate construction-related traffic. An increase in trips associated with completion of the project would be within expected levels.

Access to all parcels is proposed from Las Tablas Road with a 20-foot shared driveway within a 30-foot easement that is proposed to also accommodate drainage and underground utilities. The location of the shared driveway has been analyzed for site distance compliance with County Engineering Standards under the project Traffic Analysis. The shared access is designed to the specifications of the Templeton Fire and Emergency Services Developers Guide.

Per County Public Work's request during pre-application coordination, there was discussion regarding a consideration by the County for a realignment of Las Tablas Road for a direct connection to Gibson Road. Based on this coordination the proposed subdivision is configured to include a future offer of dedication for this potential future realignment.

The applicant has requested adjustments to the County's Road Standards in order to improve current conditions, increase safety and to minimize off-site disruption and to protect native oak trees. The following adjustments are requested as part of the proposed project:

- Transitional Design – The proposed frontage improvements include a transitional design north of the proposed driveway entry on Las Tablas Road. This provides a connection to an existing non- standard condition north of the property, as recommended by the consulting transportation engineer.
- Application of Standard A-2C – Along the Old County Road frontage, the County Engineer Standard A-2C "Rolling & Mountainous" section has been applied to the proposed frontage improvements. Approximately one third of the frontage has a gradient of 8% or greater. The proposed travel drive lane width of 10-feet minimizes the grading disturbance and oak tree impacts that would be required for 12-foot travel lanes without application of the "rolling & mountainous" standard.
- Sidewalk Bulb-out – Request includes a sidewalk bulb-out along Old County Road to avoid removing the existing two mature oak trees (54-inch and 36-inch in truck diameter) along with the existing PG&E vault. The bulb-out would not accommodate on-street parking, however the 10-foot travel lane would be maintained.

With concurrence on the requested road standard adjustments from County Public Works, the project would be considered consistent with adopted policies, plans and programs related to transportation. The project would not affect air traffic patterns or policies related to public transit, bicycle, or pedestrian facilities. As a result, the proposed project would have *a less than significant*, long-term impact on existing road service or traffic safety levels.

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

The County of San Luis Obispo has developed a Vehicle Miles Traveled (VMT) Program (Transportation Impact Analysis Guidelines; Rincon, October 2020 & VMT Thresholds Study; GHD, March 2021). The program provides interim operating thresholds and includes a screening tool for evaluating VMT impacts. While the County's program is still in development, the estimated new vehicle trips generated by the proposed project fall below the suggested screening threshold of 110 trips/day identified in the State guidance (Technical Advisory on Evaluating Transportation Impacts in CEQA; Office of Planning & Research, December 2018), and would be assumed to be insignificant.

The Templeton Community is "pre-screened" under the County's VMT calculator tool. Based on the nature and location of the project (VMT area 61), the project falls below the threshold for further VMT analysis, and would not generate a significant increase in construction-related or operational traffic trips or vehicle miles traveled. The subdivision would not substantially change existing land uses and would not result in the need for additional new or expanded transportation facilities. The project would be subject to standard development impact fees to offset the relative impacts on surrounding roadways. Therefore, potential impacts would be less than significant.

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

According to the project Traffic Analysis, the proposed project driveway meets the stopping sight distance for 35 MPH and the corner sight distance for 20 MPH. The Traffic Analysis also includes a recommendation that the proposed frontage improvements modify the existing end treatment for the metal beam guard rail (MBGR) north of the project site as a part of the driveway construction. With the implementation of the recommendations from the project Traffic Analysis, impacts are considered less than significant.

(d) Result in inadequate emergency access?

Old County Road and the connecting roads in the area are currently able to accommodate emergency vehicles. The project would have the highest risk of emergencies during construction which would be temporary. The project would not block or alter egress routes for surrounding residents. Therefore, impacts related to emergency access would be *less than significant.*

Conclusion

No significant transportation-related impacts are expected to occur.

Mitigation

No mitigation measures beyond what is required by ordinance are necessary.

Sources

See Exhibit A.

XVIII. TRIBAL CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
	(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☒	☐
	(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Setting

Approved in 2014, Assembly Bill 52 (AB 52) added tribal cultural resources to the categories of resources that must be evaluated under CEQA. Tribal cultural resources are defined as either of the following:

a. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

   a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or

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

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

A Cultural Resources Investigation was prepared for both the site and the adjacent property to the north by John Parker in December, 2003, and updated for the adjacent northern parcel in April 2004. The 2003 Parker report found two chert cores on the subject parcel but determined that these items in isolation were not considered significant prehistoric or historic cultural materials, and no historic structures are within the project site. As noted in Section V. Cultural Resources, the project is located in an area historically occupied by the northernmost subdivision of the Chumash, the Obispeño (after Mission San Luis Obispo de Tolosa), and the Salinan Tribes. Based on the items found on the site and a request for monitoring by one of the AB52 respondants, Mitigation Measures CR 1 through CR-3 are applied to require a Cultural Resource Monitoring Plan prior to permit issuance monitoring during all site disturbing activities.

AB 52 consultation letters were sent to four tribes on May 25, 2021: Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council. The Xolon Salinan Tribe responded on May 27, 2021, requesting to review the Phase 1 Archaeological Resource Assessment. In response, the December 2003 report was sent for review and no further comments were received. The Salinan Tribe of Monterey and San Luis Counties responded with a request for monitoring by a tribal representative during ground-disturbing activities; a copy of the Phase 1 report was sent on June 29, 2021.

The tribes did not provide information regarding any specific known culturally-sensitive areas within the project's vicinity, however they identified that there are resources present in the vicinity and recommended monitoring of ground disturbance due to the sensitivity of the general area. No further consultations were requested.

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Discussion

(a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

(a-i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

As noted in Section V. Cultural Resources, the Cultural Resources Investigation prepared by John Parker in December 2003 concluded that known prehistoric or historic resources were not present within the proposed project vicinity. There are no known historical resources within the project area; therefore, impacts to historical resources and tribal historical resources would be *less than significant.*

(a-ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

The site survey identified two chert cores on the site but characterized them as "isolated". The Salinan Tribe of San Luis Obispo and Monterey Counties requested site monitoring based on proximity of other known sites in the area. Although the potential for significant resources to be present is considered low, Mitigation Measures CR-1 through CR-3 for site monitoring are applied.

