

**FINAL  
ENVIRONMENTAL IMPACT REPORT  
BIORN CONDITIONAL USE PERMIT AND  
LAND USE ORDINANCE/LAND USE ELEMENT AMENDMENT  
G020020M, D020293D, SCH #2004011126**



**Lead Agency:**

County of San Luis Obispo  
Department of Planning and Building

**Environmental Consultant:**

Padre Associates, Inc.  
811 El Capitan Way, Suite 130  
San Luis Obispo, California 93401

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## CHAPTER 1.0 INTRODUCTION

### 1.1 BACKGROUND

This is a project Environmental Impact Report (EIR) for the proposed Biorn Conditional Use Permit (CUP) and Land Use Ordinance (LUO) Amendment.

#### 1.1.1 Project Location

The proposed project is located within unincorporated southern San Luis Obispo County immediately north and adjacent to the Santa Maria River, west of U.S. Highway 101, and to the south/southwest of the U.S. Highway 101/State Route 166 interchange. The property is located at 2280 Hutton Road, approximately 1,000 feet south of Cuyama Lane, in the South County Planning Area. Refer to Figure 3-1 – Site Vicinity Map.

#### 1.1.2 Project Components

The project is considered to be two-fold, including: 1) a Land Use Ordinance/Land Use Element (LUO/LUE) Amendment; and 2) a concurrent Conditional Use Permit (CUP) request should the LUO/LUE amendment be approved. The proposed project includes the following (see Section 3.4.2 for detailed discussion):

Amendment to the South County Area Plan of the Land Use Ordinance for the following:

- Changing the land use category of approximately 9.3 acres from Residential Suburban (RS) to Industrial (IND), (portion of RS directly below the Nipomo bluff top edge); and,
- Changing the land use category of approximately 44.7 acres from Commercial Service (CS) to IND.

A CUP for the development of the 14.5-acre portion of the area with the following:

- Construction and operation of a portable stand-alone asphaltic concrete plant capable of using recycled asphalt and concrete;
- Periodic operation of a portable lime system;
- Periodic operation of a portable asphaltic concrete recycling facility;
- Periodic operation of a portable rubberized asphaltic blending system that will be brought on-site on an as-needed basis; and,
- Production of a maximum of 400,000 tons of asphaltic concrete per year.

For the purposes of describing the two components of this project, “plant site” refers specifically to the area affected by the CUP (the proposed asphalt facility), and “LUO/LUE” area” refers to the entire area that will be affected by the LUO/LUE amendment (including the asphalt facility site”.

## **1.2 TYPE OF ENVIRONMENTAL IMPACT REPORT (EIR)**

Guidance for preparing project-specific EIRs is contained under Section 15161 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines). Section 15161 clarifies the scope and content of a project EIR. In summary, a project EIR examines the environmental impacts of a specific development project by focusing on the changes in the environment that would result from implementation of the project. The project EIR should examine all phases of the project, including planning, construction, and operations (CEQA Guidelines, Section 15161, 1999).

## **1.3 USES OF THE EIR**

In accordance with Section 15121 of the *State of California Environmental Quality Act (CEQA) Guidelines (State CEQA Guidelines)*, the purpose of this EIR is to serve as an informational document that:

"...will inform public agencies, decision-makers and the public generally of significant environmental effects of the project, identify ways to minimize significant effects, and describe reasonable alternatives to the project..."

The EIR has been prepared consistent with CEQA, which has the following main objectives:

- To disclose to decision makers and the public the significant environmental effects of proposed activities;
- To identify ways to avoid or reduce environmental damage;
- To prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures;
- To disclose to the public reasons for agency approval of projects with significant environmental effects;
- To foster interagency coordination in the review of projects; and,
- To enhance public participation in the planning process.

This EIR addresses potential impacts that would logically and foreseeably occur from project implementation. The basis for the environmental impact analysis in this EIR is the project description as presented in Chapter 3. The CEQA Guidelines Section 15146 states that the degree of specificity required in the analysis depends on the specificity of the underlying activity described in the EIR. This EIR is based on a project-specific analysis for the Biorn CUP and a more generalized analysis for the LUO/LUE Amendment Project. Where significant impacts are identified, project-specific mitigation measures will be developed to reduce impacts to less than significant levels. If project-specific mitigation measures cannot reduce the level of impacts to less than significant, the impact will remain significant and unavoidable.

## **1.4 ENVIRONMENTAL PROCEDURES**

This EIR has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended (Public Resources Code, Section 21000, et seq.) and the

Guidelines for Implementation of CEQA as amended (California Administrative Code Section 15000, et seq.). This project EIR complies with the rules, regulations, and procedures for implementation of CEQA.

#### 1.4.1 Notice of Preparation

A Notice of Preparation (NOP) was prepared for the proposed project and distributed to the Distribution List included in Appendix A. The NOP (State Clearinghouse No. 200401126) was released on September 2, 2003, and was circulated to interested agencies, groups, and individuals for a 30-day review period, which concluded on October 3, 2003. Responses received on the NOP are included in Appendix B.

#### 1.4.2 Public Draft EIR

The EIR ~~will was~~ initially ~~be~~ published as a Draft EIR and ~~will be~~ was subject to review and comment by the general public, public agencies and other interested organizations during the 45-day review period.

#### 1.4.3 Final EIR

Following public review and comment on the Draft EIR, written responses to comments on the Draft EIR ~~will be~~ has been prepared. The responses to comments ~~may section (Section 9.0)~~ specifies changes to the Draft EIR. The responses to comments, and any changes to the Draft EIR therein specified, ~~will are included in~~ become the Final EIR. The Final EIR will be presented to the San Luis Obispo County Planning Commission and Board of Supervisors for certification as to its adequacy under CEQA.

#### 1.4.4 Mitigation Monitoring Program

In accordance with CEQA (Section 21081.6), when changes have been incorporated into a project that avoid significant environmental effects or reduce them to a level of insignificance, the lead agency must adopt a Mitigation Monitoring Program (MMP) to ensure compliance during implementation.

The MMP for the proposed project will be prepared for presentation to the Planning Commission and Board of Supervisors along with the Final EIR. The MMP will include all recommended mitigation measures and will describe how the mitigation measures will be implemented and monitored.

The County shall be responsible for implementation of the MMP. The County record shall include:

- Personnel responsible for monitoring mitigation measures;
- Verification and schedule of compliance; and,
- A record of any remedial action taken for non-compliance with the MMP.

## **1.5 ORGANIZATION OF THE EIR**

This document provides an array of environmental information in different levels of detail depending upon the scope of potential impacts to each issue area. The document is structured in a manner to allow the reader to easily track information from the Summary (Chapter 2) through the Project Description (Chapter 3) and the Impact Analyses (Chapter 5). Impacts are numbered consecutively, and where appropriate, are associated with a mitigation measure that is correspondingly numbered. This numbering system is carried over into the summary to allow easy location of the document's discussion regarding a particular impact.

This EIR includes a project-specific level of analysis for the proposed project. Chapters in the EIR include general information, such as the environmental setting and relevant regulatory considerations for each environmental resource area as related to the proposed project, and proposed project impacts, which includes a discussion of the impacts and mitigation measures specific to the proposed project.

The document is organized to be read in several ways depending upon the reader's available time or interest in a particular issue area. The briefest approach to the document involves reading only the project summary (chapter 2), which contains general information about the project, potential impacts, and mitigation measures. A somewhat more detailed review of the document might involve careful reading of the full project description (Chapter 3) and description of the alternatives (Chapter 6), as well as the summary. For those with an interest in a particular issue area, it may be appropriate to review a specific section or set of sections of Chapter 5 (Environmental Impact Analysis) based on the reader's interest in a particular environmental resource area (e.g., air quality, noise, etc.). Finally, one can read the entire document for a detailed presentation of all potential environmental effects of the project as proposed, and alternatives to the project.

The CEQA Guidelines require that each EIR contain areas of description and analysis. The following list identifies areas of particular interest and the corresponding chapters in this EIR:

### **1.0 Introduction**

The introduction section discusses procedural matters, document format and organization, and project sponsors and contact persons.

### **2.0 Summary**

The Summary (Section 15123 of the CEQA Guidelines) includes: an Executive Summary of the EIR; and a summary table listing significant impacts of the proposed project, any recommended mitigation measures, and the effect of the mitigation measures.

### **3.0 Project Description**

The Project Description (Section 15124 of the CEQA Guidelines) includes a description of the project location and vicinity. It also identifies the applicant's objective, project characteristics, and required discretionary actions.

#### **4.0 Land Use Policy Consistency**

This chapter provides information on the community setting and reviews the General Plan, applicable community plans and land use ordinances, and assesses the consistency of the proposed project with these adopted plans, policies, and ordinances. This chapter also examines the compatibility of the proposed project with existing land uses in the project vicinity.

#### **5.0 Environmental Impact Analysis**

This chapter is the substantive portion of the EIR and contains the full environmental analysis as required under Sections 15126 and 15143 of the CEQA Guidelines. This chapter achieves the following:

- Identifies significant environmental impacts of the proposed project and alternatives, including thresholds for significance; both project-specific and cumulative impacts by issue area will be identified and assessed;
- Discloses any significant environmental effects of the proposed project and alternatives, which cannot be avoided if the proposal is implemented; and,
- Develops mitigation measures to avoid or minimize the significant effects. Mitigation measures are intended to reduce significant adverse impacts of development to a less-than-significant level. Where no or insufficient mitigation measures are available to reduce an impact to less-than-significant, the impact is termed significant and unavoidable. Mitigation measures will be incorporated into a monitoring program.

Where feasible, County-approved thresholds of significance are used in determining the significance of an environmental effect. A threshold of significance is an identifiable quantitative, qualitative, or performance level of a particular environmental effect. Noncompliance with this threshold is considered a significant impact and compliance is considered less than significant (Guidelines sec. 15064.7).

Where there are multiple thresholds of significance for a given issue area, then specific thresholds associated with an impact are identified.

#### **6.0 Alternatives**

The Alternatives section examines a variety of suggested project alternatives, including options currently under consideration or which may conceivably reduce the project's environmental impacts. The alternatives include a "no project" alternative in order to allow decision-makers to compare the effects of not approving a project or alternative. The purpose of this section is to provide decision-makers with a summary assessment of the comparative effects of each of the alternatives, focusing on the significant, unavoidable impacts, both short- and long-term, and on mitigation measures for such impacts. The CEQA Guidelines (Section 15126) require that a reasonable range of alternatives to the proposed project be discussed in the EIR and state that "the discussion of alternatives should focus on those alternatives capable of eliminating significant physical environmental effects or reducing them to a level of insignificance,



even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.”

## **7.0 Growth Inducing and Irreversible Commitments**

This section describes the Growth Inducing Impacts and Irreversible Environmental Changes associated with the project.

## **8.0 Cumulative Analyses**

This section describes the cumulative effects of project impacts considered in the context of other approved or reasonably anticipated projects in the area.

## **1.6 FOCUS OF THE EIR ANALYSIS AND ISSUES TO BE STUDIED AND RESOLVED**

Preliminary review of the proposed project and discussions with the County of San Luis Obispo determined that the EIR should be focused on the following issue areas:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Land Use
- Noise
- Population and Housing
- Public Services and Utilities
- Recreation
- Transportation and Circulation
- Wastewater
- Water Resources

## **1.7 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES**

### **1.7.1 Lead Agency**

The County of San Luis Obispo is the lead agency for the project in accordance with Sections 15050 and 15367 of the State CEQA Guidelines. The lead agency is defined as the “public agency, which has the principal responsibility for carrying out or disapproving a project.” The environmental consultant hired by the lead agency to prepare the EIR is Padre Associates, Inc. (Padre).

### **1.7.2 Responsible/Trustee Agencies**

Section 15381 of the State CEQA Guidelines defines a Responsible Agency as a “public agency, which proposes to carry out or approve a project for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration.” For the purposes of the CEQA, the term “Responsible Agency” includes all public agencies other than the lead agency, which have a discretionary approval power over the project. The responsible agency must notify the lead

agency during the NOP period as to the scope and content of the environmental information related to the responsible agency's area of statutory responsibility that must be included in the Draft EIR (CEQA Section 15082(b)). Trustee Agencies are listed in the State CEQA Guidelines Section 15386 and defined as a State agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of California.

The County of San Luis Obispo is the lead agency for this project. The following agencies could be expected to use this document for future permits or other approvals for the project:

- County of San Luis Obsipo Planning and Building Department – Conditional Use Permit, Land Use Ordinance/Land Use Element Amendment, Construction Permit, and Grading Permit;
- County of San Luis Environmental Health Division– Business Plan, Hazardous Materials Inventory, Well Abandonment Permit, and Above-Ground Storage Tanks (asphaltic oil);
- County of San Luis Obispo Public Works Department – Certificate of Compliance (Surveyor), Road Encroachment Permit, Road Improvement Fee, and Transporation Permit(s) (wide loads);
- County of San Luis Obispo Agriculture (Weights and Measures) – Certificate of Registration (truck scale) and Weighmaster License (truck scale);
- County of San Luis Obispo Tax Collector – Business License and Tax Registration Certificate;
- CDF/San Luis Obispo County Fire Department – Welding Permit and Flammable Liquids Permit;
- San Luis Obispo Air Pollution Control District – Authority to Construct/Operate;
- Regional Water Quality Control Board – NPDES Permit (General);
- California Highway Patrol – Carrier Number and Biennial Terminal Inspection;
- California Department of Toxic Substances Control – EPA ID number, Vendor Use Fuel Tax Permit, and Radio License;
- California Department of Fish and Game – Streambed Alteration Agreement (possible); and,
- U.S. Army Corps of Engineers – Section 404 permit (possible).

## 1.8 PROJECT SPONSOR AND CONTACTS

The project applicant is A.J. Diani Construction Company, Inc. (AJ). Contacts for this EIR are:

County of San Luis Obispo	Mr. John McKenzie, EIR Project Manager San Luis Obispo County, Department of Planning and Building County Government Center, Room 310 San Luis Obispo, CA 93408-2040
A.J. Diani Construction Company	Mr. James A. Diani A.J. Diani Construction Company 295 North Blosser Santa Maria, CA 93456
EIR Consultant:	Simon Poulter, Principal-in-Charge <del>Kris Vardas</del> <a href="#">Eric Snelling</a> , Project Manager

Padre Associates, Inc.  
811 El Capitan Way, Suite 130  
San Luis Obispo, CA 93401

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**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES  
BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact	
4.0	Land Use Policy Consistency			
LND-1	Effect on community character.	2	As a part of environmental review of future industrial development within the LUO/LUE amendment area, the analysis shall evaluate potential impacts to any nearby residences. As a condition of approval, should any potential impacts be determined significant, mitigation would be required to reduce these impacts to less than significant levels.	3
LND-2	Compatibility with San Luis Obispo County Land Use Categories	3	To minimize inconsistency with the land use designations of the South County Area Plan, the following shall be implemented: A. Implement Mitigation AES-2; B. Implement Mitigation Measure AES-3; C. Implement Mitigation Measure AES-4; D. Implement Mitigation Measure AES-6; E. Implement Mitigation Measure AES-7; F. Implement Mitigation Measure BIO-5; G. Future industrial development in the project area shall adhere to Objective C-2 of the County of San Luis Obispo Design Guidelines, which provides design guidelines for promoting the visual interest of commercial buildings adjacent to highways. Prior to approval, the County shall verify that future development applications within the project area are designed to promote the visual interest of the are; and, H. In addition, new development is expected to require discretionary permits that could require additional measures, as appropriate.	3

**IMPACT CATEGORIES**

1	Significant and Unavoidable	3	Insignificant
2	Significant but Mitigable	4	Beneficial

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES  
BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact
LND-3	Consistency with the South County Area Plan	<p>The following existing measures are already required to prevent conflicts with the South County Planning Area Standards:</p> <p>A. At the time of application for building permits, a drainage plan shall be prepared in accordance with Land Use Ordinance Chapter 22.05 (already required by the LUO);</p> <p>B. At the time of application submittal, the County will verify that proposed projects within the project area conform to the following (already required by the LUO):</p> <ul style="list-style-type: none"> <li>• Grading Limitation. All grading, such as for building pads or access roads, shall be located away from slopes steeper than 15% on the bluff edge of the Nipomo Mesa to avoid erosion and visual impacts associated with grading, except for transmission lines and pipelines;</li> <li>• Setbacks. All new structures shall be set back at least 50 feet from the top edge and toe of the Nipomo Mesa slope bank to prevent slope failure. Structures shall not be permitted on the slope of the bluff face, except for transmission lines and pipelines; and,</li> <li>• Septic System Locations. If a subsurface disposal system is located within 150 feet of the edge of the steeper bluff slopes (30 percent or greater), the system shall be designed to meet the Central Coast Basin Plan requirements for site suitability and the prevention of “daylighting” of effluent. This system must be approved by the Chief Building Official prior to installation.</li> </ul> <p>In addition, the following measures shall be implemented:</p> <p>C. Visual Resources. Implement Mitigation Measure AES-7; and,</p> <p>D. Implement Mitigation Measure CUL-1.</p>	3

**IMPACT CATEGORIES**

1	Significant and Unavoidable	3	Insignificant
2	Significant but Mitigable	4	Beneficial

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES  
BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact
LND-4	Consistency with the County of San Luis Obispo Land Use Ordinance	<p>The following existing measures (already required) would ensure the project's consistency with the Land Use Ordinance:</p> <ul style="list-style-type: none"> <li>A. All future industrial uses within the project area shall be subject to permit requirements 22.03.040 of the Land Use Ordinance;</li> <li>B. No chemical product manufacturing facility shall be located closer than 1,000 feet to a Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category;</li> <li>C. A chemical product manufacturing facility shall have a minimum site area of 5 acres;</li> <li>D. No corrosive and toxic chemical manufacturing facility shall be allowed within the project area;</li> <li>E. Fuel dealers shall have a minimum site area of 20,000 square feet;</li> <li>F. Fuel and ice dealers shall provide one parking space per 1,000 square feet of use area;</li> <li>G. No aboveground fuel storage tank shall be located closer than 500 feet to a residential use;</li> <li>H. All aboveground fuel storage facilities are to be no closer than 50 feet to any property line or residential use;</li> <li>I. No petroleum refining and related industries shall be allowed within the project area;</li> <li>J. No recycling and scrap facility shall be allowed within 500 feet of any Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category;</li> <li>K. Recycling and scrap facilities shall have a minimum site area of one acre;</li> <li>L. Recycling and wrecking yards shall be subject to all provisions of Section 22.08.146 of the Land Use Ordinance;</li> </ul>	3

**IMPACT CATEGORIES**

1	Significant and Unavoidable	3	Insignificant
2	Significant but Mitigable	4	Beneficial

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES  
BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact
		<p>M. No recycling collection station at the project area shall be within 100 feet of an intersection;</p> <p>N. Portable containers at a recycling collection station shall be equipped with lids and placed within a stationary wood framework, solid fence or bin, or otherwise designed to prevent the containers from being overturned;</p> <p>O. No recycling collection station at the project area shall be larger than 200 square feet; and,</p> <p>P. Appropriate instructional signage shall be maintained at any recycling collection station at the project area and the station shall be maintained in a clean and sanitary condition, with no material stored on discarded outside the container enclosure. Such stations shall be emptied at intervals sufficient to preclude containers from being filled, and no less than once every seven days.</p> <p>In addition, the following measures shall be implemented:</p> <p>Q. No waste disposal site shall be allowed within the project area; and,</p> <p>R. Implement Mitigation Measure WR-9.</p>	
LND-5	Consistency with the County of San Luis Obispo Energy Element	<p>A. Implement Mitigation Measure AQ-1;</p> <p>B. Implement Mitigation Measure AQ-2;</p> <p>C. Implement Mitigation Measure BIO-2;.</p> <p>D. Implement Mitigation Measure BIO-4;.</p> <p>E. Implement Mitigation Measure BIO-7;</p>	3