There are no known tribal cultural resources within the immediate project area. Compliance with the Mitigation Measures Cr-1 through CR-3 would ensure that potential impacts to unknown tribal cultural resources would be *less than significant with mitigation.*

Conclusion

No significant impacts on tribal cultural resources are anticipated. Mitigation measures are applied to prepare and submit a Monitoring Plan and implement monitoring during all site disturbance and construction activity. All construction work would cease in the event resources are unearthed, with work allowed to continue once the issue is resolved. The measures would ensure potential impacts to tribal cultural resources would be *less than significant with mitigation.*

Mitigation

Mitigation Measures CR-1 through CR-3 would require a monitoring plan to be prepared, submitted for approval, and implemented during all grading, improvement and ground-disturbing activities.

Sources

See Exhibit A.

XIX. UTILITIES AND SERVICE SYSTEMS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☒	☐	☐
(b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☒	☐	☐
(c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☒	☐	☐
(d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting

The proposed project is a six-lot subdivision of the subject parcel is expected to result in the development of up to six new single-family residential units. The project proposes to connect to Templeton Community Services District's (TCSD) water and sewer system. The sewer connection runs along Toad Creek. The applicant has provided a conditional will serve letter dated July 29, 2020 for six residential lots. The Templeton Community Service District system is currently operating at acceptable levels and the system has the capacity to support existing commitments in addition to the proposed project.

A fee program has been adopted to address impacts related to public facilities (County) and schools (State Government Code 65995 et seq.). Fees are assessed annually by the County based on the type of proposed development and proportional impact and collected at the time of building permit issuance. Fees are used for the construction as needed to finance the facilities required to serve the new residential development.

Initial Study – Environmental Checklist

The project received a preliminary Health Clearance letter from the County Environmental Health Department dated December 16, 2020, determining that there is preliminary evidence that there will be sufficient water and sewer available to serve the proposed project.

Discussion

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

The project proposes to receive water and sewer services from Templeton Community Services District (TCSD). The TCSD letter specifies that the applicant has entered into an agreement executed on July 23, 2020, for the purchase of the six sewer units. In addition, the TCSD letter requires that the water and sewer connections shall be made to the existing water and sewer lines in Old County Road or Las Tablas Road. No connection will be permitted to the interceptor sewer line crossing the west side of the parcel and the on-site sewer proposed for serving the six lots shall be contained within a new 20-foot wide District Facilities Easement. The applicant will be required to provide a final Can and Will serve (will-to-serve) letter from the TCSD at the time of application for construction permits, showing compliance with applicable conditions (UTL-1). Therefore, impacts to existing facilities will be *less than significant with mitigation.*

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

The project will be subject to the County's Title 19 (Building and Construction Ordinance, Sec. 19.20.238), which states that no grading or building permit shall be issued until the water purveyor provides a written statement that potable water service will be provided via the community systems.

The project is located in the Salinas Valley – Atascadero Area Groundwater Basin and proposes to receive water from the area's designated water purveyor, the TCSD. Water serving this project is based on riparian rights. In order to retain a final Can and Will Serve letter from TCSD, the applicant must comply with conditions outlined in the Conditional Will Serve letter, dated July 29, 2020. Fees for four water units have been paid, with hook-up fees for two water units have not been paid as of the TCSD letter. TCSD has adopted Water Conservation Standards and Regulations as well as a Water Shortage Contingency Plan in the event of dry and multiple dry years.

The applicant will be required to provide a final Can and Will serve (will-to-serve) letter from the TCSD at the time of application for construction permits, showing compliance with applicable conditions (UTL-1). Therefore, impacts to existing facilities will be *less than significant with mitigation.*

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

The proposed project will rely on a Community sewage disposal system for sewage disposal. Fees for 10 sewer units have been paid. Fees for the purchase of six sewer units have been paid and a recordable agreement has been executed for payment of the balance which will be required prior to the recordation of a final map. The project is required to provide a final Can and Will Serve (will-to-serve) letter by the TCSD prior to map recordation (UTL-1), ensuring all TCSD conditions have been met. Therefore, impacts will be *less than significant with mitigation.*

(d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

The proposed project would use TCSD as its disposal company. The proposed project is a six-unit residential subdivision and is not expected to exceed the capacity of local solid waste facility. Therefore, impacts will be *less than significant.*

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

The project is required to provide a final Can and Will Serve letter from TCSD and abide by federal, state, and local management reduction statutes and regulations related to solid waste. Therefore, the project will comply with all statutes and regulations related to solid waste, and impacts will be *less than significant*.

Conclusion

The project proposes to receive water and sewer services from Templeton Community Services District. In the preliminary can and will serve letter, TCSD applied conditions to the project, to be completed prior to map recordation and permit issuance. Per the County Environmental Health Department, there is preliminary evidence that there will be sufficient water and sewer available to serve the proposed project, however final will-to-serve documentation for both water and sewer services is required prior to map recordation. Therefore, no significant impacts will occur that are not already addressed in ordinance and no mitigation is required.

Mitigation

See Exhibit B for mitigation measure UTL-1.

Sources

See Exhibit A.

XX. WILDFIRE

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

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
(c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
(d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Setting

The proposed project site is not located within a Fire Hazard Severity Zone and the site has gently to steeply sloping topography. The project is under the responsibility of the Templeton Fire District, a local agency. The closest station is 206 5th Street Templeton, approximately 0.4 miles south of the project site. Based on the County's fire response time map, it will take approximately 0-5 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts.

The County of San Luis Obispo Safety Element establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 identifies that new development should be carefully located, with special attention given to fuel management in higher fire risk areas, and that new development in fire hazard areas should be configured to minimize the potential for added danger.

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

The Templeton Community Services District reviewed the projects Will Serve Application, site and grading plan and identified project requirements outlined in a letter dated July 29, 2020.

Discussion

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

The proposed project would not impair any regional emergency response or evacuation plan as the existing access roads would be wide enough to accommodate emergency vehicles and project construction would be contained within the project site. Construction and operation of the project

would not require road closure, and the project would not physically block the onsite residents from evacuating during an emergency. The proposed project was reviewed by Templeton Fire for consistency with the Uniform Fire Code and will be required to adhere to the requirements of Uniform Fire Code. An Intent to Serve Water and Sewer Services was provided by the Templeton Community Services District dated July 29, 2020, the requirements of which will be incorporated into the project development. The shared private access proposed for construction is ±200 linear feet length, would meet Cal Fire access road requirements, and includes a turnaround hammer head. Therefore, impacts would be less than significant.

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

The proposed project is not within a Fire hazard Severity Zone, and it is an infill development which would pose less of a wildfire risk. The parcel is gently to moderately sloping and contains grassy vegetation which could increase wildfire risk. The project proponent would be required to adhere to the 2016 California Fire Code. With this in consideration, impacts would be less than significant.

(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Existing local roads would be used for access, and the only new road construction would be a private 20-foot wide driveway for access to the residences. All other utility infrastructure for the proposed project, such as for water, sewers, cable, and power, will be underground and will not exacerbate fire risks. As the fire risk for the parcel is low, and no prominent infrastructure additions that may exacerbate fire risk will be made, impacts will be less than significant.

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

The project is located on a site with gently sloping to moderately sloping topography but is within a flood hazard area. The applicant has provided a preliminary Stormwater Control Plan and stormwater management has been incorporated into the design of the project. A drainage plan is also required by ordinance for all projects within a flood hazard area. A Flood Hazard Plan, identifying construction constraints must be approved by the Director of Public Works prior to project approval. These measures are required through ordinance standards. Therefore, impacts are expected to be less than significant.

Conclusion

With the implementation of a Fire Safety Plan, the project would result in less than significant impacts related to wildfire.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
(b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
(c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion

(a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

The project has the potential to impact Air Quality, Biological Resources, and Utilities. Mitigation measures have been placed within each of these sections to address potential impacts and their implementation would reduce impacts to *less than significant levels with mitigation*.

(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Potential cumulative impacts of the proposed project have been analyzed within the discussion of each environmental resource area above. Cumulative impacts associated with the proposed project would be *less than significant.*

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

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. There is no evidence that measures above what will already be required by ordinance or codes are needed. Therefore, impacts would be *less than significant.*

Conclusion

With the implementation of mitigation measures in addition to the required ordinance and code, the project would cause less than significant impacts and thus, the project impacts would be less than significant.

Mitigation

No mitigation needed.

Sources

See Exhibit A.

Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☒	County Public Works Department	**In File****
☒	County Environmental Health Services	**In File****
☐	County Agricultural Commissioner's Office	**Not Applicable**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**None**
☒	County Sheriff's Department	**None**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**None**
☐	CA Department of Forestry (Cal Fire)	**Not Applicable**
☒	CA Department of Transportation	**None**
☒	Templeton Community Services District	**In File****
☒	Other Templeton Area Advisory Committee	**In File****
☒	Other County Department of Parks and Recreation	**In File****

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

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

☒ Project File for the Subject Application

County Documents

☐ Coastal Plan Policies
☒ Framework for Planning (Coastal/Inland)
☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
- ☒ Agriculture Element
- ☒ Conservation & Open Space Element
- ☐ Economic Element
- ☒ Housing Element
- ☒ Noise Element
- ☒ Parks & Recreation Element/Project List
- ☒ Safety Element

☒ Land Use Ordinance (Inland/Coastal)
☒ Building and Construction Ordinance
☒ Public Facilities Fee Ordinance
☒ Real Property Division Ordinance
☒ Affordable Housing Fund
☐ Airport Land Use Plan
☒ Energy Wise Plan
☒ North County / Salinas River Sub Area
☒ Templeton Community Design Plan
☐ Specific Plan
☐ Annual Resource Summary Report
☐ Circulation Study

Other Documents

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

Initial Study – Environmental Checklist

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

1. California Department of Conservation (DOC). 2019. Farmland Mapping and Monitoring Program - DLRP Important Farmland Finder. Accessed on: February 13, 2020. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>

2. California Department of Toxic Substances Control (DTSC). 2019. EnviroStor. Accessed on March 5, 2020. Available at: <https://www.envirostor.dtsc.ca.gov/public/>

3. Central Coast Transportation Consulting. 96 Old County Road, Templeton – Traffic Analysis. January 31, 2020.

4. County of San Luis Obispo (County). 2018. Land Use View at: https://gis.slocounty.ca.gov/sites/luview.htm. Accessed on: February 10, 2020.

5. County of San Luis Obispo. 2011. EnergyWise Plan. Available at <https://www.slocounty.ca.gov/Departments/Planning-Building/Energy-and-Climate/Energy-Climate-Reports/EnergyWise-Plan.aspx>

6. Monsoon Consultants. Draft Stormwater Control Plan for 96 Old County Road Tentative Tract 3146. February 13, 2020.

7. Monsoon Consultants. Preliminary Drainage Report for 96 Old County Road Tentative Tract 3146. February 14, 2020.

8. Natural Resource Conservation Service (NRCS). 2018. Web Soil Survey. Available at: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx. Accessed on: February 10, 2020.

9. Parker & Associates. Cultural Resource Investigation of Parcels APNS 041-031-005 ad 013 Old County Road, Templeton. April 16, 2004.

10. Sage Institute, Inc. Biological Resources Assessment for Vesting Tentative Parcel Map 3146 (APN: 041-031-006). June 8, 2020.

11. San Luis Obispo Air Pollution Control District (SLOAPCD). 2012. CEQA Air Quality Handbook. Accessed on February 13, 2020. Available at: < https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/CEQA_Handbook_2012_v2%20%28Updated%20Map2019%29_LinkedwithMemo.pdf>

Exhibit B - Mitigation Summary

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

AQ-1: **Standard Construction Measures.** Based on Air Pollution Control District's (APCD) CEQA Handbook (2012), to reduce nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment. the applicant shall incorporate into the project the following "standard" construction mitigation measures:

1) Maintain all construction equipment in proper tune according to manufacturer's specifications;
2) Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
3) Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
4) Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
5) Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
6) All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
7) Diesel idling within 1,000 feet of sensitive receptors is not permitted;
8) Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
9) Electrify equipment when feasible;
10) Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
11) Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

BR-1: **Open Space Easement. Prior to recordation of the final map**, the applicant shall enter into an agreement with the County, in a form acceptable to County Counsel, to record an open space easement on the riparian area of Lot 6 to protect the riparian habitat and water quality of Toad Creek. The OS easement may include the public trail easement and the TCSD sewer line easement. The terms of the open space easement will allow for maintenance activities on the utilities within the easement, construction and use of a public trail, and fire protection/fuel reduction activities consistent with a management plan aimed at long-term protection of native plant species. The applicant shall prepare and submit an Open Space Management Plan for County review and approval addressing these activities, prepared by a qualified biologist, to record with the Open Space easement. The Open Space Management Plan shall provide maintenance guidelines for timing, permitting, thresholds for disturbance or clearing, revegetation/reseeding, protection measures, and monitoring, for ongoing

management of the riparian area on Lot 6. The management requirements of the open space uses shall be included in any CC&Rs developed for the subdivision.