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**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES  
BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact	
		F. Implement Mitigation Measure CUL-1; G. Implement Mitigation Measure CUL-2; H. Implement Mitigation Measure WR-2; I. Implement Mitigation Measure WR-6; J. Implement Mitigation Measure WR-7; K. Implement Mitigation Measure WR-8; L. Implement Mitigation Measure WR-9; and, M. Implement Mitigation Measure WR-10.		
5.1	Aesthetics			
AES-1	Construction of the proposed project may result in visual impacts to motorists traveling along U.S. Highway 101.	3	No mitigation is required	3
AES-2	The proposed asphaltic concrete plant would be visible to motorists traveling along U.S. Highway 101 and some residences.	2	A. Prior to issuance of a building permit, the applicant shall submit for approval a revised landscape plan that utilizes a minimum 75 percent fast/tall growing evergreen tree species. The plan shall specify use of well-drained soils and tree species that are non-invasive to riparian vegetation. <u>Where feasible, the plan shall use species and varieties that are low or non-emitters of Biogenic Volatile Organic Compounds</u> ; and,  B. At the time of application for building permits, the applicant shall submit a landscape maintenance plan to the County Department of Planning and Building for review and approval. The maintenance plan shall identify the program for growing and maintaining the proposed vegetative screens. It shall identify long-range maintenance and vegetative replacement procedures to ensure that said screening will be maintained for the life of the project, including replacement of any trees that may die.	3

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**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES  
BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact
AES-3	Use of nighttime lighting would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	<p>The following measure is recommended to ensure that light or glare impacts are minimal and consistent with Section 22.10.060 of the Land Use Ordinance:</p> <p>At the time of application for building permits, the applicant shall provide an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All light poles, fixtures, and hoods shall be dark (non-reflective) colored. Lighting shall be designed to eliminate any off site glare. All exterior site lights shall utilize full cut-off, "hooded" lighting fixtures to prevent offsite light spillage and glare. Light intensity shall be limited to 2.0-foot candles at ingress/egress. Fixtures shall be shield cut-off type and compatible with the project setting, subject to staff approval. All lighting shall be consistent with the County Land Use Ordinance standards for exterior lighting.</p>	3
AES-4	Implementation of Mitigation Measure NOS-2 (construction of sound walls) may create visual impacts.	<p>A. <del>Prior to issuance of a Building Permit, the applicant shall prepare a visual analysis if sound walls are constructed and amend the landscape plan identified in Mitigation Measure AES-2 (A) to include specifications for planting of trees and shrubs in front of the sound walls to visually screen the walls.</del>  <u>Prior to issuance of a Building Permit, the applicant shall prepare a visual analysis if sound walls are constructed and amend the landscape plan identified in Mitigation Measure AES-2 (A) to include specifications for planting of trees and shrubs in front of the sound walls to visually screen the walls.</u>; and,</p> <p>B. The sound walls shall be painted a gray-green to blend in with the trees and shrubs that would be planted in front of the walls.</p>	3
AES-5	Implementation of Mitigation Measure PUB-2 (A) (construction of an 180,000 gallon water storage tank may create <del>short-term and long-term</del> visual impacts.	<p><del>A. During design, the edge where the walls of the tank meet the roof shall be engineered to have a rounded form with a minimum 900 mm to avoid a sharp visual angle when seen against the adjacent visual backdrop;</del></p> <p><del>B. The proposed tank shall be painted an exterior color that is a non-</del></p>	3

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**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES  
BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact
		<p><del>reflective gray/green that blends with the existing and proposed vegetation;</del></p> <p><del>C. During final design, the tank shall be set into the grade with rear retaining walls to reduce its apparent visual mass when seen from Highway 101 and the residences south of the Santa Maria River; and,</del></p> <p><del>D.A. Prior to issuance of a Building Permit, the applicant shall prepare a visual analysis of the water storage tank and amend the landscape plan identified in Mitigation Measure AES-2 (A) to include specifications for planting of trees and shrubs in front of the sound walls to visually screen the walls. None required.</del></p>	
AES-6	Implementation of Mitigation Measure HAZ-3 (A), WR-2 (B), WR-6, WR-7, and WR-9, which involve construction of structures, such as berms, and detention basins, at elevations a minimum 1-foot above the 100-year flood profile and designed to withstand a 100-year flood event, may create visual impacts.	According to the results of Mitigation Measure WR-2 (A), if the required heights of the berms, detention basins, and related structures will be greater than 6 feet, the applicant shall prepare a visual analysis and amend the landscape plan identified in Mitigation Measure AES-2 (A) to include specifications for planting of trees and shrubs in front of the structures to visually screen them.	3
AES-7	Construction of either a machinery manufacturing or chemical products manufacturing facility within the LUO/LUE amendment area may result in greater visual impacts than either a residential care facility or a metal fabricating facility.	<p>A. New discretionary development proposals may need to include a visual impact analysis using photo-simulation to identify visual impacts associated with the development;</p> <p>B. At the time of application for building permits, the applicant shall submit landscape, landscape irrigation, and landscape maintenance plans and specifications to the County Department of Planning and Building for review and approval. The landscape maintenance plan shall identify programs for growing and maintaining proposed vegetative screens so that they achieve short-term and long-term objectives, including measures to ensure that screening will be maintained for the life of the project, including replacement of any trees that may die;</p> <p>C. At the time of application for building permits, the applicant shall</p>	3

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BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact
		<p>provide an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All light poles, fixtures, and hoods shall be dark (non-reflective) colored. All exterior lighting sources shall be of heights no more than absolutely necessary and adjusted so that light is directed down and inward to avoid light from extending into sensitive areas (e.g., residential, highway, etc.);</p> <p>D. Lighting shall be consistent with the County Land Use Ordinance; and,</p> <p>E. Utilities shall be placed underground to minimize their visibility from public view corridors.</p>	
5.2	Agricultural Resources		
AG-1	Fugitive dust and asphalt plant operations may indirectly impact adjacent agricultural fields.	See Air Quality section (Section 5.3) for dust and emissions controls.	3
AG-2	The LOU/LUE amendment may have an indirect impact on agricultural resources.	<p>A. Prior to approval of any future development within the LUO/LUE amendment area, the applicant shall submit the proposed project to the County Agricultural Commissioner for review and approval to determine if potentially significant impacts to agricultural resources would result, and to identify appropriate mitigation measures to reduce such impacts.;</p> <p>B. indicating compliance with necessary buffers. The County's Agricultural Commissioner's office makes buffer determinations and other mitigation measures on a case-by-case basis considering all relevant factors. County wide standard or minimum setback distances are not used (Agriculture &amp; Open Space Element, 1998); and,</p> <p>C. To minimize the impact to agricultural resources, the County shall require that any proposed industrial land use authorized in this area be required to maintain appropriate air emission reduction equipment per the requirements of the San Luis Obispo Air Pollution Control District (APCD).</p>	3

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Impact	Impact Category	Mitigation Measures	Cumulative Impact	
5.3	Air Quality			
AQ-1	Construction activity would generate air emissions that may adversely impact local and regional air quality.	2	<p>A. Dust Control Measures. Dust generated by construction activities shall be kept to a minimum by full implementation of the following measures.</p> <ul style="list-style-type: none"> <li>• During clearing, grading, earth moving, excavation, or transportation of dust-containing materials (soil, aggregate, crushed concrete and asphalt), water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease;</li> <li>• During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the morning and after work is completed for the day and whenever wind exceeds 15 miles per hour;</li> <li>• Stockpiled earth material shall be sprayed as needed to minimize dust generation;</li> <li>• During construction, the amount of disturbed area shall be minimized, and onsite vehicle speeds should be reduced to 15 mph or less;</li> <li>• Exposed ground areas that are planned to be reworked at dates more than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;</li> <li>• After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering or revegetating or spreading soil binders to minimize dust generation until the area is paved or otherwise compacted so that dust generation is minimized;</li> </ul>	3

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SUMMARY OF IMPACTS AND MITIGATION MEASURES  
BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact
		<ul style="list-style-type: none"> <li>• All heavy equipment and truck activity in unpaved areas shall be suspended when wind speeds exceed 20 mph (one hour average); and,</li> <li>• All roadways associated with construction activities should be paved as soon as possible.</li> </ul> <p><u>B. Asbestos Containing Materials. Any suspected asbestos-containing cement pipes observed within the existing concrete rubble piles shall be segregated by the operator and not processed on-site. Upon discovery of suspect asbestos-cement pipe, the San Luis Obispo APCD shall be immediately notified. The material shall be wrapped in plastic sheeting and disposed as asbestos waste in accordance with state and federal regulations.</u></p> <p><u>Prior to demolition of any on-site buildings, the applicant shall complete a demolition asbestos survey prepared by a California-licensed asbestos consultant. The Asbestos Survey report shall be submitted to the San Luis Obispo County APCD along with an asbestos demolition notification pursuant to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) at least 10-days prior to initiation of demolition activities. Additionally, on-site utility pipes may be constructed with asbestos-cement pipe. These materials must be properly abated using a California-licensed asbestos abatement contractor and specially trained workers.</u></p> <p><u>A.</u></p>	
AQ-2	Operation of the proposed asphalt hot mix plant would result in NO <sub>x</sub> , ROG, CO, SO <sub>2</sub> and PM <sub>10</sub> emissions that may adversely affect local and regional air quality.	<p>A. The asphalt plant site and all access roads shall be paved to minimize fugitive dust generation by mobile equipment and vehicles;</p> <p>B. Provisions to spray down stockpiles and any other dust generating area/activity, shall be provided and utilized as needed to prevent off-site transport of fugitive dust;</p> <p>C. A dust monitor shall be designated for each work shift to monitor site</p>	3

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Impact	Impact Category	Mitigation Measures	Cumulative Impact
		<p>conditions, and shall order additional water spraying of roads, stockpiles and aggregate storage bins as needed to prevent off-site transport of fugitive dust. At a minimum, such watering shall be performed immediately when visible dust seen leaving the site. Water trucks shall be onsite from 1 pm to 6 pm when high winds are likely as well as when winds exceed 15 mph;</p> <p>D. The asphalt plant shall utilize drum mix technology (instead of a separate mixer) to reduce CO emissions; and,</p> <p>E. Project emissions following implementation of Measures A through E above, shall be offset through the contribution to an off-site mitigation fund administered by APCD to finance regional emission reduction projects in the area. Off-site mitigation measures are designed to offset emissions from large projects that cannot be fully mitigated with on-site measures. Off-site emission reductions can result from either stationary or mobile sources, but should relate to the on-site impacts from the project in order to provide proper "nexus" for the air quality mitigation. For example, NOx emissions from increased vehicle trips from a large residential development could be reduced by funding the expansion of existing transit services. The off-site strategies identified below provide a range of options available to mitigate significant emissions impacts from large projects.</p>	
AQ-3	Toxic air contaminants contained with asphalt plant operation and diesel truck exhaust may result in unacceptable human health risk.	<p><del>As part of permitting for the proposed asphalt plant generators (New Source Review), the APCD would require the project proponent to complete a comprehensive facility wide health risk assessment according to the Emission Inventory Criteria and Guidelines for the "Hot Spots" program. The Assessment would include a facility wide inventory of toxic air contaminants, air dispersion modeling to determine ground-level concentrations at adjacent residences and application of unit risk factors to identify cancer and non-cancer health risk. Should the results of the health risk assessment indicate unacceptable health risk, mitigation measures may be required to reduce health risk by reducing</del></p>	3

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Impact	Impact Category	Mitigation Measures	Cumulative Impact
		<p><del>ground-level concentrations of toxic air contaminants, such as:</del></p> <p><del>1.Limiting peak production rate which would reduce emissions from the asphalt plant, mobile equipment and trucks; and</del></p> <p><del>2.AQ-3A Installing a meteorological monitoring station and limiting asphalt production during periods when the predominant wind direction is north-south (transport emissions to residents of Nipomo or Santa Maria).</del></p> <p><del>As part of permitting for the proposed asphalt plant generators (New Source Review), the APCD required that the project proponent to complete a comprehensive facility-wide health risk assessment according to the Emission Inventory Criteria and Guidelines for the "Hot Spots" program. The Assessment included a facility-wide inventory of toxic air contaminants, air dispersion modeling to determine ground-level concentrations at adjacent residences and application of unit risk factors to identify cancer and non-cancer health risk.</del></p> <p><del><b>AQ-3B:</b> The applicant shall use ultra low sulfur diesel in all on-site diesel fuel equipment.</del></p> <p><del><b>AQ-3C:</b> A "no idling" policy shall be prepared and submitted to the APCD for review and approval, prior to the start of construction for this project. The policy shall apply to both on-site diesel fuel equipment and haul trucks and limit idling of diesel fuel equipment to a maximum of five minutes.</del></p> <p><del><b>AQ-3D:</b> Project loaders shall be powered by engines that are Tier 2 or better and equipped with add-on controls for diesel particulate matter. Add-on controls chosen shall be consistent with the highest level of ARB verified technology approved for use with the loaders at the time of issuance of a certificate of occupancy.</del></p>	
AQ-4	Hot asphalt generates odors and has the potential to be considered a nuisance, in violation of APCD Rule 402.	No mitigation is required.	3
AQ-5	Generation of manufacturing-related air quality	• A project-specific air quality assessment study shall be conducted	3

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Impact	Impact Category	Mitigation Measures	Cumulative Impact	
emissions.		<p>by a qualified air quality specialist at the time a new use is proposed within the LUO/LUE amendment area that exceeds established air quality thresholds or involves hazardous materials. The study shall quantify impacts to adjacent residences, and specify emission reduction measures to minimize air quality impacts to the extent feasible, as determined by the County. If necessary, the APCD may require the project proponent to complete a comprehensive facility-wide health risk assessment. All measures recommended by the air quality assessment, and the health risk assessment, if required, shall be fully implemented. Such measures may include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• Paving the project site and all access roads;</li> <li>• Minimizing fugitive dust;</li> <li>• Possible contribution to an off-site mitigation fund to finance regional emission reduction projects, such as bikeways, diesel bus conversions, agricultural engine replacements and similar activities; and,</li> <li>• Limiting peak production rates.</li> </ul>		
5.4	Biological Resources			
BIO-1	Plant construction activities may indirectly affect non-listed wildlife occupying adjacent habitats.	3	No mitigation is required.	3
BIO-2	Plant construction activities could adversely affect avian and terrestrial special-status species, including nesting activities of protected nesting birds and sensitive species (e.g., California horned lizard).	2	<p>A. Initial grading and demolition operations shall be conducted prior to, or after, the nesting season (February 15 to September 15) to avoid any potential impact to nesting birds. Therefore, construction activities should be conducted between the months of October and January to the extent feasible;</p> <p>B. <del>B.</del> If Measure A is infeasible, pre-construction surveys shall be conducted by a qualified biologist between February 15 and September 15 to identify potential bird nesting sites:</p>	

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Impact	Impact Category	Mitigation Measures	Cumulative Impact
		<ul style="list-style-type: none"> <li>• If active nest sites of common bird species protected under the Migratory Bird Treaty Act (e.g., northern mockingbird, house finch, etc.) and Fish and Game Code 3503 and 3503.5 are observed within 300 feet of the plant site, then the project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young; and,</li> <li>• If active nest sites of raptors and/or species of special concern are observed within the vicinity of the plant site, construction shall be avoided or terminated until CDFG is contacted and an appropriate buffer zone around the nest site is established. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest, or the nest is abandoned.</li> </ul> <p>C. A County-approved biologist shall conduct pre-activity surveys to determine presence/absence of California horned lizard within and adjacent to the project site. Surveys shall only be required during the active period of California horned lizards (generally April through September). If California horned lizards are identified adjacent to and/or within work areas, then hand rakes or an equivalent shall be utilized by the biologist to scarify the ground surface and encourage the horned lizards (and other wildlife) to vacate the immediate area prior to construction. Alternatively, sampling composed of drift fences shall be used to capture horned lizards. As necessary, the qualified biologist shall physically relocate California horned lizard to suitable habitat located outside the construction zone. Exact procedures and protocols for relocation shall be based up on pre-project consultation with CDFG; and,</p> <p>D. A County-approved biological monitor shall be on-site during all vegetation clearing and shall periodically monitor the project site during construction activities to inspect protective fencing, equipment staging areas, and physically relocate/remove any special-status wildlife species entering the construction zone (e.g.,</p>	

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Impact	Impact Category	Mitigation Measures	Cumulative Impact
		California horned lizard, etc.). All species-status shall be relocated to suitable habitat located outside the construction zone by a qualified biologist. Exact procedures and protocols for relocating shall be based upon pre-project consultation with CDFG.	
BIO-3	Construction activities could adversely affect aquatic and semi-aquatic special-status species within the Santa Maria River and Nipomo Creek.	Implement Mitigation Measure WR-10.	3
BIO-4	Construction activities could result in short-term habitat loss to sensitive habitats (e.g., Santa Maria River, Nipomo Creek, and mixed willow habitat).	<p>A. All equipment staging areas, construction-crew parking areas, and construction access routes shall be established in previously disturbed or developed areas;,</p> <p>B. Prior to any earth disturbance, exclusionary fencing shall be erected at the boundaries of all construction areas to avoid equipment and human intrusion into adjacent habitats, with emphasis on protection of sensitive habitats (e.g., Santa Maria River, Nipomo Creek, mixed willow habitat);</p> <p>C. In the event that impacts would occur to the bed or banks of Santa Maria River or Nipomo Creek, the appropriate permits shall be obtained by the governing regulatory agency (e.g., Army Corps of Engineers, CDFG, RWQCB) as necessary;</p> <p>D. Construction (e.g., clearing and grubbing of vegetation, rough grading, etc.) of any area within a buffer zone of 25 feet from the top of bank of Santa Maria River, Nipomo Creek, or their tributaries shall be prohibited with the exception of activities related to restoration efforts approved by the County of San Luis Obispo. Where the requirements of any regulatory agency having jurisdiction are different, the more restrictive regulations shall apply. The required 25-foot buffer shall be illustrated on final project plans and adhere to during the construction period.</p>	3
BIO-5	Grading of the plant site would result in the permanent loss of mixed willow series, a sensitive	A. Willows removed as a result of project-related construction activities shall be replaced at a 10:1 ratio on-site. Restoration of mixed willow	3