BR-2: **Prior to issuance of tract improvement plans, grading or construction permits,** the applicant shall engage a County-approved qualified biologist to conduct the monitoring and pre-construction surveys. The applicant shall submit a copy of the approved contract with the biological monitor for the scope of work that includes BR-3 to BR-7 mitigation requirements. The biological monitor contract scope shall include performing pre-construction surveys and fencing protection prior to start of disturbance, followed by a confirmation of results via email to County Planning staff. The Monitor shall provide monthly reports to the Department of Planning and Building and a summary report prior to final inspections or final release on improvements, grading or occupancy. The contracted biologist monitor name and contact information shall be printed on the construction plans.

BR-3: **Preconstruction Surveys. Prior to initiation of ground-disturbing activities for tract improvement plans, grading or construction permits,** the County-approved biologist monitor (BR-2) shall conduct surveys to determine presence/absence of CRLF, western pond turtle, pyrg snail, Crotch and obscure bumblebee, and coast range newt. The applicant, through the monitoring biologist (BR-2), shall consult with the USFWS and/or CDFW to determine effective avoidance measures and obtain appropriate permits prior to any ground disturbance, if these species are found onsite.

Prior to issuance of tract improvement plans, grading or construction permits, in addition to implementation of protective fencing for oaks, exclusionary fencing shall also be erected prior to any ground disturbance at the limit of proposed disturbance in the riparian area, or at least 25 feet from the edge of the riparian canopy, to avoid equipment and human intrusion into riparian habitat. The exact location of exclusionary fencing for each construction area shall be determined by the County-approved biological monitor. The biological monitor's reports shall include verification that appropriate fencing has been installed prior to issuance of tract improvements or grading permits. The fencing shall remain in place throughout the duration of the proposed construction activity, and compliance monitored by the Biologist.

BR-4: **Nesting Birds and Roosting Bats. Prior to issuance of tract improvement plans, grading or construction permits,** preconstruction nesting bird and roosting bat surveys as detailed below shall be conducted by a qualified biologist to determine if any active nests would be impacted by project construction. If no active nests are found, then no further mitigation shall be required. If grading, vegetation and/or tree removal is initiated between September 1 and January 31, outside the bird nesting season (February 1 to August 31), then no nesting bird surveys shall be required.

A. **Within two weeks prior to any site disturbance (i.e., mobilization, staging, grading or construction, tree and vegetation removal or trimming)** within the recognized breeding season (February 1 to August 31) on the subject site, the County-qualified biologist (BR-2) shall conduct preconstruction surveys for potential nesting birds. The required survey dates may be modified based on local conditions, as determined by the County-qualified biologist based on observations in the field, with the approval of the County of San Luis Obispo.

B. If breeding birds with active nests are found prior to or during construction, the biological monitor shall establish an avoidance buffer around the nest for ground-based construction activities and no activities will be allowed within the buffer(s) until the young have fledged from

the nest or the nest fails. Buffers shall be 500 feet for raptors and 100 feet for non-raptor species. Buffers may be adjusted to reflect existing conditions including ambient noise, topography, and disturbance with the approval of the County of San Luis Obispo and must be based on evidence that a reduced buffer will not pose a threat to the success of the nest.

For active nests identified within the survey area, the biological monitor shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The biological monitor shall be responsible for documenting the results of the surveys and ongoing monitoring and will provide a copy of the monitoring reports to the County.

C. All trees to be removed as part of project-related construction activities will be removed between September 1 and January 31, outside of the nesting season, to avoid additional impacts to nesting birds. If removal during the nesting season cannot be avoided, trees to be removed/impacted and any surrounding trees that are within 100 feet of the tree canopy to be removed/impacted will be thoroughly surveyed by the County-qualified biologist to ensure that no nests are present. If nests are found within these trees and contain eggs or young, the biological monitor shall establish avoidance buffers as described above until the young have fledged the nest or the nest fails.

BR-5: Oak Tree Protection. Prior to start of, and during, ground disturbing activities, the following tree protection and root protection zone guidelines shall be implemented for each tree to be retained that occurs within 50 feet of impact areas:

A. **Prior to start of grading disturbance or construction activity**, all trees to remain within 50 feet of construction or grading activities shall be marked for protection with protective fencing and their root zone fenced prior to any grading. The root zone will be defined at 1.5 times the diameter of the canopy dripline. All activities within the root zone shall be avoided to the extent feasible or shall be subject to hand-digging and monitoring by the monitoring biologist or a certified arborist. Where activities within the root zone cannot be avoided, the activity within this area will be considered an impact and shall be mitigated by replacement oaks in-kind at 2:1, planted on site. Substantial impacts such as grading or trenching where roots are damaged or exposed would be considered a permanent impact equivalent to removal, and shall be mitigated at 4:1, or through payment of a $970 mitigation fee per oak removed. The applicant shall consider the use of retaining walls where appropriate to minimize cut and fill impacts. Care shall be taken to avoid damaging surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut by a certified arborist and not left exposed above the ground surface.

B. **Prior to approval of Improvement plans or start of site improvements,** the applicant shall provide a modified sidewalk and curb-gutter detail for the road design adjustment along Old County Road for Public Works and Planning approval. The detail shall provide modified sub-base compaction and methods for preserving and protecting the large oaks to be retained. Avoid cutting of surface roots larger than 6 inches diameter within the top 18 inches of soil to the maximum extent possible, to maintain adequate support. Hand-digging shall be utilized in constructing the road improvements within the canopy dripline. Fill shall be minimized or modified and hand-compacted to avoid root damage on the west side of the trees. A certified arborist shall be retained to monitor the work during construction.

C. **For the life of the Project**, unless previously approved by the county, the following activities are not allowed within the root zone of existing oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plants for up to three years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).

D. **For the life of the Project**, the applicant shall minimize trimming of oak trees to remain onsite. Removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain wildlife habitat values associated with the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. The amount of trimming (roots or canopy) done in any one season shall be limited as much as possible to reduce tree stress/shock (ten percent or less is best, 25 percent maximum). If trimming is necessary, the applicant shall use a certified arborist when removing limbs. Unless a hazardous or unsafe situation exists, major trimming shall be done only during the summer months, after certifying that no nesting birds will be harmed. Trimming greater than 25% of the canopy or roots would be considered an 'impacted tree' and shall be mitigated per the measures described above.

BR-6: Other Agency Permits. The applicant understands that state or federal permits may be needed from one or more of the following resource agencies: California Department of Fish and Wildlife, U.S. Fish & Wildlife Service, Army Corps of Engineers, for construction activities including grading, road improvement, or maintenance work involving any riparian area or drainage feature. Where required, the Applicant shall obtain a Section 404 Nationwide Permit from USACE, a Section 401 Water Quality Certification from RWQCB, and a Section 1602 Streambed Alteration Agreement from CDFW to authorize project-related impacts in all areas potentially under the jurisdiction of these regulatory agencies and provide satisfactory evidence to the County, as follows:

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

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

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

Exhibit B - Mitigation Summary

1) Based on final site designs, the applicant shall confirm with a qualified biologist or from the Corps that a Clean Water Act (CWA) Section 404 permit will not be required for activities within the Toad Creek riparian habitat. Assuming a Corps permit is not required, RWQCB compliance will need to occur via the Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction (Water Quality Order No. 2004-0004-DWQ).
2) If the project design requires fill within waters of the U.S., the applicant shall obtain and implement all the terms and conditions of a Corps Nationwide Permit to the satisfaction of the Corps. Compliance with Corps regulatory permitting would also include obtaining and CWA 401 Water Quality Certification from the RWQCB that would satisfy approval of work in California waters of the State.
3) The applicant shall also obtain Section 1600 regulatory compliance in the form of a Streambed Alteration Agreement from CDFW or a determination that no agreement would be required for impacts to the Toad creek riparian corridor.
4) Compensatory mitigation will likely be required to be implemented on-site at a minimum ratio of 3:1 to offset permanent impacts to jurisdictional riparian habitat (note resource agencies may require a higher ratio). A mitigation and monitoring plan shall be prepared by a biologist familiar with restoration and mitigation techniques as part of the permit application packages. The plan shall include, but not be limited to the following components:
    - Description of the project/impact site
    - Goal(s) of the compensatory mitigation project
    - Description of the proposed compensatory mitigation-site
    - Implementation plan for the compensatory mitigation-site
    - Maintenance activities during the monitoring period
    - Monitoring plan for the compensatory mitigation-site
    - Success criteria and performance standards
    - Reporting requirements
    - Contingency measures and funding mechanisms
    - Erosion control and landscaping specifications included in the mitigation plan shall allow only natural-fiber, biodegradable meshes and coir rolls, to prevent impacts to the environment and to prevent entrapment of wildlife.

BR-7: Implement Best Management Practices (BMPs). **Prior to issuance of improvement plans or grading permits**, the following measures shall be reproduced on plans. **During Construction**, Biological BMPs will be implemented during all ground disturbance and construction-related activities to avoid or minimize project impacts on biological resources. These BMPs will include but are not limited to the following:

1) Prior to ground disturbance of any kind the project work areas shall be clearly delineated by stakes, flags, or other clearly identifiable system; these delineations shall be kept in good working order during construction.
2) Vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.

Exhibit B - Mitigation Summary

3) Speed limit signs, imposing a speed limit of 15 miles per hour, will be installed throughout the project site prior to initiation of site disturbance and/or construction. Project-related vehicle traffic outside of the construction zone shall be directed to only use established roads or other pre-approved area.

4) No vehicles or equipment relating to 1) refueling or 2) concrete mixing/washout shall occur within 100 feet of an ephemeral drainage or wetland unless it has been pre-approved through this permit. Any vehicles driven and/or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks of materials. Any leaks or spills found will be immediately cleaned up and disposed of properly. Blue line creek(s) and waterbody(ies) within 100 feet from edge of work limits shall be specified on applicable construction drawings.

5) All general trash, food-related trash items (e.g., wrappers, cans, bottles, food scraps, cigarettes, etc.) and other human-generated debris scheduled to be removed weekly will be stored in animal-proof containers and/or removed from the site each day. No deliberate feeding of wildlife will be allowed.

6) During construction the project site will maintain existing hydrologic patterns with respect to runoff supporting seasonal wetlands, vernal pools and ephemeral drainages.

7) All stored pipes and culverts with a diameter of greater than 4 inches shall be capped or taped closed until used. All vertical piping shall be temporarily capped during construction and then permanently capped during operations. Prior to capping or taping the pipe/ culvert shall be inspected for the presence of wildlife. If encountered the wildlife shall be allowed to escape unimpeded.

8) To prevent harassment or mortality of listed, special-status species and common wildlife, or destruction of their habitats no domesticated animals of any kind shall be permitted in any project area.

9) Use of chemicals, fuels, lubricants, or biocides will be in compliance with all local, state and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS and CDFW. If rodent control must be conducted the use shall be restricted to interiors of building and zinc phosphide shall be used because of lower risk of poisoning of predators such as owls, raptors, bobcats, etc.

10) Avoidance and minimization of vegetation removal outside of active construction areas. This will include flagging of sensitive vegetative communities or plants, as applicable.

11) Avoidance and minimization of construction activities resulting in impacts to wetlands, streambeds, and banks of any ephemeral drainage.

12) All excavation, steep-walled holes or trenches in excess of 6 inches in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps (one every 250 feet) constructed of earthen fill or wooden planks. Trenches will also be inspected for entrapped wildlife each morning prior to onset of construction activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they will be thoroughly inspected for entrapped wildlife. Any wildlife discovered will be allowed to escape before

construction activities are allowed to resume, or removed from the trench or hole by a County-qualified biologist holding the appropriate permits (if required).

CR-1: Cultural Resources - Monitoring Plan. Prior to issuance of a Grading or Building permit or issuance of Subdivision Improvement Plans, the Applicant shall retain a County-approved archaeologist to prepare a Cultural Resource Monitoring Plan and submit to County Planning and Building for approval by the Environmental Coordinator. The intent of this Plan is to monitor all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved Plan. The Monitoring Plan shall include at a minimum:

a. List of personnel involved in the monitoring activities;

b. Inclusion of involvement of the Native American community;

c. Description of how the monitoring and reporting shall occur, including the frequency of monitoring (e.g., full-time, part time, spot checking);

d. Description of what resources are expected to be encountered [and identifying areas of moderate to high potential for buried resources];

e. For construction work identified to occur in moderate to high sensitivity areas, define pre-construction testing or monitoring to be done and the process that will be followed should buried resources be encountered (the following priority should be included in process: try first to avoid resource, then minimize impact to resource, and lastly mitigate the impacted resource); This process shall identify triggers or thresholds for when work would stop and a Phase III (data recovery) program is needed before work proceeds.

f. Description of circumstances for halting work on the site and procedures to be followed for such events; this shall include county and applicant responsibilities and how remedial work is expected to be handled;

g. Inclusion of a construction worker crew education component. At a minimum, this component will address the following:

   i. establishing a worker protocol to address unanticipated finds.

   ii. providing cultural resources awareness training to all field crews and field supervisors to include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites.

   iii. If not clearly shown on all applicable construction drawings (and marked in the field), generate a 'field supervisor' graphic that shows those areas sensitive to potential buried resources.