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Impact	Impact Category	Mitigation Measures	Cumulative Impact
	plant community and wetlands under the definition adopted by CDFG and USFWS.	<p>habitat shall be conducted by a qualified individual with experience in native plant restoration. Such restoration shall be maintained for a minimum 5 years to ensure successful establishment. If restoration is not successfully after 5 years, additional planting shall be conducted;</p> <p>B. Mitigation Measure BIO-4(B); and,</p> <p>C. Mitigation Measures BIO-4(C).</p>	
BIO-6	Grading of the plant site would result in the permanent loss of special-status plant species.	<p>Although impacts to Blochman's ragwort are considered to be less than significant, the following measures shall be implemented to avoid and/or minimize potential impacts to this special-status plant to the extent feasible:</p> <p>A. Protective fencing shall be installed around populations of Blochman's ragwort to prevent loss of this special-status plant species.</p>	3
BIO-7	Long-term habitat loss would result in adverse effects to special-status wildlife species.	A. Mitigation Measures BIO-5(C).	3
BIO-8	Implementation of Mitigation Measure REC-2 may result in impacts to riparian vegetation and wildlife adjacent to Santa Maria River.	<p>A. Prior to construction of the trail, County Parks shall have pre-activity surveys for special-status wildlife species (e.g., California red-legged frog, southwestern pond turtle, two-striped garter snake, etc.) conducted by a qualified biologist, according to regulatory agency protocols. In the event that these species are identified, then the appropriate regulatory agencies (USFWS and/or CDFG) shall be contacted prior to trail construction activities to determine appropriate buffers from project activities and any additional appropriate project-specific mitigation measures to be implemented; and,</p> <p>B. Following construction of the trail, County Parks shall establish interpretive signage to encourage users to stay within trail boundaries and to increase environmental awareness of the sensitivity of riparian habitat and special-status species.</p>	3

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Impact	Impact Category	Mitigation Measures	Cumulative Impact	
BIO-9	The proposed change in land use could result in direct and indirect impacts to existing habitats and wildlife within, and/or adjacent to, the LUO/LUE area.	2	<p>The following measures shall be implemented to avoid and/or minimize potential special-status species impacts associated with the proposed LUO/LUE amendment:</p> <ul style="list-style-type: none"> <li>A. Mitigation Measure BIO-4(C);</li> <li>B. Implement Mitigation Measure WR-9;</li> <li>C. Implement Mitigation Measure WR-10; and,</li> <li>D. Prior to any new development within 150 feet of Nipomo Creek, Nipomo Creek tributary, and/or Santa Maria River under the proposed IND land use category, pre-activity surveys for special-status wildlife species (e.g., California red-legged frog, southwestern pond turtle, two-striped garter snake, etc.) shall be conducted by a qualified biologist, according to regulatory agency protocols. In the event that these species are identified, then the appropriate regulatory agencies (USFWS and/or CDFG) shall be contacted prior to development activities to determine appropriate buffers from project activities and any additional appropriate project-specific mitigation measures to be implemented.</li> <li>E. Prior to any new development within the LUO/LUE Amendment Area, a qualified biologist shall determine whether the project site contains suitable habitat (i.e., chaparral, coastal dunes, and riparian scrub) for Black-flowered figwort. If suitable habitat is present, then pre-activity surveys for Black-flowered figwort shall be conducted by a qualified biologist, according to regulatory agency protocols. In the event that this species is identified, then the appropriate regulatory agencies (USFWS and/or CDFG) shall be contacted prior to development activities to determine appropriate buffers from project activities and any additional appropriate project-specific mitigation measures to be implemented.</li> </ul>	3
5.5	Cultural Resources			
CUL-1	Future industrial development associated with the	2	A. Prior to development, a qualified cultural resource professional as	3

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SUMMARY OF IMPACTS AND MITIGATION MEASURES  
BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact
	LUO/LUE Amendment could have a potentially significant impact on historic cultural resources.	<p>approved by the County (historian/architectural historian) shall be retained to conduct a historical evaluation of the Nelson farmhouse and barn, and any associated outbuildings, animal pens, and farm equipment. The historic structure evaluation should include the history of the property, and the farm complex should be recorded on appropriate California Department of Parks and Recreation (DPR) forms. Any important/significant historic resources identified shall be mitigated as specified by the historical evaluation prior to its demolition or relocation; and,</p> <p>B. Prior to construction permit issuance, a Phase I archaeological survey shall be conducted for parcels 090-302-34 and 090-302-35. All recommended measures shall be required of new development to reduce impacts to less than significant levels.</p>	
CUL-2	Development of the LUO/LUE amendment area may have a significant impact on unknown/buried cultural resources.	<p>The County's LUO (Sec. 22.10.040) requires the following in the event archaeological resources are unearthed or discovered during any construction activity:</p> <p>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 laws; and,</p> <p>B. In the event archaeological 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.</p>	3
5.6	Geology and Soils		
GEO-1	Construction and operation of the proposed asphalt plant could expose occupants to liquefaction, severe ground shaking, and land subsidence during an earthquake.	The project foundation and structural design shall follow the recommendations of a design level geotechnical investigation and shall address items including groundshaking, liquefaction, expansive soils, and soil subsidence. The geotechnical investigation shall also address	3

**IMPACT CATEGORIES**

1	Significant and Unavoidable	3	Insignificant
2	Significant but Mitigable	4	Beneficial

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES  
BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact
		potential seismic hazards from the Wilmar Avenue/Santa Maria River fault.	
GEO-2	Industrial development along the western fringe of the LUO/LUE amendment area, located along the edge of the Nipomo Mesa, could result in significant impacts from construction on unstable slopes and improper drainage control. Significant erosion could occur if development/disturbance is allowed on it.	2	3
		<p>The project shall be required to comply with the County Land Use Ordinance regulations, Section 22. 112.020(B), which address development along the Nipomo Mesa bluff edge. These standards include the following:</p> <p>A. Drainage plan requirements. Land use permit and land division applications shall include a drainage plan in compliance with Chapter 22.52. The plan shall identify the point of change to 15 percent slop, in addition to other required drainage plan contents. The drainage plan requirement may be waived through an adjustment approved in compliance with Section 22.70.040, where a development will be located a sufficient distance from the bluff top edge to be of no concern;</p> <p>B. Standards for projects requiring Zoning Clearance or Site Plan Review. Projects requiring Zoning Clearance or Site Plan Review shall be designed in compliance with the following standards. Projects that are unable to meet these requirements may be considered through Minor Use Permit review, with the applicant paying the difference in fees.</p>	
5.7	Hazards and Hazardous Materials		
HAZ-1	The construction of the proposed asphalt plant would include the installation of asphaltic oil aboveground storage tanks (ASTs) which could potentially impact the project site and potentially the Santa Maria River if ruptured during an upset condition.	2	3
		<p>A. Asphaltic oil ASTs installed at the project site shall be provided with secondary containment capable of holding 110% of the volume of the AST. The containment shall provide adequate protection to prevent inundation of the containment area in the event of a 100-year flood; and,</p> <p><u>B. Prior to operation, the applicant shall prepare and implement a SPCC plan for the operation of on-site ASTs containing oil with capacities greater than 55 gallons.</u></p>	

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BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact
		<del>B. Prior to operation, the applicant shall prepare and implement a SPCG plan for the operation of on-site ASTs containing petroleum hydrocarbons in excess of 660 gallons.</del>	
HAZ-2	Use of diesel fuel or other petroleum hydrocarbon-containing liquids to coat the beds of trucks hauling asphalt from the proposed facility could result in the contamination of soil, storm water, and groundwater.	2 During operations, the asphalt plant operator shall not allow the loading of any trucks that have had their beds sprayed with diesel fuel or any other petroleum hydrocarbon-containing liquid. Annual inspections will be conducted by the County Certified Unified Program Agency (CUPA, administered by County Environmental Health) to ensure that soil contamination has not occurred at the site due to spraying of truck beds with diesel fuel or other petroleum hydrocarbon-containing liquids.	3
HAZ-3	Due to the project site's presence within a 100-year floodplain, hazardous materials could be released during a significant storm event.	2 A. Hazardous materials and hazardous wastes shall be stored in areas provided with secondary containment capable of holding 110% of the volume of the materials stored and designed to prevent storm water associated with a 100-year flood event from inundating the storage area (e.g. flood walls with heights above 100-year flood elevation); and, B. In accordance with the County's Land Use Ordinance, Title 22, Section 22.14.060(D)(2), propane tanks, ASTs and USTs installed on-site shall be provided with anchoring to prevent the tank from being washed away during a flooding event at the project site.	3
HAZ-4	The existing 55-gallon drum and former containment area may have contaminated underlying soils.	2 A. The existing 55-gallon drum at the southeastern containment area shall be removed by a waste oil recycler or hazardous waste transporter after adequate characterization as to the composition of the liquid. The identified containment area at the southeastern portion of the proposed project site shall be adequately assessed to determine whether potential soil contamination exists at this area. This assessment shall include the advancement of shallow drill holes and the collection of soil samples for chemical analyses to determine whether soil contamination is present at this area. A Technical Work Plan for the site assessment activities shall be prepared by a registered geologist or licensed civil engineer and	3

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BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact
		<p>submitted to the County CUPA agency for review and approval prior to implementation. A report documenting results of the site assessment activities shall be submitted to the CUPA agency for review. Identified soil contamination shall be adequately removed from the site for proper disposal prior to construction of the proposed asphalt plant.</p> <p><u>B. Should contaminated soil be encountered during construction activities, the SLO APCD shall be notified immediately. Any storage pile of contaminated material must be covered at all times, except when soil is added or removed. The following measures shall be implemented:</u></p> <ul style="list-style-type: none"> <li><u>• Covers on storages piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;</u></li> <li><u>• Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH-non-permeable barrier, such as plastic tarp. No headspace shall be allowed where vapors could accumulate;</u></li> <li><u>• Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;</u></li> <li><u>• During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and,</u></li> <li><u>• Clean soil must be segregated from contaminated soil.</u></li> </ul>	
HAZ-5	Due to the LUO/LUE amendment area's presence within a 100-year floodplain, hazardous materials	A. Future industrial development within the LUO/LUE amendment area shall implement Mitigation Measure HAZ-3; and,	3

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BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact
	could be released during a significant storm event.	B. In accordance with the County's Land Use Ordinance, Title 22, Section 22.14.060(D)(2), propane tanks, ASTs, and USTs installed within the LUO/LUE Amendment area shall be provided with anchoring to prevent the tank from being washed away during a flooding event at the project site.	
5.8	Noise		
NOS-1	Construction activities would result in short-term noise impacts to nearby residences.	<p>A. No use of heavy equipment or heavy-duty trucks shall occur between 9 p.m. and 7 a.m. on weekdays, or between 5 p.m. and 8 a.m. on weekends.</p> <p>B. Equipment engine covers shall be in place and mufflers shall be in good condition;</p> <p>C. Adjacent residents and the County of San Luis Obispo will be given advanced written notification of proposed construction activities, scheduling and hours of construction, and noise compliant procedures to minimize potential annoyance related to construction activities.</p>	3
NOS-2	Asphalt plant operation would result in noise impacts to nearby residences.	<p><u>Noise monitoring at the two nearest residences shall be conducted immediately following project implementation to determine if noise levels are significant (greater than 58.1 dBA Leq, or 1 dBA above existing, without the asphalt plant operating). If noise monitoring indicates that noise levels are significant, the applicants shall:</u></p> <ul style="list-style-type: none"> <li><u>Construct and maintain an 8-foot high concrete or masonry block wall (noise barrier) along the northern and western boundaries of the asphalt plant site. The noise barrier shall be placed between the plant and associated internal access roads and land uses north of the site. The noise barrier would reduce noise levels at the nearest residential receptor by approximately 4 dBA Leq (see barrier insertion loss in Harris, 1991). However, many components of the asphalt plant extend greater than 8 feet above the ground and noise generated by these components would not be reduced by the noise barrier. Therefore, the noise barrier would not reduce ambient noise</u></li> </ul>	3

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Impact	Impact Category	Mitigation Measures	Cumulative Impact
		<p style="text-align: center;"><u>levels generated by the proposed asphalt plant by 4 dBA Leq;</u></p> <ul style="list-style-type: none"> <li>• <u>Purchase and demolish the two affected residences; or</u></li> </ul> <p><u>Retrofit the receptor homes with noise attenuating building materials (e.g., windows or insulation. An 8-foot high concrete or masonry block wall (noise barrier) shall be constructed and maintained along the northern and western boundaries of the asphalt plant site. The noise barrier shall be placed between the plant and associated internal access roads and land uses north of the site. The noise barrier would reduce noise levels at the nearest residential receptor by approximately 4 dBA Leq (see barrier insertion loss in Harris, 1991). However, many components of the asphalt plant extend greater than 8 feet above the ground and noise generated by these components would not be reduced by the noise barrier. Therefore, the noise barrier may not reduce ambient noise levels generated by the proposed asphalt plant by 4 dBA Leq.</u></p> <p><u>Due to the complexity involved with modeling the magnitude, location, operating hours, and frequency of the numerous noise sources proposed (vehicles, mobile equipment, and stationary equipment), it is unclear if an 8-foot noise barrier would reduce the project noise impact to a level of less than significant. A taller wall may be proposed, but would likely have significant aesthetics impacts. Therefore, noise monitoring at the two nearest residences shall be conducted immediately following project implementation to determine if noise levels are significant (greater than 58.1 dBA Leq, or 1 dBA above existing, without the asphalt plant operating). If noise monitoring indicates noise levels are significant, noise walls adjacent to the affected residences shall be provided to reduce noise levels at these two residences below the significance threshold. Alternatively, the applicant may purchase and demolish the two affected residences.</u></p>	
NOS-3	The LUO/LUE Amendment would result in manufacturing-related noise.	A project-specific acoustical study shall be conducted by a qualified acoustical engineer at the time an industrial land use is proposed for the LUO/LUE amendment area that identifies loud noise-making activities. The study shall quantify impacts to adjacent residences, and specify	2

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Impact	Impact Category	Mitigation Measures	Cumulative Impact	
		<p>noise reduction measures and structures to minimize noise levels to the extent feasible, as determined by the County. All measures recommended by the acoustical study shall be fully implemented. Such measures may include:</p> <ul style="list-style-type: none"> <li>• All noise-producing activities shall be conducted within insulated enclosures;</li> <li>• Masonry block walls shall be constructed along the property boundaries in a manner that does not result in significant flooding or potentially-related erosion problems; and</li> <li>• Equipment shall be fitted with isolators to reduce ground vibration.</li> </ul>		
5.9	Population and Housing			
POP-1	The proposed project would result in additional job opportunities, thus increasing the population and the demand for housing.	3	No mitigation is required.	3
POP-2	The proposed project would result in an overall increased level of energy consumption.	3	No mitigation is required.	3
POP-3	The proposed land use designation change of the 9.3-acre area from RS to the IND land use category would result in a loss of land, which could be potentially utilized for future building opportunities for new housing.	3	No mitigation is required.	3
5.10	Public Services and Utilities			
PUB-1	The proposed asphalt plant facility would increase the potential demand on fire protection services located within the asphalt plant area.	2 (facilities) 1 (personnel)	Prior to construction, the applicant shall pay the required fire facilities impact fee of \$375 per sq-ft of structure area.	3 (facilities) 2 (personnel)
PUB-2	The proposed asphalt plant facility would increase the demand for water resources for adequate onsite water services for fire protection services.	2	<a href="#">A. Upon submittal of building permit application, applicant shall provide a letter from CAL FIRE on their review of the project design and the need for an automatic extinguishing system. If an automatic</a>	3

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Impact	Impact Category	Mitigation Measures	Cumulative Impact
		<p><u>extinguishing system is recommended, it shall meet industry standards, as well as any additional CAL FIRE recommendations. All measures recommended by CAL FIRE, including a water tank that includes 5,000 gallons for fire water storage, shall be shown on all applicable construction plans. Prior to occupancy or final inspection, whichever occurs first, all CAL FIRE recommendations shall be installed.</u></p> <p><del>A. In accordance with the fire flow and water storage requirements of the County adopted California Fire Code (CFC), the applicant shall construct a firewater storage tank with a minimum storage capacity of 180,000 gallon; and,</del></p> <p>B. Prior to construction, the applicant shall submit for review and approval a Fire Safety Plan to the Department of Planning and Building and <del>CDF/County Fire Department</del><u>CAL-FIRE</u>. The Fire Safety Plan shall:</p> <ul style="list-style-type: none"> <li>• Emergency procedures to be used in case of fire,</li> <li>• Instructions on ways to prevent fires and methods to control fire hazards throughout the business;</li> <li>• Information about the appointment, organization and instruction of designated supervisory staff and other occupants, including their related fire safety duties and responsibilities;</li> <li>• The method and frequency of conducting fire drills;</li> <li>• Detailed maintenance procedures for fire protection systems and building features;</li> <li>• The identification of alternate fire safety measures in the event of a temporary shutdown of fire protection equipment or systems, so that occupant safety can be assured;</li> <li>• Instructions and schematic diagrams describing the type, location, and operation of building fire emergency systems.</li> </ul>	

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Impact	Impact Category	Mitigation Measures	Cumulative Impact	
PUB-3	The proposed asphalt plant facility could increase the potential demand on police protection services located within the asphalt plant area.	3	No mitigation is required.	3
PUB-4	The proposed asphalt plant facility could increase the potential demand on school services located within the asphalt plant area.	3	Prior to construction, the applicant will pay the appropriate school impact fees.	3
PUB-5	The proposed asphalt plant facility could increase the potential demand on solid waste services located within the asphalt plant area.	3	No mitigation is required.	3
PUB-6	The LUO/LUE amendment would increase the potential demand on the fire protection services located within the LUO/LUE amendment area.	2	<del>All new development within the LUO/LUE amendment area shall meet the fire flow requirements of the County adopted California Fire Code (CFC). Minimum water storage and hydrant requirements are outlined in Appendix IIIA of the CFC. This requirement is usually met through the establishment of a community water system. Prior to issuance of a building permit, the applicant shall prepare a Water/Fire Suppression Master Plan, to the satisfaction of CAL FIRE, for the 55-acre area re-designated to the Industrial land use category. The scope of the Master Plan shall be prepared in collaboration with CAL FIRE, the New Cuyama Mutual Water Company and the San Luis Obispo County Department of Planning and Building. Should a pro-rata reimbursement agreement be developed, the benefiting property owners shall contribute their fair share, pursuant to a Reimbursement Agreement.</del>	3
PUB-7	The LUO/LUE amendment may cause a minor change in the potential demand on police protection services located within the LUO/LUE amendment area.	3	No mitigation is required.	3
PUB-8	The LUO/LUE amendment may cause a minor change in the potential demand on school services located within the LUO/LUE amendment area.	3	No mitigation is required.	3
PUB-9	The LUO/LUE amendment may result in an increase	3	No mitigation is required.	3

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Impact	Impact Category	Mitigation Measures	Cumulative Impact	
	solid waste services located within the LUO/LUE amendment area.			
5.11	Recreation			
REC-1	Construction of the proposed asphalt plant would not greatly affect the need for parks and recreational facilities.	3	No mitigation is required.	3
REC-2	The proposed asphalt plant would be built within a parcel of land, which is targeted by the County of San Luis Obispo Parks Division as a potential location for the Santa Maria River Trail according to the County Trails Plan.	2	To ensure permanent establishment of the Santa Maria River Trail would take place in accordance with the County's adopted Trails Plan, prior to obtaining building permits for the proposed plant the applicant will grant a permanent easement to the County for the proposed trail corridor (25-foot wide minimum). The location of the trail and the offer to dedicate shall be reviewed and approved by County Parks prior to the applicant receiving a building permit. Based on discussions with County Parks and the applicant, the approximate location of this easement shall be located to the south of the project site, parallel to the Santa Maria River and the southern boundary of the proposed asphalt plant.	3
REC-3	The proposed LUO/LUE amendment would decrease the acreage of land, which could be potentially utilized for recreational purposes.	3	No mitigation is required.	3
REC-4	Future development under the LUO/LUE amendment could reduce the availability of land, which is suitable for the proposed Santa Maria River Trail Plan.	2	Future development projects along the southern boundary of the project area that require discretionary permits shall require coordination with the County of San Luis Obispo Parks Division to determine the feasibility of establishing a trail easement through the subject parcel.	3
5.12	Transporation and Circulation			
TRA-1	Operation of the proposed asphaltic concrete plant would affect roadways within the project area.	3	Although no impacts were identified, as a condition of approval, the applicant shall pay its fair share contribution to mitigate its incremental impact to roadways.	3
TRA-2	Operation of the proposed asphaltic concrete plant would impact intersections within the project area.	<del>3</del>	<u>A. Prior to building permit issuance for the asphalt plant, the applicant, its heirs or assignees, shall enter into an Agreement for Pro-Rata</u>	3