CR-2: Cultural Resources – Construction Monitoring. Prior to initiation of any ground-disturbing construction activities, the applicant shall retain a County-approved archaeologist and a Native American to monitor these activities, per the approved monitoring plan. The applicant shall install any necessary protective field measures, as directed by the archaeologist, and shall keep them in good working order during construction. Upon discovery, the applicant shall take immediate remedial actions should corrective measures be needed. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to

be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals.

CR-3: **Cultural Resources - Monitoring/compliance.** Prior to issuance of a grading or construction permit/ approval of subdivision improvements, the applicant shall show this measure on all applicable construction drawings. Prior to ground disturbance, all construction workers shall be informed about the monitor and their role at the work site. As applicable, any required protective fencing/ flagging shall be installed. During construction / improvements, all approved protection measures, if any, shall be kept in good working order and any necessary corrective measures addressed upon discovery. Prior to acceptance of subdivision improvements, or map recordation, or final inspection/ occupancy of site grading or individual lot construction permits, the applicant shall submit to the County a final post-construction report from the archaeologist summarizing construction compliance and resource protection.

UTL-1: **Prior to map recordation,** final will-serve documentation for both water and sewer services from Templeton Community Services District will be required. The improvements for water and sewer in favor of each parcel shall be built, accepted and immediately serving or bonded for prior to recordation. The bond must be reviewed and approved by County Public Works prior to recordation of the map.

DATE: July 21, 2021
REVISED: August 19, 2021

DEVELOPER'S STATEMENT & MITIGATION MONITORING/REPORTING PROGRAM FOR 96 OLD COUNTY ROAD (CLYDE) TRACT MAP / CONDITIONAL USE PERMIT ED21-014 - (SUB2020-00019 / TR 3146)

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

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

Project Description: A request by Kelly Clyde/96 Old County Road, LLC for a Vesting Tentative Tract Map (Tract 3146) and concurrent Conditional Use Permit (SUB2020-00019) to subdivide an existing 1.78-acre parcel into five lots of 7,545 to 9,~~680~~281 square feet (sf) in gross area, and a sixth lot of 36,234 gross square feet, for the purpose of sale and/or development. A Conditional Use Permit is required with the subdivision for ~~new construction~~ development of new residential units in proximity to Toad Creek under Templeton Community Standards section 22.104.090. The project includes off-site road improvements. The project will result in the disturbance of approximately 50,000 square feet with future development of the 1.78-acre parcel. The division will create one on-site private road. The project includes requested adjustments to Title 21 subdivision standards including minimum frontage lot width and Road Design. The subject property is within the Residential Single-Family (RSF) land use category and is located at 96 Old County Road at Las Tablas Road, in the community of Templeton. The site is in the Salinas River Sub Area of the North County Planning Area.

MITIGATIONS:

AQ-1: Standard Construction Measures. Based on Air Pollution Control District's (APCD) CEQA Handbook (2012), to reduce nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment. the applicant shall incorporate into the project the following "standard" construction mitigation measures:

1) Maintain all construction equipment in proper tune according to manufacturer's specifications;
2) Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
3) Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
4) Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;

5) Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
6) All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
7) Diesel idling within 1,000 feet of sensitive receptors is not permitted;
8) Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
9) Electrify equipment when feasible;
10) Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
11) Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Monitoring: Department of Planning and Building will verify inclusion of required elements on plans. Building inspector will verify compliance with approved plans.

BR-1: **Open Space Easement. Prior to recordation of the final map,** the applicant shall enter into an agreement with the County, in a form acceptable to County Counsel, to record an open space easement on the riparian area of Lot 6 to protect the riparian habitat and water quality of Toad Creek. The OS easement may include the public trail easement and the TCSD sewer line easement. The terms of the open space easement will allow for maintenance activities on the utilities within the easement, construction and use of a public trail, and fire protection/fuel reduction activities consistent with a management plan aimed at long-term protection of native plant species. The applicant shall prepare and submit an Open Space Management Plan for County review and approval addressing these activities, prepared by a qualified biologist, to record with the Open Space easement. The Open Space Management Plan shall provide maintenance guidelines for timing, permitting, thresholds for disturbance or clearing, revegetation/reseeding, protection measures, and monitoring, for ongoing management of the riparian area on Lot 6. The management requirements of the open space uses shall be included in any CC&Rs developed for the subdivision.

Monitoring: Compliance will be verified by the Department of Planning and Building prior to map recordation.

BR-2: **Prior to issuance of tract improvement plans, grading or construction permits,** the applicant shall engage a County-approved qualified biologist to conduct the monitoring and pre-construction surveys. The applicant shall submit a copy of the approved contract with the biological monitor for the scope of work that includes BR-3 to BR-7 mitigation requirements. The biological monitor contract scope shall include performing pre-construction surveys and fencing protection prior to start of disturbance, followed by a confirmation of results via email to County Planning staff. The Monitor shall provide monthly reports to the Department of Planning and Building and a summary report prior to final

inspections or final release on improvements, grading or occupancy. The contracted biologist monitor name and contact information shall be printed on the construction plans.

Monitoring: Compliance will be verified by the Department of Planning and Building prior to approval of Project Improvement Plans or issuance of grading or construction permits for the site. Planning staff shall receive and review reports and verify compliance prior to map recordation/ bond release, permit final or occupancy.

BR-3: **Preconstruction Surveys. Prior to initiation of ground-disturbing activities for tract improvement plans, grading or construction permits,** the County-approved biologist monitor (BR-2) shall conduct surveys to determine presence/absence of CRLF, western pond turtle, pyrg snail, Crotch and obscure bumblebee, and coast range newt. The applicant, through the monitoring biologist (BR-2), shall consult with the USFWS and/or CDFW to determine effective avoidance measures and obtain appropriate permits prior to any ground disturbance, if these species are found onsite.

Prior to issuance of tract improvement plans, grading or construction permits, in addition to implementation of protective fencing for oaks, exclusionary fencing shall also be erected prior to any ground disturbance at the limit of proposed disturbance in the riparian area, or at least 25 feet from the edge of the riparian canopy, to avoid equipment and human intrusion into riparian habitat. The exact location of exclusionary fencing for each construction area shall be determined by the County-approved biological monitor. The biological monitor's reports shall include verification that appropriate fencing has been installed prior to issuance of tract improvements or grading permits. The fencing shall remain in place throughout the duration of the proposed construction activity, and compliance monitored by the Biologist.

BR-4: **Nesting Birds and Roosting Bats. Prior to issuance of tract improvement plans, grading or construction permits,** preconstruction nesting bird and roosting bat surveys as detailed below shall be conducted by a qualified biologist to determine if any active nests would be impacted by project construction. If no active nests are found, then no further mitigation shall be required. If grading, vegetation and/or tree removal is initiated between September 1 and January 31, outside the bird nesting season (February 1 to August 31), then no nesting bird surveys shall be required.

A. **Within two weeks prior to any site disturbance (i.e., mobilization, staging, grading or construction, tree and vegetation removal or trimming)** within the recognized breeding season (February 1 to August 31) on the subject site, the County-qualified biologist (BR-2) shall conduct preconstruction surveys for potential nesting birds. The required survey dates may be modified based on local conditions, as determined by the County-qualified biologist based on observations in the field, with the approval of the County of San Luis Obispo.

B. If breeding birds with active nests are found prior to or during construction, the biological monitor shall establish an avoidance buffer around the nest for ground-based construction activities and no activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails. Buffers shall be 500 feet for raptors and 100 feet for non-raptor species. Buffers may be adjusted to reflect existing conditions including ambient noise, topography, and disturbance with the approval of

the County of San Luis Obispo and must be based on evidence that a reduced buffer will not pose a threat to the success of the nest.

For active nests identified within the survey area, the biological monitor shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The biological monitor shall be responsible for documenting the results of the surveys and ongoing monitoring and will provide a copy of the monitoring reports to the County.

C. All trees to be removed as part of project-related construction activities will be removed between September 1 and January 31, outside of the nesting season, to avoid additional impacts to nesting birds. If removal during the nesting season cannot be avoided, trees to be removed/impacted and any surrounding trees that are within 100 feet of the tree canopy to be removed/impacted will be thoroughly surveyed by the County-qualified biologist to ensure that no nests are present. If nests are found within these trees and contain eggs or young, the biological monitor shall establish avoidance buffers as described above until the young have fledged the nest or the nest fails.

BR-5: Oak Tree Protection. Prior to start of, and during, ground disturbing activities, the following tree protection and root protection zone guidelines shall be implemented for each tree to be retained that occurs within 50 feet of impact areas:

A. **Prior to start of grading disturbance or construction activity,** all trees to remain within 50 feet of construction or grading activities shall be marked for protection with protective fencing and their root zone fenced prior to any grading. The root zone will be defined at 1.5 times the diameter of the canopy dripline. All activities within the root zone shall be avoided to the extent feasible or shall be subject to hand-digging and monitoring by the monitoring biologist or a certified arborist. Where activities within the root zone cannot be avoided, the activity within this area will be considered an impact and shall be mitigated by replacement oaks in-kind at 2:1, planted on site. Substantial impacts such as grading or trenching where roots are damaged or exposed would be considered a permanent impact equivalent to removal, and shall be mitigated at 4:1, or through payment of a $970 mitigation fee per oak removed. The applicant shall consider the use of retaining walls where appropriate to minimize cut and fill impacts. Care shall be taken to avoid damaging surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut by a certified arborist and not left exposed above the ground surface.

B. **Prior to approval of Improvement plans or start of site improvements,** the applicant shall provide a modified sidewalk and curb-gutter detail for the road design adjustment along Old County Road for Public Works and Planning approval. The detail shall provide modified sub-base compaction and methods for preserving and protecting the large oaks to be retained. Avoid cutting of surface roots larger than 6 inches diameter within the top 18 inches of soil to the maximum extent possible, to maintain adequate support. Hand-digging shall be utilized in constructing the road improvements within the canopy dripline. Fill shall be minimized or modified and hand-compacted to avoid root damage on the west side of the trees. A certified arborist shall be retained to monitor the work during construction.

C. **For the life of the Project**, unless previously approved by the county, the following activities are not allowed within the root zone of existing oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plants for up to three years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).

D. **For the life of the Project**, the applicant shall minimize trimming of oak trees to remain onsite. Removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain wildlife habitat values associated with the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. The amount of trimming (roots or canopy) done in any one season shall be limited as much as possible to reduce tree stress/shock (ten percent or less is best, 25 percent maximum). If trimming is necessary, the applicant shall use a certified arborist when removing limbs. Unless a hazardous or unsafe situation exists, major trimming shall be done only during the summer months, after certifying that no nesting birds will be harmed. Trimming greater than 25% of the canopy or roots would be considered an 'impacted tree' and shall be mitigated per the measures described above.

Monitoring: Compliance with BR-3 through BR-5 will be verified by the Department of Planning and Building. Mitigation measures shall be reproduced on plans prior to approval of Project Improvement Plans or issuance of grading or construction permits for the site and implemented during construction. Planning staff shall receive and review the Biologist reports and verify compliance prior to map recordation/ bond release, permit final or occupancy.

BR-6: **Other Agency Permits.** The applicant understands that state or federal permits may be needed from one or more of the following resource agencies: California Department of Fish and Wildlife, U.S. Fish & Wildlife Service, Army Corps of Engineers, for construction activities including grading, road improvement, or maintenance work involving any riparian area or drainage feature. Where required, the Applicant shall obtain a Section 404 Nationwide Permit from USACE, a Section 401 Water Quality Certification from RWQCB, and a Section 1602 Streambed Alteration Agreement from CDFW to authorize project-related impacts in all areas potentially under the jurisdiction of these regulatory agencies and provide satisfactory evidence to the County, as follows:

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

B. **Prior to issuance of any grading or construction permits or initiating ground-disturbing activity,** the applicant shall provide to the County, for each of these

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

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

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

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

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

4) Compensatory mitigation will likely be required to be implemented on-site at a minimum ratio of 3:1 to offset permanent impacts to jurisdictional riparian habitat (note resource agencies may require a higher ratio). A mitigation and monitoring plan shall be prepared by a biologist familiar with restoration and mitigation techniques as part of the permit application packages. The plan shall include, but not be limited to the following components:

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

Monitoring: Compliance will be verified by the Department of Planning and Building prior to approval of Project Improvement Plans or issuance of grading or construction permits for the site. Planning staff shall review the evidence of agency coordination and verify compliance prior to map recordation, improvement plan approval, grading or building permit issuance.