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Impact	Impact Category	Mitigation Measures	Cumulative Impact
		<p><u>Share of Improvements” with the California Department of Transportation (Caltrans), in which the applicant agrees to deposit \$150,000 towards the Santa Maria River Bridge Widening Project. Applicant, its heirs or assignees, shall provide receipt or other written documentation from Caltrans that the funds have been deposited.</u></p> <p><u>B. Prior to issuance of a building permit for the asphalt plant, evidence shall be provided to the county that a bond has been posted by the applicant, its heirs or assignees, or comparable financial commitment in place that is acceptable to Caltrans, to cover the costs to provide one and one half inch thick asphalt concrete pavement overlay on the four State Route 101/166 on and off ramps. Caltrans shall provide the applicant, its heirs or assignees, with at least ninety days prior written notice to proceed with said paving work. The applicant, its heirs or assignees, shall obtain an encroachment permit from and shall coordinate the paving with Caltrans.</u></p> <p><del>A. Although no significant impacts were identified, as a condition of approval, the applicant shall be required to pay its fair share contribution toward signalization of project area intersections when warrants are met for the installation of traffic signals; and,</del></p> <p><u>B.C.</u>As a condition of approval, the applicant shall implement a truck traffic-monitoring program.</p>	
TRA-3	Increased industrial development associated with the LUO/LUE amendment would not increase the number of traffic during peak hour periods in the LUO/LUE amendment area.	For projects generating substantial amounts of traffic or may result in unacceptable road service levels, a project-specific traffic study shall be conducted by a qualified transportation engineer at the time an industrial land use is proposed within the LUO/LUE amendment area. The study shall quantify impacts to existing roadways, and specify measures to minimize impacts, as determined by the County Public Works Department and Planning and Building Department. All measures	3

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Impact	Impact Category	Mitigation Measures	Cumulative Impact
		recommended by the traffic study shall be fully implemented.	
5.13	Wastewater		
WW-1	Wastewater from the proposed septic system may contact groundwater or adversely affect surface waters and result in exceedances of water quality objectives.	2 The following measures shall be completed prior to permit issuance to ensure compliance with regulatory requirements and prevent significant water quality impacts: A. A Piezometer test to be conducted at the proposed leach field during early spring to identify groundwater levels; B. A percolation test shall be conducted at the site to determine expected percolation rates; and, C. The septic system design shall be submitted to the County for review and approval, demonstrating compliance with County and State septic system requirements regarding location, sizing, installation and maintenance of facilities. The septic system design must be approved by the County prior to permit issuance.	3
WW-2	Proposed changes in land use designations would decrease the amount of wastewater generation and associated potential impacts to water quality.	2 To minimize such impacts, future industrial development within the LUO/LUE amendment area shall implement Mitigation Measures WW-1 (A through C).	3
5.14	Water Resources		
WR-1	Concrete dust at the asphalt plant site may increase the pH of water percolating to the alluvial aquifer following storm events.	3 No mitigation is required.	3
WR-2	Ground disturbance may result in storm water run-off to the Santa Maria River that may exceed water quality objectives.	2 The following measures should be fully implemented at the asphalt plant site, should any construction activity occur between October 15 and April 15: A. Prior to issuance of a Building Permit, the applicant shall conduct a flood analysis to determine the flood stage elevation of the project area. Results of this analysis will be used to determine the required elevation of berms, detentions basins, etc; B. Earthen berms shall be constructed around the perimeter of the	3

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Impact	Impact Category	Mitigation Measures	Cumulative Impact	
		<p>asphalt plant site to contain storm water within the asphalt plant site. Such berms shall be constructed a minimum 1-foot above the 100-year flood profile and designed to withstand a 100-flood event;</p> <p>C. Stormwater detention basins shall be constructed and maintained during the construction period to reduce turbidity and suspended solids of stormwater discharged to surface waters. <del>Such detention basis shall be constructed a minimum 1-foot above the 100-year flood profile and designed to withstand a 100-flood event;</del></p> <p>D. All construction-related equipment and vehicles shall be inspected daily and maintained as needed to ensure fluid leaks are minimized;</p> <p>E. Sufficient materials (absorbent pads) shall be on-site to facilitate spill clean-up; and,</p> <p>F. Materials contaminated by fluid leaks shall be removed from the asphalt plant site to a suitable handling/storage facility.</p>		
WR-3	Construction-related water production from the on-site well may adversely affect existing users of the Nipomo Mesa subarea of the Santa Maria Groundwater Basin.	3	No mitigation is required.	3
WR-4	Water production from the on-site well may adversely affect existing users of the Nipomo Mesa subarea and possibly the Santa Maria Valley subarea of the Santa Maria Groundwater Basin.	3	<p>A. Although the proposed project would have a less than significant impact on groundwater supply, because the asphalt plant utilize groundwater resources from the Nipomo Mesa sub-<del>basin</del><u>area</u>, the following water conservation measures shall be followed:</p> <ul style="list-style-type: none"> <li>• Implement a well-monitoring program for the proposed asphalt plant;</li> <li>• Undertake and implement a comprehensive water conservation program designed specifically to reduce the overall water demand from the asphalt plant; and,</li> <li>• Preparation of a landscape irrigation plan that specifies a drip irrigation system with automatic controllers and auto rain shut-off devices for achieving low volume, high efficiency irrigation.</li> </ul>	3

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		B. <del>Because the distance drawdown analysis was based on a 5,000-gallon water storage tank, and not an 180,000-gallon tank, as will be required by CDF/County Fire, prior to issuance of a building permit, the applicant shall conduct a distance drawdown analysis for the 180,000-gallon tank. If the findings of the analysis show potentially significant impacts on groundwater supply, the applicant shall implement the above-mentioned water conservation measures.</del>	
WR-5	The project-related increase in impervious surfaces may reduce recharge of the alluvial aquifer through reduced percolation of rainfall.	No mitigation is required.	3
WR-6	Overflow of the proposed storm water detention basin would concentrate storm run-off and result in erosion.	The detention basin outlet/overflow shall be piped to the bank of the Santa Maria River and provided with an energy dissipation structure to minimize erosion. The detention basin shall be designed to withstand a 100-year flood event. Prior to issuance of a Building permit, the applicant shall submit detailed specifications for review and approval on the design of the detention basin. The walls of the detention basin shall be designed and constructed a minimum 1-foot above the 100-year flood profile and designed to withstand a 100-flood event.	3
WR-7	Rainfall would percolate through lime-treated aggregate and potentially increase pH of groundwater and surface waters.	Lime-treated aggregate shall be stored on elevated concrete pads under shelters to prevent direct contact with rainfall, storm run-off and floodwaters. Such pads shall be constructed a minimum 1-foot above the 100-year flood profile and designed to withstand a 100-flood event.	3
WR-8	Operation of the proposed asphalt plant may generate contaminated storm water run-off to surface waters and result in exceedances of water quality objectives of the Water Quality Control Plan.	Prior to operation, the applicant shall prepare an industrial SWPPP for the proposed asphalt plant and submit a notice of intent to the SWRCB to comply with the General Industrial Storm Water Permit. All measures identified in the SWPPP and conditions of the General Permit shall be fully implemented.	3
WR-9	The proposed asphalt plant and other areas of the larger Project Area are located within the 100-year floodplain for Nipomo Creek and the Santa Maria	A. The project shall comply with the County Land Use Ordinance regulations relating to development within floodplains as stipulated in Section 22.14.060. The requirements include proof that the	3

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Impact	Impact Category	Mitigation Measures	Cumulative Impact
	River.	<p>proposed structures will not limit the capacity of the floodway or increase flooding heights downstream; new structures are required to be built with finish floors either one foot above the 100-year flood elevation or a minimum of two feet above surrounding finish grade; and,</p> <p>B. Mitigation Measures HAZ-3A and HAZ-3B shall be fully implemented to mitigate potential upsets of hazardous materials/waste storage areas during flood events.</p>	
WR-10	Ground disturbance associated with future industrial development within the LUO/LUE amendment area may result in storm water run-off to the Santa Maria River that may exceed water quality objectives.	<p>A. Prior to construction, the applicant(s), In compliance with the Land Use Ordinance, will prepare and implement a Sediment and Erosion Control Plan (SECP) for the proposed project. The SECP will include:</p> <ul style="list-style-type: none"> <li>• Slope surface stabilization measures, such as temporary mulching, seeding, and other suitable stabilization measures to protect exposed erodible areas during construction, and installation of earthen or paved interceptors and diversion at the top of cut of fill slopes where there is a potential for erosive surface runoff;</li> <li>• Erosion control devices, such as energy absorbing structures or devices, will be used, as necessary, to reduce the velocity of runoff water and related erosiveness;</li> <li>• Sedimentation control measures, such as straw dikes, mulches, vegetative sediment filters, dugout ponds, and other measures that reduce overland flow velocity, reduce run-off volume or entrap sediment;</li> <li>• Regular maintenance of all drainage devices and basins to ensure in good working order;</li> <li>• Check during 10-year and greater storm events to verify in good working order and appropriate remedial actions, if necessary;</li> <li>• Installation of mechanical and/or vegetative final erosion control</li> </ul>	3

**IMPACT CATEGORIES**

1	Significant and Unavoidable	3	Insignificant
2	Significant but Mitigable	4	Beneficial

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES  
BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact
		<p>measures within 30 days after completion of grading;</p> <ul style="list-style-type: none"> <li>• Confining land clearing and grading operations to the period between April 15 and October 15 to avoid the rainy season;</li> <li>• Minimizing the land area disturbed and the period of exposure to the shortest feasible time;</li> <li>• The SECP will be prepared in accordance with the Land Use Ordinance; and,</li> <li>• Install long-term drainage devices for site drainage, including headwalls, basins, culverts with down-drains and energy dissipating devices (riprap or diffusers).</li> </ul> <p>B. Prior to construction, In compliance with Section 22.52– Grading, the applicant(s) will prepare a grading plan for the project; and,</p> <p>C. Prior to initiation of construction activities, the applicant(s) will be required to comply with the Construction Storm Water General Permit, which is required for construction projects which will disturb more than one acre. Compliance with the General Permit includes filing a Notice of Intent with the State Water Resources Control Board to comply with the general permit, and preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP will be required to include provisions for the installation and maintenance of Best Management Practices (BMPs) to reduce the potential for erosion of disturbed soils at the Project Site. Additionally, construction activities associated with the construction of new facilities allowed under the land use designation changes for the larger Project Area will also be required to comply with the Construction Storm Water General Permit if ground disturbance will exceed one acre.</p>	
WR-11	Water demand of the LUO/LUE Amendment area may affect existing users of the Nipomo Mesa	Although the proposed LUO/LUE amendment would result in a reduction in water use, future development would utilize groundwater resources	3

**IMPACT CATEGORIES**

1	Significant and Unavoidable	3	Insignificant
2	Significant but Mitigable	4	Beneficial

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES  
BIORN CUP AND LUO/LUE AMENDMENT**

Impact	Impact Category	Mitigation Measures	Cumulative Impact
	subarea and possibly the Santa Maria Valley subarea of the Santa Maria Groundwater Basin.	<p>from the Nipomo Mesa sub-basin, which is currently considered to be in overdraft by several experts and in adjudication. As such, all future industrial development with the LUO/LUE amendment area must adhere to the following water conservation measures:</p> <ul style="list-style-type: none"> <li>• Implement a well-monitoring program for the proposed industrial development;</li> <li>• Undertake a comprehensive water quality assessment and develop a water quality-monitoring program for the proposed industrial development;</li> <li>• Undertake and implement a comprehensive water conservation program designed specifically to reduce the overall water demand from the industrial development; and,</li> <li>• Require landscape plans that include low water plant landscaping materials and drip irrigation systems with automatic controllers and auto rain shut-off devices. Landscape plans shall include the location and extent of permeable and impervious landscape materials, plant materials selected from the County's approved plant list, and an irrigation plan indicating the method for achieving low volume, high efficiency irrigation.</li> </ul>	
WR-12	Potential land uses allowed under the proposed industrial land use designation may involve wastewater discharges that may result in exceedances of the water quality objectives of the Central Coast Water Quality Control Plan.	Prior to operation, the applicant shall obtain a NPDES permit from the Regional Water Quality Control Board. The requirements of the Permit shall be fully implemented including waste discharge limitations, and monitoring and reporting requirements.	3

**IMPACT CATEGORIES**

1	Significant and Unavoidable	3	Insignificant
2	Significant but Mitigable	4	Beneficial

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## CHAPTER 3.0 PROJECT DESCRIPTION

### 3.1 INTRODUCTION

The project is considered to be two-fold, including: 1) a Land Use Ordinance/Land Use Element (LUO/LUE) Amendment; and 2) a concurrent Conditional Use Permit (CUP) request should the LUO/LUE amendment be approved. The proposed project includes the following (see Section 3.4.2 for detailed discussion):

Amendment of the South County Area Plan of the Land Use Element for the following:

- Changing the land use category of approximately 9.3 acres from Residential Suburban (RS) to Industrial (IND), which is the portion of RS directly below the Nipomo bluff top edge; and,
- Changing the land use category of approximately 44.7 acres from Commercial Service (CS) to IND.

A CUP for the development of the 14.5-acre portion of the area with the following:

- Construction and operation of a portable stand-alone asphaltic concrete plant capable of using recycled asphalt and concrete;
- Periodic operation of a portable lime system;
- Periodic operation of a portable asphaltic concrete recycling facility;
- Periodic operation of a portable rubberized asphaltic blending system that will be brought on-site on an as-needed basis; and,
- Production of a maximum of 400,000 tons of asphaltic concrete per year.

### 3.2 PROJECT LOCATION

The proposed project (project) is located within an unincorporated portion of southern San Luis Obispo County immediately north and adjacent to the Santa Maria River, and immediately west of the U.S. Highway 101/State Route 166 interchange. The proposed asphalt plant property is located at 2280 Hutton Road, approximately 1,000 feet south of Cuyama Lane, in the South County Planning Area. Refer to Figure 3-1 – Site Vicinity Map.

### 3.3 PURPOSE AND NEED

#### 3.3.1 Land Use Ordinance/Element Amendment

The Project would amend the County's Land Use Ordinance and Element to change the land use designation of approximately 54 acres within the South County Planning Area to meet the following objectives:

- 1) Allow for industrial-related land uses to take place within the approximately 44.7-acre area currently zoned as Commercial Service;
- 2) Allow for industrial-related land uses to take place within the approximately 9.3-acre area currently zoned as Residential Suburban; and,
- 3) Encourage better consistency of land use within the area below the bluff top edge, based on existing uses within the area.



### 3.3.2 CUP for Development of Asphalt Plant

Approval of the second component of the Project would result in the installation of a portable stand-alone asphaltic concrete plant, capable of using recycled asphalt products as required by Caltrans and other public agencies, and producing rubberized asphalt. The applicant's objectives of the project are as follows:

- 1) Allow for the installation and operation of a portable stand-alone asphaltic concrete plant with a capacity to produce 400,000 tons of asphaltic concrete per year using recycled asphalt products as required by Caltrans and other public agencies;
- 2) Provide a centrally-located facility to meet the local demand for asphaltic concrete;
- 3) Supply the community with high quality asphaltic concrete at a competitive price;
- 4) Divert recyclable materials from local sanitary landfills, including asphalt, concrete, rubble, and recycled rubber (e.g., tires) thereby extending County landfill capacity and longevity, and reducing the number of landfill related truck trips;
- 5) Provide local employment opportunities; and,
- 6) Realize an economic return on the capital investment of equipment and material.

### 3.4 PROJECT DESCRIPTION

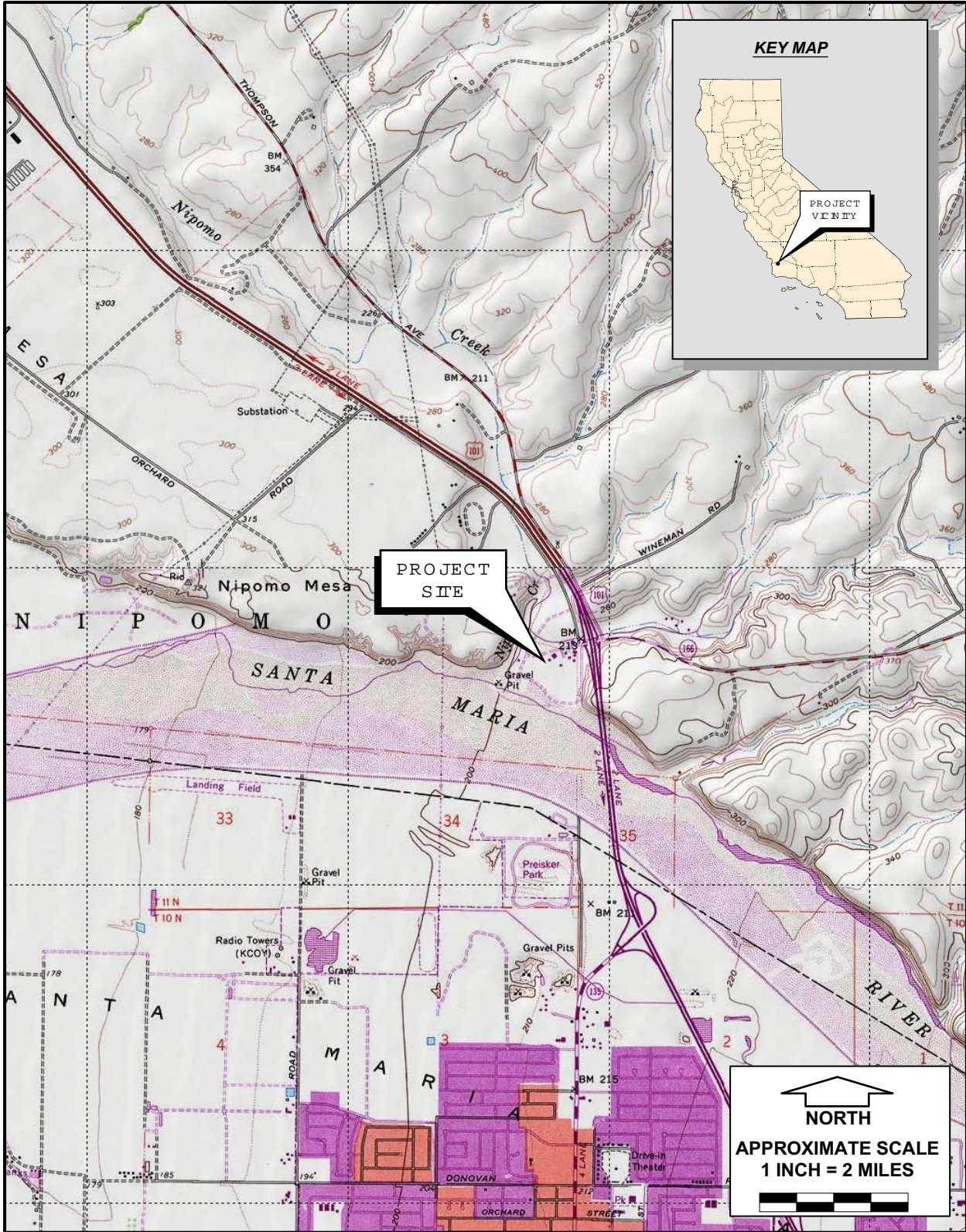
#### 3.4.1 Background

##### Parcels Affected by Land Use Ordinance Amendment

Table 3-1 lists the parcels (see Appendix C) that will be affected by the proposed General Plan Amendment to change the land use designations from Commercial Service and Residential Suburban to Industrial. Construction of the proposed asphalt plant will occur on parcel 090-341-033. Figure 3-2 shows the area affected by the land use ordinance amendment.

**Table 3-1. Parcel Information**

090-301-036 Troesh Family Trust PO Box 860 Santa Maria, CA 93456	090-302-003 Troesh Family Trust PO Box 860 Santa Maria, CA 93456	090-302-004 Burch Sharon I 155 Cuyama Lane Nipomo, CA 93444	090-302-005 Burch Sharon I 155 Cuyama Lane Nipomo, CA 93444	090-341-033 <i>(portion in CS &amp; RS only)</i> Biorn Geraldine M PO Box 5433 Santa Maria, CA 93456
090-302-006 Troesh Family Trust PO Box 860 Santa Maria, CA 93456	090-302-014 Troesh Family Trust PO Box 860 Santa Maria, CA 93456	090-302-015 Troesh Family Trust PO Box 860 Santa Maria, CA 93456	090-302-016 Troesh Family Trust PO Box 860 Santa Maria, CA 93456	
090-302-017 Troesh Family Trust PO Box 860 Santa Maria, CA 93456	090-302-023 Nelson Raymond W PO Box 5433 Santa Maria, CA 93456	090-302-026 Biorn Geraldine M PO Box 5433 Santa Maria, CA 93456	090-302-031 Fae Company 3645 Long Beach Blvd Long Beach, CA 90807	
090-302-034 Lorencz Dale K 1465 Mercer Ct. Orcutt, CA 93455	090-302-035 Lorencz Dale K 1465 Mercer Ct. Orcutt, CA 93455	090-341-002 <i>(portion in CS only)</i> Biorn Geraldine M PO Box 5433 Santa Maria, CA 93456	090-341-023 <i>(portion in CS only)</i> Biorn Geraldine M PO Box 5433 Santa Maria, CA 93456	



Source: TOPO! c 2001 National Geographic Holdings (www.topo.com)

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Basemap Source: County of San Luis Obispo



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### **Parcel Information for the Proposed Asphalt Plant**

Existing uses on this parcel include a concrete and asphalt recycling facility, ready-mixed concrete plant, and a sand and gravel mine operated under Development Plan No. D940084D, approved July 13, 1995 under Resolution No. 95-63. To allow for development of the asphaltic concrete plant, it will be necessary for the operator of Development Plan No. D940084D to relocate and consolidate some of that project's components to a more westerly location on the same parcel. This consolidation will serve to provide separation between the two project sites and will allow the development of the Project to begin within an essentially undeveloped area. Refer to Figure 3-2 for the general location and Figure 3-3 for the site layout of the asphalt plant.

### **Background - Asphaltic Concrete and Types of Plants**

Asphaltic concrete is a mixture of size-graded, high quality aggregate and asphaltic oil, which is heated and mixed in measured quantities to produce asphaltic concrete. The Project will use reclaimed asphalt pavement (RAP) to supplement aggregate. Aggregate and RAP (when used) constitute over 92 percent by weight of the total mixture. Mix characteristics are determined by the relative amounts and types of aggregate and RAP used. A certain percentage of fine aggregate is required for the production of good quality asphaltic concrete.

An asphaltic concrete plant can be constructed as a permanent plant, a skid-mounted plant, or a portable plant on wheels. Virtually all plants manufactured today have RAP processing capability. In addition, plants can be fitted with the capability of utilizing ground crumb rubber, produced from recycled tires, to manufacture rubberized asphaltic concrete. Most plants have the capability to use either gaseous fuels (natural gas) or fuel oil. Based upon the United States Department of Energy and limited State inventory information, between 70 and 90 percent of the asphaltic concrete is produced using natural gas as the fuel to dry and heat the aggregate and asphaltic oil.

### **3.4.2 Proposed Project**

#### **Land Use Ordinance Amendment**

Figure 3-2 shows the proposed land use changes. Table 3-2 lists the allowable land uses by land use category. As listed in the table, the proposed Land Use Ordinance Amendment would change the land uses allowable for both the 9.3-acre area below the bluff top edge currently classified as RS and the 44.7-acre area currently classified as CS.

Given certain development constraints within the 54-acre area, namely the Nipomo Mesa bluff face, Nipomo Creek and Santa Maria River, approximate useable acreage is estimated to be about 50 acres. Section 5.0 provides a summary of the approach to how impacts associated with the Land Use Ordinance Amendment were determined.

**Table 3-2 Allowable Land Uses by Land Use Category**

Land Use Type	Allowable		
	CS	IND	RS
Ag Processing	X	X	
Agricultural Accessory Structures	X	X	X
Animal Facilities - Specialized, except as follows	X	X	X
Animal hospitals & veterinary medical facilities	X	X	
Beef and dairy feedlots		X	
Fowl and poultry ranches		X	X
Hog ranches		X	
Horse ranches and other equestrian facilities	X	X	X
Kennels (6)	X	X	X
Zoos - Private, no display open to public	X	X	
Zoos - Open to public			
Animal Keeping	X	X	X
Crop Production and Grazing	X	X	X
Electricity generation - Except WECF	X	X	
Electricity generation - Wind energy conversion	X	X	
Nursery Specialties	X	X	X
Petroleum Extraction	X	X	X
Apparel Products	X	X	
Chemical Products Manufacturing		X	
Corrosive, Toxic, Explosive & Gaseous Product		X	
Concrete, Gypsum & Plaster Products	X	X	
Electronics, Equipment & Appliances	X	X	
Food and Beverage Products	X	X	
Furniture & Fixture Products, Cabinet Shops	X	X	
Glass Products		X	
Lumber & Wood Products		X	
Machinery Manufacturing		X	
Metal Industries, Fabricated	X	X	
Metal Industries, Primary		X	
Motor Vehicles & Transportation Equipment		X	
Paper Products		X	
Paving Materials (including asphalt)		X	
Petroleum Refining & Related Industries		X	
Plastics and Rubber Products		X	
Printing and Publishing	X	X	
Recycling - Collection stations	X	X	X
Recycling - Scrap & dismantling yards	X	X	
Small Scale Manufacturing	X	X	
Stone & Cut Stone Products	X	X	
Structural Clay & Pottery-Related Products		X	
Textile Products		X	
Warehousing, Wholesaling & Distribution	X	X	
Clubs, Lodges, and Private Meeting Halls	X	X	
Indoor Amusement & Recreation Facilities	X		

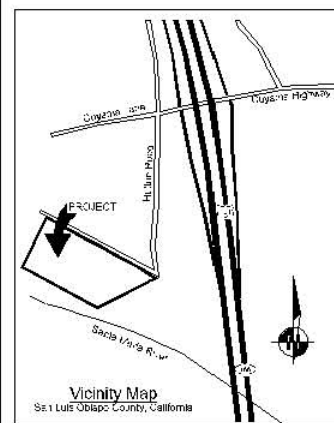
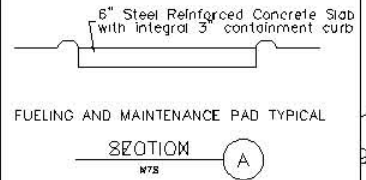
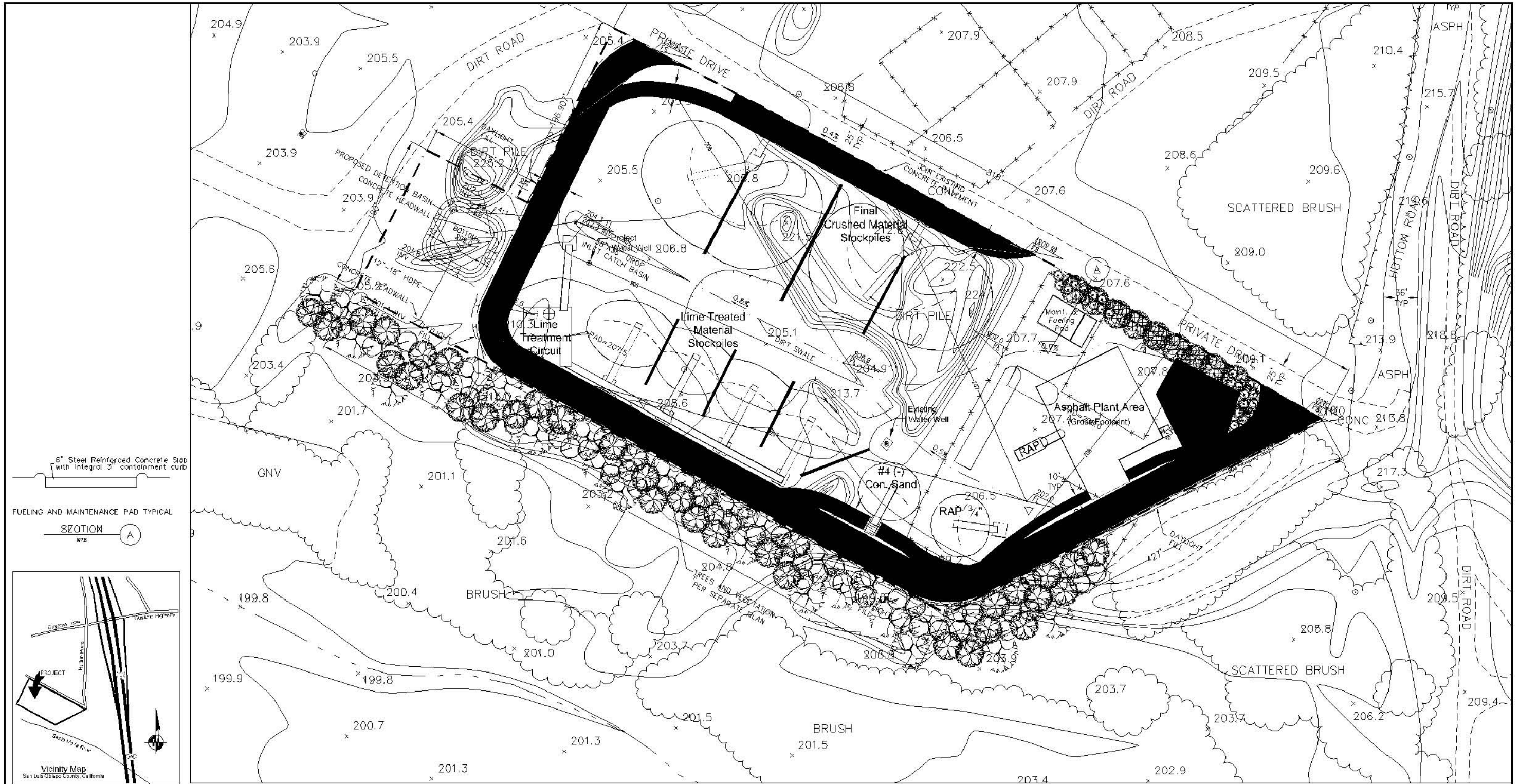
Land Use Type	Allowable		
	CS	IND	RS
Marinas	X		
Outdoor Sports and Recreational Facilities			
Amusement Parks	X		
Golf Driving Ranges	X		X
Outdoor Athletic Facilities	X		X
Public Parks and Playgrounds	X		X
Recreation Equipment Rental - Motorized	X		
Recreation Equipment Rental - Non-motorized	X		
Swim and Racquet Clubs	X		X
Swim and Racquet Clubs with spectator facilities	X		X
Swimming Pools (public or membership)			
Public Assembly & Entertainment Facilities	X		
Religious Facilities	X		X
Schools - Specialized Education & Training	X	X	X
Sports Assembly	X	X	
Temporary Events	X	X	
Caretaker Quarters	X	X	
Home Occupations	X	X	
Residential Accessory Uses	X	X	
Temporary Construction Trailer Parks		X	
Temporary Dwellings	X	X	
Auto, Mobile Home & Vehicle Dealers - Indoor	X	X	
Auto, Mobile Home & Vehicle Dealers - Outdoor	X	X	
Automobile Service Stations/Gas Stations	X	X	
Building Materials and Hardware	X	X	
with retail "ready-mix" concrete sales	X	X	
Convenience & Liquor Stores	X	X	
Farm Equipment & Supplies Sales	X	X	
Fuel Dealers	X	X	
Furniture, Home Furnishings & Equipment	X		
General Retail	X		
Grocery Stores	X	X	X
Mail Order & Vending	X	X	
Outdoor Retail Sales	X	X	
Restaurants	X	X	X
Sales Lots	X	X	
Swap Meets	X	X	
Auto & Vehicle Repair & Service	X	X	
Business Support Services	X	X	
Car wash - Full Service	X	X	
Car wash - Self-Service	X	X	
Construction Contractors		X	
Consumer Product Repair Services		X	
Correctional Institutions	X		
Health Care Services	X		



Land Use Type	Allowable		
	CS	IND	RS
Child Day Care			X
Residential Care			X
Secondary Residences			X
Single Family Dwelling			X
Laundries & Dry Cleaning Plants	X	X	
Lodging - Bed & Breakfast Inns, 3 or fewer units	X		X
Lodging - Bed & Breakfast Inns, 4 or more units	X		X
Lodging - Homestays			X
Lodging - Hotels & Motels, 39 or fewer units	X		
Lodging - Hotels & Motels, 40 or more units	X		
Lodging - Hotels & Motels, condominium	X		
Lodging - Recreational Vehicle Parks	X		
Offices	X	X	
Offices - Temporary during construction	X	X	X
Offices - Temporary in advance of construction	X	X	X
Personal Services	X		
Public Safety Facilities	X	X	X
Social Service Organizations	X	X	
Storage - Accessory	X	X	X
Storage - Outdoor Storage Yards	X	X	
Temporary Construction Yards (Off-Site)	X		X
Waste Disposal Sites		X	
Airfields & Heliports	X	X	
Broadcasting Studios	X	X	
Communications Facilities	X	X	
Wireless Communication Facilities	X	X	
Pipelines & Transmission Lines	X	X	X
Public Utility Facilities	X	X	X
Transit Stations & Terminals	X	X	X
Truck Stops	X	X	
Vehicle & Freight Terminals	X	X	
Vehicle Storage	X	X	

**CUP for Development of Asphalt Plant**

The project would consist of two phases: (1) Construction Phase, and (2) Operational Phase. The property owner proposes to install and use a portable asphaltic concrete plant, capable of utilizing both recycled asphalt products and ground crumb rubber.



<b>LEGEND:</b> 		Base Topography by RBF Consulting, 11/12/02  SCALE IN FEET		SITE PLAN PROPOSED PERMIT BOUNDARY AND SITE DETAILS N. POMO ASPHALT PLANT A.J. DIANI CONSTRUCTION COMPANY, INC. (SAN LUIS OBISPO COUNTY, CALIFORNIA)
PROJECT: AJD140-001-03 DRAWN BY: DSM/BAJ APPROVED BY: IE/JM		DATE: 1/24/05 DATE: 1/24/05		REVISION: 4/25/05 PRINTED: 4/25/05 SCALE: As Shown

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## Asphalt Plant Description

The plant will consist of an ALmix Model 10032 “CF” Drying Drum with Baghouse and 7214 Mixing Drum. A combination of the “continuous mix” and “counterflow drum mix” processes (see Appendix D for description of these processes) will be used to generate the product. Aggregate is introduced into the Drying Drum at the end opposite the burner. As the drum rotates, aggregates will be mixed and hot air blown in a direction “counter” to the aggregate’s movement through the Drying Drum. Hot dry aggregate will then be transferred to the adjacent Mixing Drum to be blended with pre-heated asphaltic oil to form asphaltic concrete. The resulting asphaltic concrete mixture will then be discharged at the end of the Mixing Drum and conveyed to one of two 180-ton heated storage silos for loading into transport trucks.

When recycled asphalt product is being used, the materials will be mixed with the aggregate at the end of the Drying Drum. The mixture is then transferred to the Mixing Drum where asphaltic oil is introduced.

When rubberized asphaltic concrete (RAC) is being produced, ground crumb rubber will be blended with pre-heated asphaltic oil that is pumped into a point approximately midway in the mixing drum unit where it will be mixed with the hot, dry aggregate that has just come from the drying drum.

## Production Capacity and Proposed Operation

The property owner is requesting a CUP to produce a maximum of 400,000 tons of asphaltic concrete per year. Maximum Annual Production Capacity of the plant is the upper limit of the production the plant can be operated at. Table 3-43 summarizes the expected asphalt production capacity for the site.

The average, as described below, is intended to represent a production ceiling over the course of any given 12 month period. This would provide the operator the flexibility to increase production (up to Peak/Maximum levels) as needed to respond to changes in the market. The operator will employ a process of record keeping and cross-checking against a rolling average. This rolling average will add the most recent monthly production to that of the preceding 11 months, the sum of which at no time would exceed 400,000 tons for the 12-month period being represented. In practice, this would mean “lean” production months would serve as a “bank” from which higher production months may be drawn. Conversely, higher production months would be followed by months of reduced production levels to keep the rolling average within the prescribed annual limit. Higher than “average” production levels may also be required after natural disasters have occurred, such as earthquakes or floods.

The Project is defined herein as including the following:

- An “Average Annual Production Level” based on the anticipated market conditions. During the proposed normal operating schedule (i.e., 20 hours per day, 303 days per year), an “Average Hourly Production Level” of 66 tons per hour, and the resulting “Average Daily Production Level” of 1,320 tons per day can be anticipated;
- A “Peak Daily Production Level” may be necessary to respond to brief periods of high demand. At other times, the Project will operate at the noted “Average Daily Production Level” to respond to expected demand; and,

- A “Peak Hourly Production Level” may be necessary to respond to brief periods of high demand. At other times, the Project will operate at the noted “Average Hourly Production Level” to respond to expected demand.

According to the applicant, the 20-hour operating day noted above is due to the contract requirements of state, federal and some counties that require nighttime paving to avoid daytime commuter and truck traffic.

The actual production level will vary with the demand for asphaltic concrete and the downtime needed to affect repair and maintenance.

**Table 3-3. Expected Asphalt Production Capacity**

Scenario	Units	Production (Outbound)
Maximum Annual	tons/yr	400,000
Peak Daily	tons/day	6,000
Average Daily	tons/day	1,320
Peak Hourly	tons/hr	350
Average Hourly	tons/hr	66

Vehicle miles traveled associated with delivery of raw materials to the site for asphalt production are presented in Table 3-5 for both the Peak Daily and Average Daily levels of production. Peak Daily production will normally be associated with nighttime paving contracts. As such, Peak Daily production does not usually coincide with Peak Daily deliveries of aggregate.