BR-7: Implement Best Management Practices (BMPs). **Prior to issuance of improvement plans or grading permits**, the following measures shall be reproduced on plans. **During Construction**, Biological BMPs will be implemented during all ground disturbance and construction-related activities to avoid or minimize project impacts on biological resources. These BMPs will include but are not limited to the following:

1) Prior to ground disturbance of any kind the project work areas shall be clearly delineated by stakes, flags, or other clearly identifiable system; these delineations shall be kept in good working order during construction.

2) Vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.

3) Speed limit signs, imposing a speed limit of 15 miles per hour, will be installed throughout the project site prior to initiation of site disturbance and/or construction. Project-related vehicle traffic outside of the construction zone shall be directed to only use established roads or other pre-approved area.

4) No vehicles or equipment relating to 1) refueling or 2) concrete mixing/washout shall occur within 100 feet of an ephemeral drainage or wetland unless it has been pre-approved through this permit. Any vehicles driven and/or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks of materials. Any leaks or spills found will be immediately cleaned up and disposed of properly. Blue line creek(s) and waterbody(ies) within 100 feet from edge of work limits shall be specified on applicable construction drawings.

5) All general trash, food-related trash items (e.g., wrappers, cans, bottles, food scraps, cigarettes, etc.) and other human-generated debris scheduled to be removed weekly will be stored in animal-proof containers and/or removed from the site each day. No deliberate feeding of wildlife will be allowed.

6) During construction the project site will maintain existing hydrologic patterns with respect to runoff supporting seasonal wetlands, vernal pools and ephemeral drainages.

7) All stored pipes and culverts with a diameter of greater than 4 inches shall be capped or taped closed until used. All vertical piping shall be temporarily capped during construction and then permanently capped during operations. Prior to capping or taping the pipe/ culvert shall be inspected for the presence of wildlife. If encountered the wildlife shall be allowed to escape unimpeded.

8) To prevent harassment or mortality of listed, special-status species and common wildlife, or destruction of their habitats no domesticated animals of any kind shall be permitted in any project area.

9) Use of chemicals, fuels, lubricants, or biocides will be in compliance with all local, state and federal regulations. All uses of such compounds shall observe label

and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS and CDFW. If rodent control must be conducted the use shall be restricted to interiors of building and zinc phosphide shall be used because of lower risk of poisoning of predators such as owls, raptors, bobcats, etc.

10) Avoidance and minimization of vegetation removal outside of active construction areas. This will include flagging of sensitive vegetative communities or plants, as applicable.

11) Avoidance and minimization of construction activities resulting in impacts to wetlands, streambeds, and banks of any ephemeral drainage.

12) All excavation, steep-walled holes or trenches in excess of 6 inches in depth shall be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps (one every 250 feet) constructed of earthen fill or wooden planks. Trenches will also be inspected for entrapped wildlife each morning prior to onset of construction activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they will be thoroughly inspected for entrapped wildlife. Any wildlife discovered will be allowed to escape before construction activities are allowed to resume or removed from the trench or hole by a County-qualified biologist holding the appropriate permits (if required).

Monitoring: Department of Planning and Building will verify inclusion of required elements on plans. Building inspector will verify compliance with approved plans.

CR-1: **Cultural Resources - Monitoring Plan.** Prior to issuance of a Grading or Building permit or issuance of Subdivision Improvement Plans, the Applicant shall retain a County-approved archaeologist to prepare a Cultural Resource Monitoring Plan and submit to County Planning and Building for approval by the Environmental Coordinator. The intent of this Plan is to monitor all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved Plan. The Monitoring Plan shall include at a minimum:

a. List of personnel involved in the monitoring activities;

b. Inclusion of involvement of the Native American community;

c. Description of how the monitoring and reporting shall occur, including the frequency of monitoring (e.g., full-time, part time, spot checking);

d. Description of what resources are expected to be encountered [and identifying areas of moderate to high potential for buried resources];

e. For construction work identified to occur in moderate to high sensitivity areas, define pre-construction testing or monitoring to be done and the process that will be followed should buried resources be encountered (the following priority should be included in process: try first to avoid resource, then minimize impact to resource, and lastly mitigate the impacted resource); This process shall identify triggers or thresholds for when work would stop and a Phase III (data recovery) program is needed before work proceeds.

f. Description of circumstances for halting work on the site and procedures to be followed for such events; this shall include county and applicant responsibilities and how remedial work is expected to be handled;

g. Inclusion of a construction worker crew education component. At a minimum, this component will address the following:

   i. establishing a worker protocol to address unanticipated finds.

   ii. providing cultural resources awareness training to all field crews and field supervisors to include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites.

   iii. If not clearly shown on all applicable construction drawings (and marked in the field), generate a 'field supervisor' graphic that shows those areas sensitive to potential buried resources.

CR-2: **Cultural Resources – Construction Monitoring.** Prior to initiation of any ground-disturbing construction activities, the applicant shall retain a County-approved archaeologist and a Native American to monitor these activities, per the approved monitoring plan. The applicant shall install any necessary protective field measures, as directed by the archaeologist, and shall keep them in good working order during construction. Upon discovery, the applicant shall take immediate remedial actions should corrective measures be needed. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals.

CR-3: **Cultural Resources - Monitoring/compliance.** Prior to issuance of a grading or construction permit/ approval of subdivision improvements, the applicant shall show this measure on all applicable construction drawings. Prior to ground disturbance, all construction workers shall be informed about the monitor and their role at the work site. As applicable, any required protective fencing/ flagging shall be installed. During construction / improvements, all approved protection measures, if any, shall be kept in good working order and any necessary corrective measures addressed upon discovery. Prior to acceptance of subdivision improvements, or map recordation, or final inspection/ occupancy of site grading or individual lot construction permits, the applicant shall submit to the County a final post-construction report from the archaeologist summarizing construction compliance and resource protection.

Monitoring: Compliance with CR-1 through CR-3 will be verified by the Department of Planning and Building prior to approval of Project Improvement Plans or issuance of grading or construction permits for the site. Planning staff shall receive and review reports and verify compliance during construction prior to map recordation/ bond release, permit final or building occupancy.

UTL-1: **Prior to map recordation,** final will-serve documentation for both water and sewer services from Templeton Community Services District will be required. The improvements for water and sewer in favor of each parcel shall be built, accepted and immediately serving or bonded for prior to recordation. The bond must be reviewed and approved by County Public Works prior to recordation of the map.

Monitoring: Compliance with documentation of agency requirements for services will be verified by the Department of Planning and Building prior to approval of Project Improvement Plans or issuance of grading or construction permits for the site. Public Works staff shall verify compliance prior to map recordation.

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

Signature of Owner(s)	Name (Print)	Date
[signature]	Kelly H. Clyde	8/23/2024