**Table 3-4. Raw Materials Deliveries**

Scenario	Units	Aggregate	Asphaltic Oil
Peak Daily	tons/day	5,640 VMT	360 VMT
Average Daily	tons/day	1,241 VMT	79 VMT

**Hours and Days of Operation and Employment**

The applicant proposes to operate two 10-hour shifts per day, between 6:00 AM and 4:00 PM, and between 7:00 PM and 5:00 AM, Monday through Saturday. Nine (9) holidays per year are scheduled and the Project will operate 303 days/year. Truck traffic will normally occur in two 8-hour shifts, between 7:00 AM and 3:00 PM, and between 8:00 PM and 4:00 AM. Each shift will employ six people. There will be no operations on Sunday, except for occasional maintenance and repair activities.

Nighttime operations are proposed for a maximum 80 days per calendar year and will be limited to government public works projects, or projects that result from a natural emergency (earthquake, flood, etc.).

**Project Generated Traffic**

Truck traffic related to the asphalt plant is summarized in Tables 3-6. The truck traffic primarily consists of outbound asphaltic concrete and inbound aggregate and asphaltic oil transport. The asphalt plant will include a minor amount of vehicular traffic associated with vehicle fueling and maintenance (a daily service truck), and periodic garbage collection, landscape maintenance, housekeeping service (e.g., restroom maintenance).

**Table 3-5. Incoming and Outgoing Deliveries**

Scenario	# of Outgoing Product Deliveries	# of Incoming Materials Deliveries <sup>1</sup>	# of Incoming Asphaltic Oil Deliveries	# Total Deliveries <sup>2</sup>
Peak Daily	240	216	14	470
Average Daily	53	45	3	101

<sup>1</sup> Includes deliveries of aggregate, RAP, ground crumb rubber, hydrated lime, and other materials. Trips are net of sand deliveries from the adjacent project site.

<sup>2</sup> Refer to Table 3-7 regarding total one-way truck trips.

An average round-trip travel distance of 30 miles is used to determine vehicle miles traveled (VMT) for the raw materials delivery trucks shown in Table 3-5. As shown in Table 5.3-4, assumed travel distances for asphalt are 23.3 miles (south, north, and east). Aggregate materials deliveries are expected to originate from permitted sources along the following routes:

- 90% along Foxen Canyon Road (formerly State Route 176) from the east - 15 miles average one-way; and
- 10% from an adjacent project – no travel distance.

The proposed average and peak daily truck trips are presented in Table 3-76 (Monday through Friday) and Table 3-87 (Saturday). The Applicant proposes that Saturday plant production and the number of one-way truck trips be half that of a weekday, by operating a day shift only. Only one work shift will be utilized. No intermittent use of subcontractor personnel is anticipated.

**Table 3-6. Proposed One-Way Vehicle Trips, Monday – Friday**

	Average Daily	Peak Daily
<b>Truck Trips</b>		
Production (Outbound)	53	240
Aggregate (Inbound)	45	216
Asphaltic Oil (Inbound)	3	14
TOTAL DELIVERIES	101	470
TOTAL RETURNS	101	470
<b>Employee Vehicle Trips</b>		
TOTAL INCOMING	12	12
TOTAL OUTGOING	12	12

TOTAL DAILY (M-F)	226	964
-------------------	-----	-----

Peak daily production will normally be associated with nighttime paving contracts, which usually will not coincide with peak daily deliveries of aggregate.

**Water Source and Use**

There are two wells on the 14.5-acre site. One well currently provides water to the adjacent Nipomo Community Services District, and will continue to do so. The other will provide water for plant operations, which will be used primarily for dust control, maintenance of landscaping, and restroom facilities. To produce a maximum of 400,000 tons of asphaltic concrete per year, water consumption is estimated to be 3.02 million gallons per year (9.25 acre-feet per year), plus an additional 0.55 million gallons per year (1.67 acre-feet per year) for landscape irrigation. Water conservation measures will be incorporated throughout the Project, including a drip irrigation system for landscaping. On a daily basis, the Project is estimated to use 10,000 gallons per operating day, plus an average of 1,500 gallons per day for landscape irrigation. As landscaping becomes established, water used for irrigation will be reduced. A 5,000 gallon water storage tank will be installed. The landscape plan is shown in Figure 3-4.

**Table 3-7. Proposed One-Way Vehicle Trips, Saturday**

	Average Daily	Peak Daily
<b>Truck Trips</b>		
Production (Outbound)	27	120
Aggregate (Inbound)	23	108
Asphaltic Oil (Inbound)	2	7
TOTAL DELIVERIES	52	235
TOTAL RETURNS	52	235
<b>Employee Vehicle Trips</b>		
TOTAL INCOMING	6	6
TOTAL OUTGOING	6	6
TOTAL DAILY (SAT)	116	482

**Waste Water Disposal**

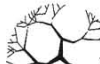




The Project will include a restroom and an individual onsite septic system.

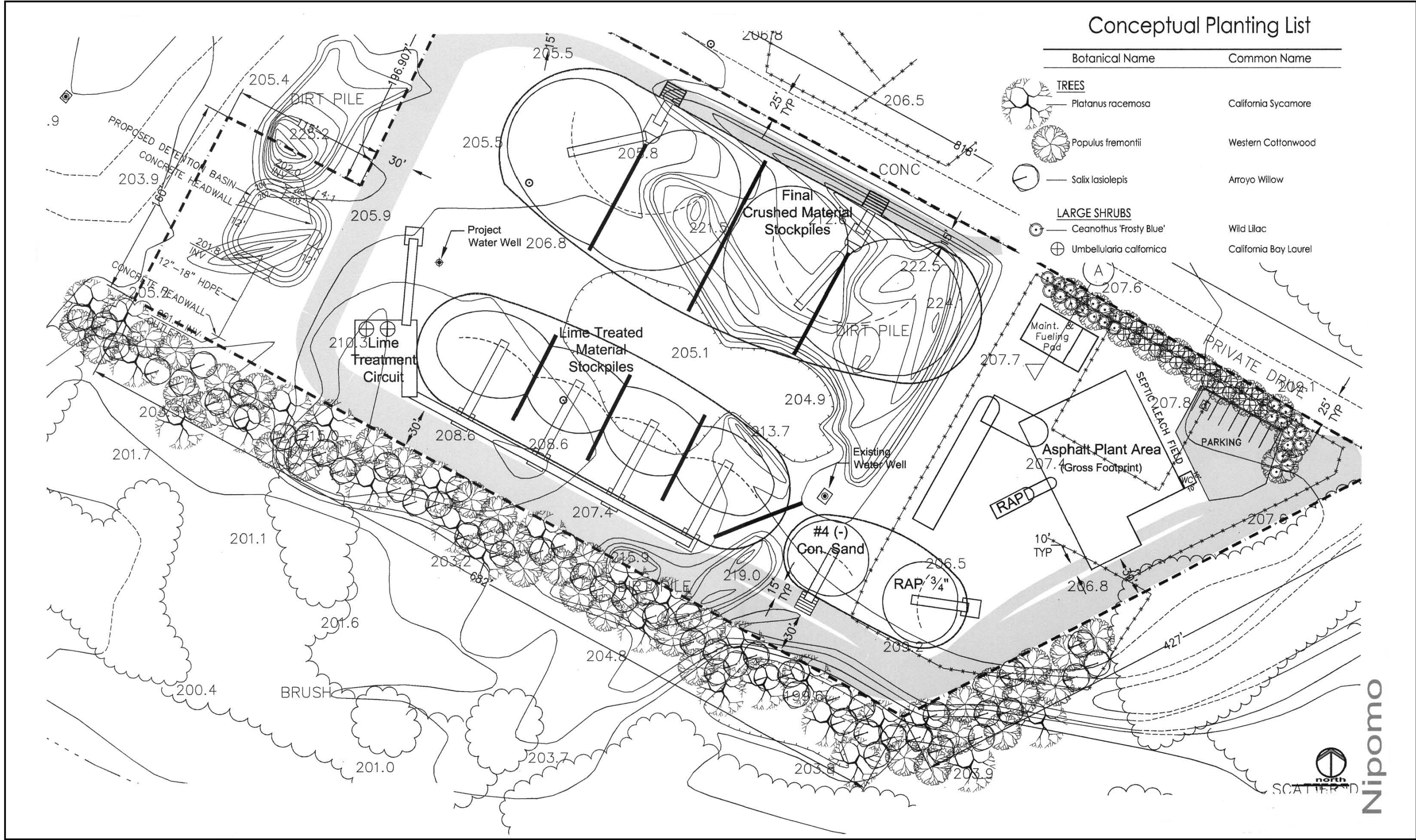
**Nighttime Lighting**

The asphaltic concrete plant operation will require night operations and security. The most potentially-significant visible light sources would be light poles within the stockpile areas to provide the light needed for loader operators to work these piles. Light poles are proposed to be as high as 45 feet. These lights are proposed to be hooded and directional oriented down and into the development to keep light from affecting passing motorists on U.S. Highway 101 and the residential community located south of the project site in Santa Maria. The lights will be fitted with low intensity amber bulbs, hooded and directed downward.



### Conceptual Planting List

Botanical Name	Common Name
<b>TREES</b>	
 Platanus racemosa	California Sycamore
 Populus fremontii	Western Cottonwood
 Salix lasiolepis	Arroyo Willow
<b>LARGE SHRUBS</b>	
 Ceanothus 'Frosty Blue'	Wild Lilac
 Umbellularia californica	California Bay Laurel



Source: RRM Design Group



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## Dust Control

A water truck would be on-site at all times to apply water for dust control.

## **Administration and Security**

The plant will include a Control Room and Scale House (dispatch operations) for normal everyday business. Trucks leaving the Project are weighed and “trip ticketed” at the truck scale. Nighttime and weekend security will be provided by perimeter fencing, automated gates, and video surveillance.

## **Asphaltic Concrete Processing**

Appendix D provides a discussion and photos of a typical asphalt processing plant. The Project will utilize a configuration similar to the one described.

## **Recycled Asphalt Products (RAP)**

The Project includes RAP processing, which is expected to be used more frequently in the future as Caltrans and other public works agencies move more fully into resurfacing projects with specifications calling for RAP sourced asphaltic concrete. When RAP is used to produce asphaltic concrete, truck trips will be reduced correspondingly because RAP will be obtained from the adjacent RAP processing facility permitted (Development Plan D940084D), approved July 13, 1995 under Resolution No. 95-63. Because the use of RAP material is difficult to forecast, the associated reduction in the number of incoming in the Peak Daily trips has not been factored into Table 3-~~9-6~~ above.

## **Rubberized Asphaltic Concrete (RAC)**

The Project includes the use of ground crumb rubber, produced from recycled tires, to manufacture RAC. The degree to which this occurs will be a direct function of market demand. Truck trips associated with ground crumb rubber deliveries will not result in an increase in the totals noted above in Table 3-~~9-6~~.

## **Lime Treatment Process**

Occasionally, the specifications for asphaltic concrete calls for the use of lime treated aggregate. This requires that aggregate bathe in a lime slurry blend, which then “marinates” in separate lime-treated material stockpiles. The Plant will utilize a process involving the use of an Excel Slurry Blend System (Excel Machinery Ltd.). The process begins at the slurry plant, where hydrated lime and water are combined to form a lime slurry. The slurry is stored in a 631-gallon agitation tank and pumped to the mixing plant by means of a 3-inch slurry pump.

## **Facilities and Ancillary Facilities/Plant Components**

The following list the permanent and temporary components.

The ALmix plant (permanent) includes the following:

- ALmix dual-drum continuous mix asphaltic concrete plant consisting of:
  - ± Hauck Eco-Star II 100 million BTU/hr natural gas fired, low NOx burner - permanent

~~2-~~ Two 20,000 gallon asphaltic oil storage tanks, each with a two million BTU/hr hot oil heater - permanent

~~3-~~ Two 180 ton capacity, 69 foot tall silos for storage prior to load-out - permanent

~~4-~~ Drag conveyor (elevator) - permanent

- Blue Smoke Control (six-stage filtration system) - permanent
- Drying drum - permanent
- Mixing drum - permanent
- Baghouse (56,000 cubic feet per minute) - permanent
- Dust return screw - permanent
- Asphaltic concrete oil heater tank (1,000 gallons) - permanent
- Control house and switchgear (van) - permanent
- Scale house, 80-foot scale and dispatch operations building - permanent
- 24" cross drag - permanent
- Lighting associated with the scale house and the asphaltic concrete plant - permanent

Ancillary facilities/Project components include the following:

- Diesel fuel fired backup generators, including two (2) 600 kW and one (1) 150 kW generators - permanent
- Drive-over dumps where materials are deposited from aggregate trucks, then conveyed onto one of four stockpiles within the final crushed rock stockpiling circuit - permanent
- Two Caterpillar 980G - 300-horsepower wheeled loaders - permanent
- One Caterpillar 906 - 60-horsepower bobcat loader (used 25 percent of the time) - permanent
- Fueling and Maintenance Area (a concrete slab with secondary containment berm) and sign stating: "All Equipment and Vehicle Fueling, and Routine Equipment Maintenance and Repair Must Be Performed Here" - permanent
- Hazardous Materials Storage, with secondary containment, located adjacent to the Fueling and Maintenance Area - permanent
- 12 aggregate conveyors - permanent
- 8,000-gallon portable propane tank (occasionally) - permanent
- Five-bin cold feeder system - permanent
- 30" cold feed conveyor - permanent
- 5' x 10' scalping screen - permanent

- Welding service truck - permanent
- Maintenance truck - permanent
- Fuel service truck (vehicles will be serviced on a bermed concrete pad) - permanent
- Reclaimed asphalt pavement (RAP) stockpiles (unprocessed and processed) - permanent
- RAP feeder bin - permanent
- 30" RAP feed conveyor - permanent
- Portable lime treatment system with silo and two hydrated lime storage guppies - temporary (not more that 20 days per year)
- Lime treated material stockpiles and lime treatment circuit - temporary (not more that 20 days per year)
- Portable rubberized asphalt system - temporary (not more that 20 days per year)
- 5,000-gallon water storage tank - permanent
- Storm water detention basin - permanent
- Two storage trailers (i.e., vans) - permanent
- Entrance sign and onsite signs for safety and traffic direction - permanent
- Interior asphaltic concrete road system, including the access route into Project - permanent
- Directional hooded lighting (five poles) (refer to Nighttime Lighting discussion) - permanent
- Restroom and individual onsite septic system - permanent
- Parking spaces for 8 automobiles, plus one handicapped - permanent

**Onsite Materials**

Chemicals delivered to/stored onsite at one time will include the following:

<u>Chemical</u>	<u>Quantity</u>	<u>Chemical Family</u>
Asphaltic Oil	40,000 gallons	petroleum hydrocarbon
Liquid propane (emergency)	1,000-1,500 gallons	gaseous hydrocarbon
RHEOMIX 235	275 gallons	aqueous emulsion of synthetic oils
76 Guardol QLT 15W-40	2 x 55 gallons	petroleum hydrocarbon
Hydraulic Oil AW 46	2 x 55 gallons	petroleum hydrocarbon
Waste Motor Oil	55 gallons	petroleum hydrocarbon
Acetylene	2 x 420 cu.ft.	acetylene gas
Grease	3 x 35 gallons	petroleum hydrocarbon

Oxygen	2 x 420 cu.ft.	oxygen gas
Hydrated Lime (silo, two guppies)	100 tons	alkaline earth hydroxide

### 3.5 CONSTRUCTION CONSIDERATIONS

#### 3.5.1 Schedule of Completion

Construction would begin upon approval of the project and would take approximately 9 months. Construction is proposed to occur during four 10-hr days each week from 7:00 A.M. to 5:00 P.M.

#### 3.5.2 Order of Construction

Construction would be performed in three phases: (1) Site Preparation, (2) Plant Erection, and (3) Site Finish. Ready mixed concrete and aggregate base will be provided by the adjacent concrete processing operation. Water will be provided by the onsite well. A water truck will apply water for dust control.

##### Site Preparation

The existing Troesh concrete batch plant, while on the same assessor parcel, is not on the proposed project parcel and will remain. The stockpiles of recyclable asphalt and concrete associated with the recycling plant operated by Troesh Ready Mix, Inc. will be moved to a new location within their existing permit boundary.

The current onsite operations will need to be moved prior to construction of the proposed plant. To accomplish this, the applicant will remove existing buildings and rubble and perform minor re-grading. Once this is completed, the applicant then will re-grade and prepare the area to conform to application configuration, including drainage control. The total amount of material to be excavated or graded during construction is approximately 500± cubic yards. This material will be balanced onsite, and no material will be added to or removed from the site. The stockpile area will be used for equipment staging.

##### Plant Erection

Initial “laydown” of plant components and appurtenances within the stockpile area will take approximately 5 months.

##### Site Finish

Completion of the construction activities will involve roadwork, and paving the storage and parking area. Equipment to be used will include motor graders, water trucks, rollers, pavers, skip loaders, and trucks.

#### 3.5.3 Structures

The taller aspects of the Project include the silos (69 feet), hooded-directional light poles (45 feet), Lime Treatment Plant silo (up to 35 feet), and Control Room (single story, usually installed atop a 5' to 6' foot concrete block wall).

## **CHAPTER 4.0 LAND USE POLICY CONSISTENCY**

This chapter is intended to provide the reader with background information regarding the general community setting of the proposed project, as well as information concerning the current land uses, proposed land uses, and land use policies in the vicinity of the project site. Section 15125 of the CEQA Guidelines states that “the EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans.”

To analyze land use consistency and land use impacts, the following approach was employed: (1) the proposed project was reviewed relative to the land use assumptions, policies and designations of the South County Inland Area Plan Land Use and Circulation Elements, San Luis Obispo County Framework for Planning (Inland), San Luis Obispo Agriculture & Open Space Element, and the San Luis Obispo County Land Use Ordinance, and (2) the proposed project and alternatives were reviewed for any potential conflicts between existing and proposed land uses in the vicinity.

In some instances, a plan or land use inconsistency may also pose environmental consequences, such as impacts on sensitive habitats. In these cases, the environmental consequences of the proposed project are identified in this chapter, but discussed in greater detail in the specific chapter of this EIR that focuses on that issue.

### **4.1 PHYSICAL SETTING**

#### **4.1.1 Regional Setting**

The project vicinity is located near the southern boundary of San Luis Obispo County at a low elevation along the Santa Maria River bed and along Highway 101. The location of the site is a primary gateway into San Luis Obispo County and is visible from Highway 101. It is within the South County Planning Area, which encompasses approximately 82,000 acres (128 square miles) in the rapidly growing southwestern portion of the county. This area extends to:

- The urban boundaries of the Five Cities to the north;
- The coastal mountain range to the east;
- The Santa Maria River to the south; and,
- The coastal zone boundary along Highway 1 and the Union Pacific Railroad to the west.

The South County Planning Area and the project boundary are shown on Figure 4-1. The project site is located outside of an urban or village reserve line.

#### **4.1.2 Site Characteristics**

The project area’s topography ranges from nearly level to very steeply sloping bluffs. Portions of the area are within the 100-year flood zone. The western edge of the site includes the highly erosive Nipomo Mesa bluff. The upper portions of the site drain directly into the Santa Maria River while the remaining are drained by Nipomo Creek, which runs north-south into the Santa Maria River. The project area is directly north of the Santa Maria River, which is within the Agriculture land use category (and includes surface mining operations). No agricultural uses have been observed within this portion of the river. Properties to the east of the project site

across Highway 101 are also designated Agriculture and are primarily used for cattle grazing. No recent agricultural activity is known to have occurred on the subject properties. The agricultural fields of Santa Maria valley to the west are served by the same groundwater basin (Santa Maria) as the proposed project.

Overall, the project site encompasses five generalized vegetative communities: Mixed Willow Series, Coyote Brush Series, Riparian Scrub, Eucalyptus Series, Ornamental, and Ruderal (disturbed) habitat.

## 4.2 LAND USES IN THE AREA OF IMPACT

The project area comprises a total of approximately 54 acres. The existing land use designations of the site include Residential Suburban (RS) (9.3 acres) and Commercial Service (CS) (44.7 acres). The existing uses within the LUO/LUE amendment area include: scattered commercial buildings, an old farmhouse, a variety of heavy equipment and portable buildings, stockpiles of recycled asphalt and concrete, and an existing concrete batch plant and recycling operations. The latter involves material stockpiles, silos, and equipment that are comparable to those of the proposed asphaltic concrete plant. The preferred alternative would involve changing the zoning of both the 9.3-acre area and 44.7-acre area to Industrial (IND) and construction of an asphalt plant at the existing ~~concrete batch~~concrete and asphalt recycling plant site operation (the ~~concrete batch plant~~concrete and asphalt recycling operation would be moved to an adjacent parcel).

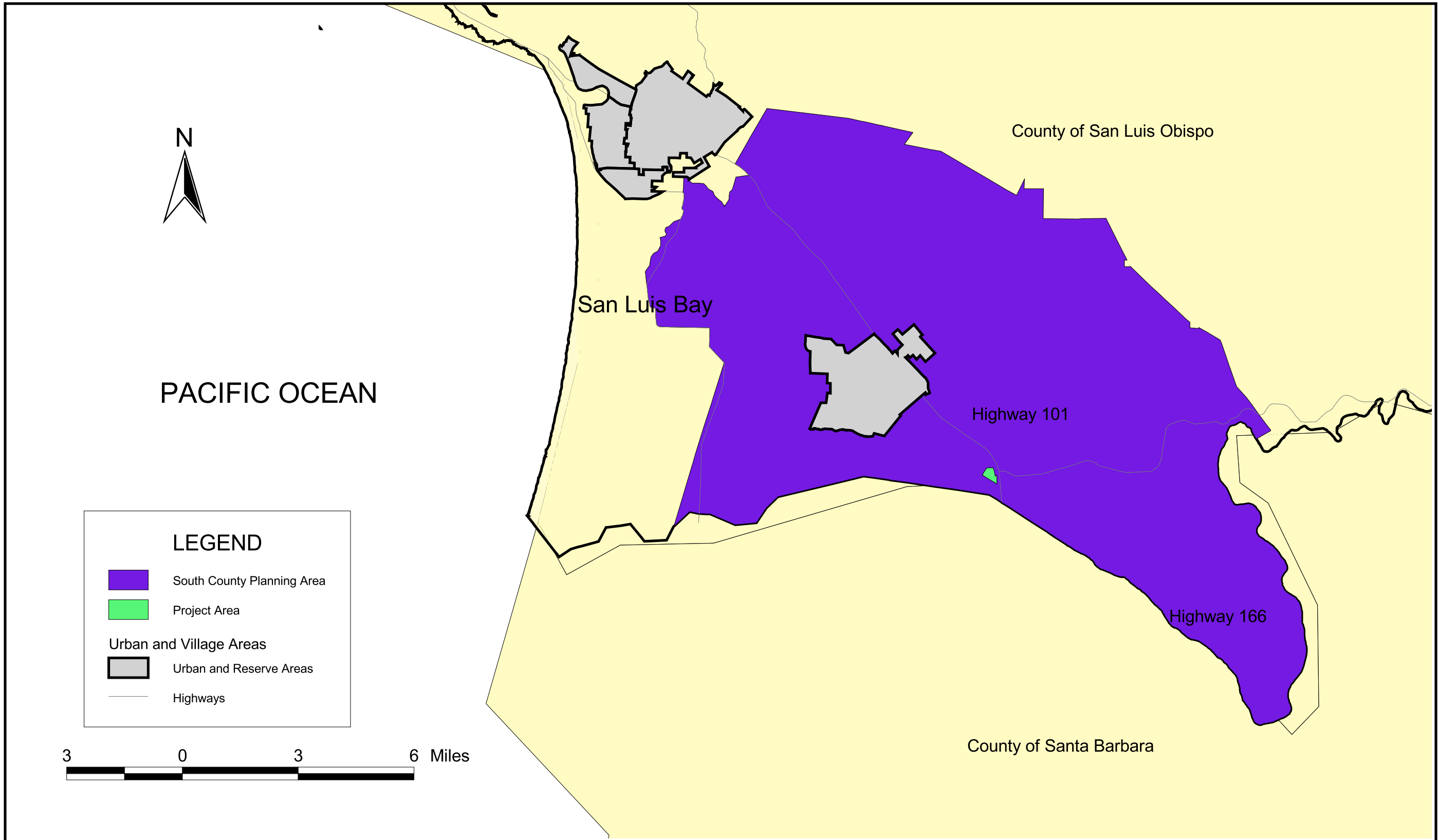
## 4.3 ADOPTED PLANS AND POLICIES GOVERNING THE AREA

The approximately 54-acre project area is regulated under the San Luis Obispo County General Plan (General Plan) and the associated Land Use Ordinance. The land use impacts of the project are evaluated in terms of the project's consistency with County planning documents: (1) the General Plan Land Use Element and the Agricultural and Open Space Element, and (2) the Land Use Ordinance. Other elements of the General Plan are addressed in the relevant corresponding sections of the EIR (i.e., the Noise Element of General Plan is addressed in Section 5.8).

### 4.3.1 San Luis Obispo County General Plan

State law requires that the County have a General Plan with goals, policies, and programs that regulate the use of land in the unincorporated areas of the County. The San Luis Obispo County General Plan governs land use within unincorporated communities and surrounding areas. The plan is composed of several parts or elements:

- Land Use\*
- Circulation\* (sometimes combined with land use)
- Housing\*
- Conservation\*
- Agriculture and Open Space\*
- Safety\*
- Noise\*
- Historic
- Recreation
- Energy
- Offshore Energy



Source: County of San Luis Obispo





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The elements followed by a "\*" are those required by state law. The law also allows the adoption of optional elements of the general plan to address specific issues that may not be covered in sufficient detail by the other elements. The historic, recreation, offshore energy, energy and agriculture and open space elements are optional. The Agriculture & Open Space Element of the San Luis Obispo County General Plan is discussed in more detail in Section 4.3.4.

**Land Use Element and Local Coastal Plan.** The Land Use Element (LUE) and Local Coastal Plan establish the overall policies for land use in the unincorporated county for both inland and coastal areas. The LUE is composed of four sections: framework for planning, the area plans, the coastal program policy document, and the official maps.

**Framework for Planning.** This section of the land use element contains policies, programs and procedures that apply countywide, and it explains how the LUE is to be used with other adopted plans. The framework section also describes the various land use categories that apply to the unincorporated County, the allowable land uses within each category, and typical building intensities (parcel sizes, population, and building densities). There is also a coastal framework for planning that describes the policies, programs and land use categories that apply to lands within the coastal zone.

**Area Plans.** The land use element includes 15 area plans that address specific land use issues affecting the unincorporated communities and regions within the County. The area plans supplement and refine the general goals, policies and programs contained in the framework section and help to make the planning process more localized. The area plans describe where the land use categories are to be applied and discuss population growth and economic conditions, public services, and circulation. Since the project site is located in the planning area called *South County*, the area plan for the project area is the South County Area Plan.

**Official Maps.** The official land use maps illustrate where the various land use categories are to be applied in the unincorporated county. Each area plan contains land use maps that provide more detailed illustrations of where the land use designations are applied.

The LUE of the General Plan describes County policy on the location, distribution, and extent of land use throughout the County. It consists of two volumes: (a) Framework for Planning, and (b) Area Plans. The area plans refine the general policies in the Framework for Planning into separate land use issues and policies for each community. The Land Use Ordinance is a regulatory tool for implementing policies for each community. Thus, it helps guide land use in a manner that supports orderly development.

#### **4.3.2 South County Area Plan**

Adopted in 1994, the plan contains both a land use element and circulation element, which have a number of policies and standards for the planning area. It prescribes land use policies for the South County Planning Area, including regulations that are also adopted as part of the Land Use Ordinance. This area plan allocates land throughout the planning area by land use categories.

There are 11 land use categories:

- AG – Agriculture
- RL – Rural Lands
- RR – Residential Rural
- RS – Residential Suburban
- RSF – Residential Single Family
- RMF – Residential Multi-Family
- CS – Commercial Service
- IND – Industrial
- OP – Office and Professional
- REC – Recreation
- OS – Open Space
- PF – Public Facilities
- CR – Commercial Retail

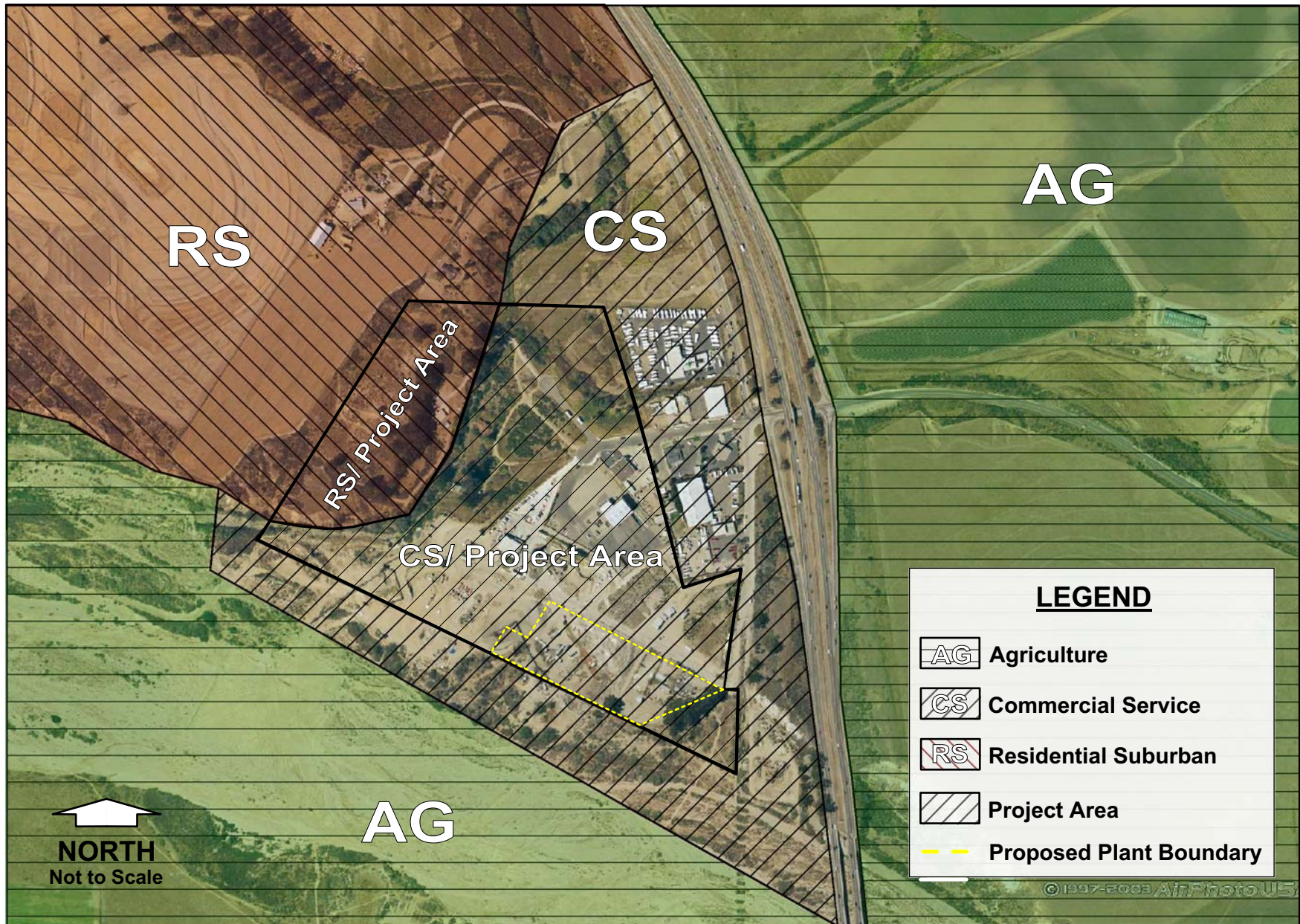
Figure 4-2 shows such designations, based on *Official Maps*, within and adjacent to the project area. These designations determine the variety of land uses that may be established on a parcel of land, as well as defining their allowable density and intensity.

The diverse nature and built features of San Luis Obispo County create a need for more careful review of development projects in areas where new development could adversely affect sensitive resources or result in the exposure of people or property to natural hazards. For this reason, the LUE contains combining designations that identify areas with characteristics that are either of public value or are natural hazards. The combining designations are applied to the basic land use designations in the unincorporated county as described in each area plan.

Specific development “standards” are also defined by the plan to address special problems and conditions in individual communities. Applicable to this project are the policies relating to “combining designations”, which are special overlay land use categories applied to areas with potentially hazardous conditions or significant natural resources.

There are several combining designations in the LUE (Figure 4-3 shows the combining designations within the project vicinity):

- AR – Airport Review
- EX – Energy/Extractive Area
- EX1 – Extractive Resource Area
- FH – Flood Hazard
- GS – Geologic Study
- H – Historic Site
- SRA – Sensitive Resource Area
- TDCS or TDCR – Transfer Development Credits – Sending or Receiving



Basemap Source: County of San Luis Obispo

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Basemap Source: County of San Luis Obispo

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### 4.3.3 County of San Luis Obispo Land Use Ordinance

The County of San Luis Obispo Land Use Ordinance lists standards (requirements) and permit procedures for developing land. These standards include features of site design, such as minimum parcel size, the required width of yards (setbacks), the height of buildings, and the number and design of parking spaces, as well as standards for grading, drainage, curb and gutter improvements, and tree removal.

In addition, Article 9 of the LUO includes Planning Area Standards relating to specific development within the South County Planning Area. This includes Areawide Standards relating to the Countywide Design Plan, preserving groundwater recharge, development along the Nipomo Mesa bluff, circulation planning, and open space preservation. There are also applicable Rural Area standards relating to circulation, Highway 101 corridor standards, use limitations within the Commercial Service land use category that apply to the subject area. Lastly, there are standards relating to the “combining designation” overlay adjacent to the subject property (e.g., Extractive Resource Area).

### 4.3.4 County of San Luis Obispo Agriculture & Open Space Element

The purpose of the Agriculture & Open Space Element is to: (1) identify those areas of the County with productive farms, ranches and soils, and establish goals, policies and implementation measures that will enable their long-range stability and productivity, and (2) identify open space lands that are worthy of protection for their intrinsic value, and establish goals, policies and implementation measures that will enable the long-term protection of those resources.

## 4.4 ANALYSIS OF IMPACTS RELATED TO LAND USE AND PLAN CONSISTENCY

### 4.4.1 Thresholds of Significance

An impact would be significant if any of the following conditions, or potential thereof, would result with implementation of the proposed project:

1. Physically divide an established community or otherwise substantially and adversely affect the character or community in which the project is located; and,
2. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

### 4.4.2 Impacts

**Impact LND-1.** Effect on community character.

**Discussion:** Construction of the proposed asphaltic concrete plant will take place within an existing concrete batch plant site. This site is located outside of an urban or village reserve line. The nearest community is the City of Santa Maria, which is geographically separated from the site by the Santa Maria River. The proposed plant would be located in the 44.7-acre area, which would be changed from Commercial Service (CS) to Industrial (IND). Construction of the proposed plant would be compatible with the existing uses at the site and consistent with the proposed land use designations. The proposed LUO/LUE amendment would also allow future adjacent uses that are more



compatible with the proposed asphaltic concrete plant than certain allowable uses in the CS and Residential Suburban (RS) designations.

The land use designation of the 9.3-acre area below the bluff top would be changed from RS to IND. North of the proposed plant site is designated RS and Rural Lands (RL), which this area includes a few existing residences. Future industrial uses within these areas could conflict with the existing residences. However, the project area is geographically separated from adjacent areas because it is bordered by the Santa Maria River to the South, U.S. Highway 101 to the east, and the Nipomo Mesa bluff top to the north. As such, due to the geographic features of the project area, future industrial uses within the project area could conflict with adjacent uses, but they would not physically divide an established community.

**Impact Category:** Class Significant but Mitigable

**Thresholds of Significance Criteria:** 1

**Mitigation Measure LND-1:** As a part of environmental review of future industrial development within the LUO/LUE amendment area, the analysis shall evaluate potential impacts to any nearby residences. As a condition of approval, should any potential impacts be determined significant, mitigation would be required to reduce these impacts to less than significant levels.

**Residual Impacts:** With the incorporation of mitigation, as necessary, impacts would be less than significant.

#### **Impact LND-2.** Compatibility with San Luis Obispo County Land Use Categories

**Discussion.** The project is located in the South County Planning Area. The applicable land use categories for the project site are RS, CS, and IND, and the combining designations for the area are Extractive Resource and Flood Hazard. The land use categories are discussed below, while the requirements of the combining designation (since they are expressed in the form of policies) are discussed in the following section.

The LUO/LUE amendment area includes two land use designations: RS and CS. The project would involve changing both of these designations to IND.

#### **Residential Suburban**

The Residential Suburban land use designation is designed:

- To allow for single-family residential development on estate-sized lots in a semi-rural suburban setting within the urban and village areas or in older existing rural subdivisions;
- To allow limited, compatible non-residential uses which complement suburban neighborhoods, such as animal raising or hobby farming;
- To designate areas for lower density residential expansion within urban and village boundaries; and,
- To encourage clustering of allowed densities where there are important open space attributes that are a community resource or where sensitive habitats exist.

### **Commercial Service:**

The Commercial Service land use designation is designed:

- To provide areas for commercial or industrial trade services and light manufacturing where they will not adversely affect surrounding properties;
- To protect adjacent incompatible uses from harmful influences and prevent intrusion of conflicting uses; and,
- To provide suitable locations for retail, wholesale, heavy commercial and serve establishments usually located near highway traffic or where terminal facilities are convenient.

### **Industrial**

The Industrial land use designation is designed:

- To identify areas suited to industrial activities that will not adversely affect adjacent areas of other uses;
- To provide opportunities for the concentration of industrial uses to enable efficient use of transportation, circulation and energy facilities;
- To protect adjacent land uses from harmful influences, as well as to prevent the intrusion of incompatible uses into industrial areas. Residences are allowed only as caretaker or accessory uses; and,
- Where the Industrial category is located outside of urban or village reserve lines, it is intended to reserve appropriately located areas for industrial uses requiring large areas of land, nearby transportation or energy facilities, or related activities compatible with agricultural and other rural uses.

The South County Area Plan (Chapter 4, Section B, page 4-12) states that the residential suburban area northwest of the interchange of Highways 101 and 166 (which includes a portion of the 9.3-acre area that will be changed to Industrial) should:

*Develop into a cohesive neighborhood with adequate roads, internal services and utilities. Most of the portion of the area located on the mesa has been subdivided into clustered land divisions...Residential uses should be clustered through the remainder of the area and designed so as to be compatible with agriculture or other existing uses, such as the auto racetrack. Existing uses and non-conforming uses should be abated.*

The South County Area Plan (Chapter 4, Section B, page 4-13) states that the project area (entitled Cuyama Lane Area) is a commercial service area that does not depend on highway visibility for continued commercial success and has an established service commercial character. It states that:

*Future development should focus on service commercial or light industrial businesses...and that...visitor-serving uses should be limited to incidental traveler services and convenience uses for the area employees and neighborhood residents as well as tourists. Property owners in the area should work together to establish an identity for the Cuyama Lane area. Establishment of all uses should emphasize coordinated signing, landscaping, architectural*

*design, drainage, and overall appearance from Highway 101. Property owners should work together to establish some kind of common identity for the area, rather than each business competing for maximum highway gratification. Setbacks and habitat restoration and protection to Nipomo Creek should be taken into consideration as new development occurs.*

The proposed asphaltic concrete plant would be sited at an existing asphalt and concrete recycling batch plant that has been previously disturbed. The general plan amendment to change the designation of the 9.3-acre area from RS to IND appears to conflict with the policies for RS in the Area Plan. However, the portion of the RS that will be changed to IND is at the base of the Nipomo bluff top and is geographically separated from the existing RS development on top of the mesa. The RS area proposed for change is also more exposed to noise from Highway and the nearby race track when compared to the RS category on top of the mesa. The 9.3-acre is considered more closely tied with the project area's non-residential character. Therefore, the proposed land use change would not conflict with the South County Area Plan policies for residential suburban land use in that the project would not prevent cohesive neighborhoods from developing in the remaining area designated RS.

The general plan amendment would conflict with the Area Plan's policies for commercial service uses at the project area if it resulted in development that did not create a common identity for the area nor adhere to setbacks and habitat restoration and protection to Nipomo Creek. Specific industrial uses, such as a chemical products manufacturing or metal manufacturing facility may not appear to be a light industrial use and would conflict with the Area Plan if appropriate mitigation is not incorporated into such new development.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 2

**Mitigation Measure LND-2:** To minimize inconsistency with the land use designations of the South County Area Plan, the following shall be implemented:

- A. Implement Mitigation AES-2 (refer to Aesthetics section analysis);
- B. Implement Mitigation Measure AES-3;
- C. Implement Mitigation Measure AES-4;
- D. Implement Mitigation Measure AES-5;
- E. Implement Mitigation Measure AES-6;
- F. Implement Mitigation Measure AES-7;
- G. Implement Mitigation Measure BIO-5; and,
- H. Future industrial development in the project area shall adhere to Objective C-2 of the County of San Luis Obispo Design Guidelines, which provides design guidelines for promoting the visual interest of commercial buildings adjacent to highways. Prior to approval, the County shall verify that future development

applications within the project area are designed to promote the visual interest of the area.

- I. In addition, new development is expected to require discretionary permits that could require additional measures, as appropriate.

**Residual Impacts:** With the incorporation of proposed mitigation, impacts would be less than significant.

**Impact LND-3.** Consistency with the South County Area Plan.

**Discussion:** These are contained, which covers the project area. The applicable policies in the South County Area Plan include the requirements of the combining designations, and planning area standards. The project’s consistency with these requirements is discussed below.

<b>Table 4-1. San Luis Obispo South County Area Plan Policies</b>	
<b>Policy Statement</b>	<b>Project Consistency Discussion</b>
<p><u>Flood Hazard Combining Designation (FH)</u> – The Santa Maria River, as designated on the County map, is a flood plain. Any development in this flood plain should be of temporary nature and not create significant adverse affects to levees, cliffs, and the streambed in general.</p>	<p>The proposed asphaltic concrete plant would be constructed at an existing concrete batch plant site. Future industrial development could occur within other areas of the 54-acre area. As shown in Figure 4-3, most of the LUO/LUE amendment area is within the FH. However, no construction would occur within the streambed, nor would any modifications occur to the levees adjacent to the river. Future development within the LUO/LUE amendment area would need to be consistent with this policy.</p>
<p><u>Extractive Resource Area (EX-1)</u> – The following standard applies only to the property contained within the EX-1 area in and along the Santa Maria River.</p> <p>Furthermore, these standards apply only to a portion of the EX-1 designation where a Specific Plan was prepared that is approximately one mile to the east of the subject area. All development within the Santa Maria and Sisquoc Rivers Specific Plan Area shall conform with the adopted Specific Plan. Development must be consistent with the policies and standards in the Santa Maria and Sisquoc Rivers Specific Plan. In the event of any conflict between the provisions of this Land Use Element area plan and the Specific Plan, the Specific Plan shall control. Any deviation of existing or proposed development from the provisions of the Specific Plan is to occur only after appropriate amendment of the Specific Plan. According to Section 22.14.050 of the LUO, the following standards apply:</p> <p>All proposed mineral or petroleum extraction uses are subject to the requirements of Sections 22.14.040 through 22.14.044 and 22.08.170 through 22.08.198.</p> <p>Approval of any use other than mineral resource extraction may be granted only when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of a mineral resource extraction use.</p>	<p>As shown in Figure 4-3, the proposed asphaltic concrete plant would not be constructed within the Extractive Resource Area combining designation. Furthermore, the LUO/LUE amendment area, except for a very minor area, is outside this combining designation as well. More importantly, the referenced Specific Plan area is over one mile away. Therefore, the project would not conflict within this policy.</p>

<b>Table 4-1. San Luis Obispo South County Area Plan Policies</b>	
<p><u>Highway 101 Corridor Design Standards</u> – The purpose of the Highway 101 corridor design standards is to provide public views of:</p> <ul style="list-style-type: none"> <li>• Varied topography, including ridgelines and rock features;</li> <li>• Significant stands of trees and wildflowers; and,</li> <li>• Historic buildings and pastoral settings.</li> </ul> <p>These standards are intended to expedite the permit process for projects which maintain scenic views and the rural character along Highway 101, while providing opportunities to use other design solutions through a discretionary review process to achieve scenic goals. Only residential structures, residential accessory building, residential access roads, specified agricultural accessory buildings and signs are governed by these standards.</p>	<p>While specific to residential development, this process could be considered for the proposed project, absent any other County ordinances addressing visual impacts of commercial and industrial development in rural areas. However, most of the subject area would not be considered scenic and would focus on future development on the bluff face and possible Nipomo Creel.</p>
<p><u>Edge of the Nipomo Mesa</u> – Specific standards apply to all land located on the edge of the Nipomo Mesa, including the area along Nipomo Creek. The edge of the Nipomo Mesa is defined as the point of change in topography where slope exceeds 15 percent descending directly from the Mesa to the Santa Maria, Cienaga, Los Berro and Nipomo Valleys. Moderate erosion impacts potentially occur on disturbed slopes of Oceano dune sand.</p>	<p>The proposed asphaltic concrete plant would not be constructed near the edge of the Nipomo Mesa; therefore this standard does not apply. However, future development within the proposed LUO/LUE amendment area must adhere to the referenced standards that are listed on pages 7-2 through 7-5 of the South County Area Plan.</p>

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 2

**Mitigation Measure LND-3:**

The following existing measures are already required to prevent conflicts with the South County Planning Area Standards:

- A. At the time of application for building permits, a drainage plan shall be prepared in accordance with Land Use Ordinance Chapter 22.05 (already required by the LUO).
- B. At the time of application submittal, the County will verify that proposed projects within the project area conform to the following (already required by the LUO):
  1. **Grading Limitation.** All grading, such as for building pads or access roads, shall be located away from slopes steeper than 15% on the bluff edge of the Nipomo Mesa to avoid erosion and visual impacts associated with grading, except for transmission lines and pipelines;
  2. **Setbacks.** All new structures shall be set back at least 50 feet from the top edge and toe of the Nipomo Mesa slope bank to prevent slope failure. Structures shall not be permitted on the slope of the bluff face, except for transmission lines and pipelines; and,

3. **Septic System Locations.** If a subsurface disposal system is located within 150 feet of the edge of the steeper bluff slopes (30 percent or greater), the system shall be designed to meet the Central Coast Basin Plan requirements for site suitability and the prevention of “daylighting” of effluent. This system must be approved by the Chief Building Official prior to installation.

In addition, the following measures shall be implemented:

- C. Visual Resources. Implement Mitigation Measure AES-7 .
- D. Implement Mitigation Measure CUL-1.

**Residual Impacts:** With the incorporation of the above existing requirements and mitigation, impacts would be less than significant.

**Impact LND-4.** Consistency with the County of San Luis Obispo Land Use Ordinance.

**Discussion:**

The worst-case scenario for industrial development within the LUO/LUE amendment area would be either a Chemical Products or Metal Machinery Manufacturing facility. The Land Use Ordinance contains specific standards for a chemical products manufacturing facility:

- Permit requirement: Minor Use Permit approval, unless a Conditional Use Permit is otherwise required by Section 22.08.030 (Permit Requirements - Manufacturing and Processing
- Location: A chemical product manufacturing facility shall be located no closer than 1,000 feet to a Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category.
- Minimum site area: Five acres.

The Land Use Ordinance’s specific standards for metal industries is that the site must have a minimum area of 5 acres.

Applicable policies and standards related to the Flood Hazard Area (FH) Combining Designation are included in Table 4-2.

<b>Table 4-2. Land Use Ordinance Policies and Standards</b>	
<b>Policy Statement</b>	<b>Project Consistency Discussion</b>
<b><i>Flood Hazard Area (FH) Combining Designation</i></b>	
No construction or grading is to limit the capacity of the floodway or increase flood heights on existing structures, unless the adverse effect of the increase is rectified to the satisfaction of the County Engineer. In no case shall flood heights be increased above that allowed under the Federal Flood Insurance Program.	The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement if construction or grading is to limit the capacity of the floodway or increase flood heights on existing structures.
Structures shall be anchored to prevent collapse, lateral	The proposed asphalt plant and/or future industrial

<b>Table 4-2. Land Use Ordinance Policies and Standards</b>	
movement or flotation that could result in damage to other structures or restriction of bridge openings and narrow sections of the stream or river.	development within the LUO/LUE amendment area could be in conflict with this requirement if not properly anchored.
Service facilities, such as electrical and heating equipment, are to be flood-proofed or construction at a minimum one-foot above the 100-year storm flood profile level for the site.	The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement if not constructed a minimum one foot above the 100-year storm flood profile for the site.
Water supply and sanitary sewage systems shall be designed to minimize infiltration of flood waters into the system and discharge from systems in the flood waters.	The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement if not designed to minimize infiltration of flood water into water supply and sanitary systems.
On-site waste disposal systems shall be located to avoid their being impaired or contaminated during flooding.	The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement if on-suite waste disposal systems are not located in a manner to avoid their being impaired or contaminated during flooding.
All buildings or structures shall be located landward of mean high tide.	The proposed asphalt plant and the LUO/LUE amendment area are located landward of mean high tide. Therefore, the project is consistent with this requirement.
Whenever a watercourse is to be altered or relocated, the Department of Planning and Building shall notify adjacent communities and the Department of Water Resources and evidence of such notification shall be sent to the Federal Insurance Administration.	The proposed asphalt plant does not involve modification of the Santa Maria River. Future development within the LUO/LUE amendment area could be in conflict with this requirement if it were to result in modifications to Nipomo Creek.
Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exist of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:  (i) A minimum or two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;  (ii) The bottom of all openings shall be not higher than one foot above grade; and,  (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.	The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement of fully enclosed areas below the lowest floor that are subject to flooding are not designed accordingly.
On the basis of structural plans and the depth of analysis, the ground floor of all structures is to be constructed at a minimum of one-foot above the 100-year storm flood profile level.	The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement if ground floors are not constructed at a minimum of one-foot above the 100-year storm flood profile level.
Non-residential construction shall either be elevated in conformance with Section 22.07.066a(9) above, or	The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could

<b>Table 4-2. Land Use Ordinance Policies and Standards</b>	
<p>together with attendant utility and sanitary facilities, be elevated a minimum of two feet above the highest adjacent grade and be flood proofed to a minimum of one-foot above the 100-year storm flood profile level. Examples of flood proofing include, but are not limited to:</p> <ul style="list-style-type: none"> <li>(i) Installation of watertight doors, bulkheads, and shutters;</li> <li>(ii) Reinforcement of walls to resist water pressure;</li> <li>(iii) Use of paints, membranes, or mortars to reduce seepage through walls;</li> <li>(iv) Addition of mass or weight to structure to resist flotation; and,</li> <li>(v) Armor protection of all fill materials from scour and/or erosion.</li> </ul>	<p>be in conflict with this requirement.</p>
<p>The storage or processing of materials that in time of flooding are buoyant, flammable, or explosive; that could be injurious to human animal, or plant life or that may unduly affect the capacity of the floodway or unduly increase flood heights is not permitted. Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.</p>	<p>The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement if the storage of equipment and material are subject to damage by floods, not firmly anchored, not readily removable, or are buoyant, flammable, or explosive during flooding.</p>
<p>The following certifications shall be filed with the Building Official prior to final building inspection:</p> <ul style="list-style-type: none"> <li>(i) Upon completion of any structure within a flood hazard combining designation, compliance with elevation requirements shall be certified by a registered civil engineer or a licensed land surveyor. Such certification shall include as a minimum, the elevation of the lowest floor. If the structure has been flood proofed in conformance with Section 22.07.066a(10), the certification shall include the elevation to which the structure has been flood proofed. Elevations shall be based on the National Geodetic Vertical Datum of 1929.</li> <li>(ii) Where flood proofing is used, a registered civil engineer or architect shall certify that the flood proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood.</li> </ul>	<p>The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement if these certifications are not filed with the Building Official prior to final building inspection.</p>

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 2

**Mitigation Measures LND-4:** The following existing measures (already required) would ensure the project's consistency with the Land Use Ordinance:



- A. All future industrial uses within the project area shall be subject to permit requirements 22.03.040 of the Land Use Ordinance
- B. No chemical product manufacturing facility shall be located closer than 1,000 feet to a Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category;
- C. A chemical product manufacturing facility shall have a minimum site area of 5 acres;
- D. No corrosive and toxic chemical manufacturing facility shall be allowed within the project area;
- E. Fuel dealers shall have a minimum site area of 20,000 square feet;
- F. Fuel and ice dealers shall provide one parking space per 1,000 square feet of use area;
- G. No aboveground fuel storage tank shall be located closer than 500 feet to a residential use;
- H. All aboveground fuel storage facilities are to be no closer than 50 feet to any property line or residential use;
- I. No petroleum refining and related industries shall be allowed within the project area;
- J. No recycling and scrap facility shall be allowed within 500 feet of any Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category;
- K. Recycling and scrap facilities shall have a minimum site area of one acre;
- L. Recycling and wrecking yards shall be subject to all provisions of Section 22.08.146 of the Land Use Ordinance, which includes the following:
  - a. There shall only be one access point to a storage yard for each 300 feet of street frontage. Such access point is to be a maximum width of 20 feet, and is to be provided with a solid gate or door;
  - b. A storage yard (except a temporary off-street construction yard) shall be screened from public view on all sides by solid wood, painted metal or masonry fencing, with a minimum height of six feet; and
  - c. A storage yard shall be surfaced with concrete, asphalt paving, crushed rock, or oiled earth, and maintained in a dust-free condition.
- M. No recycling collection station at the project area shall be within 100 feet of an intersection;
- N. Portable containers at a recycling collection station shall be equipped with lids and placed within a stationary wood framework, solid fence or bin, or otherwise designed to prevent the containers from being overturned;
- O. No recycling collection station at the project area shall be larger than 200 square feet; and,

- P. Appropriate instructional signage shall be maintained at any recycling collection station at the project area and the station shall be maintained in a clean and sanitary condition, with no material stored on discarded outside the container enclosure. Such stations shall be emptied at intervals sufficient to preclude containers from being filled, and no less than once every seven days.

In addition, the following measures shall be implemented:

- Q. No waste disposal site shall be allowed within the project area; and,
- R. Implement Mitigation Measure WR-9.

**Residual Impacts:** With the incorporation of the above existing LUO requirements and proposed mitigation, impacts would be less than significant.

**Impact LND-5.** Consistency with the County of San Luis Obispo Agriculture and Open Space Element.

**Discussion:** Specific policies regarding the protection of agricultural lands are contained in the Agriculture & Open Space Element under Chapter 2, entitled Agricultural Element (adopted December 15, 1998). Although the project area does not include any land designated as agriculture or open space, consistency discussion is provided because agricultural lands occur near the project area (see Figure 4-2).

Table 4-3 lists the *applicable* policies contained with this element and provides a discussion of how the proposed project is consistent with each of these policies. Overall, the project is consistent with the Agriculture & Open Space Element with implementation of Mitigation Measure LND-5.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 2

**Mitigation Measure LND-5:**

- A. Implement Mitigation Measure AQ-1.
- B. Implement Mitigation Measure AQ-2.
- C. Implement Mitigation Measure BIO-2.
- D. Implement Mitigation Measure BIO-3.
- E. Implement Mitigation Measure BIO-7.
- F. Implement Mitigation Measure CUL-1.
- G. Implement Mitigation Measure CUL-2.
- H. Implement Mitigation Measure WR-2.
- I. Implement Mitigation Measure WR-6.
- J. Implement Mitigation Measure WR-7.
- K. Implement Mitigation Measure WR-8.
- L. Implement Mitigation Measure WR-9.

M. Implement Mitigation Measure WR-10.

**Residual Impacts:** With the incorporation of mitigation, impacts would be less than significant.

**4.4.3 Cumulative Impacts**

Construction of the proposed asphaltic concrete plant and future industrial development, such as a chemical products manufacturing or machinery manufacturing facility in combination with the cumulative projects discussed in Chapter 8.0 will represent a substantial contribution to industrial development in the area. However, the project site is geographically separated from adjacent land uses by the Santa Maria River to the south, Highway 101 to the east, and the Nipomo Mesa bluff top to the north. Therefore, the construction of the proposed plant and future industrial development associated with the general plan amendment will result in land uses that are more consistent with the overall area. Such consistency will require adherence to the mitigation measures contained in this Chapter as well as Chapter 5.0. Future development proposals will also require project-specific environmental review. Additional measures may be developed and implemented for future projects to avoid or minimize land use impacts and ensure consistency with relevant plans and policies.

**Table 4-3  
 San Luis Obispo County Agriculture & Open Space Element**

Policy Statement	Project Consistency Discussion
<p><u>AGP25: Unique or Sensitive Habitat</u></p> <p>a) Encourage private landowners to protect and preserve unique or sensitive habitat; and,</p> <p>b) For new development requiring a discretionary permit and for proposed land divisions, protect unique or sensitive habitat affected by the proposal through the following measures:</p> <ol style="list-style-type: none"> <li>1. Site the proposed development so as to avoid significant impacts on the habitat to significant impacts on the agricultural operations. Provide for adjustments in project design where alternatives are infeasible, more environmental damaging, or have significant negative impact on agriculture; and,</li> <li>2. When significant impacts are identified, the landowner shall implement county-approved mitigation measures consistent with the existing requirements of CEQA.</li> </ol>	<p>The proposed asphalt plant may indirectly affect unique or sensitive habitats. Proposed industrial development within the LUO/LUE amendment area would need to adhere to a minimum 50-foot setback to Nipomo Creek as well as implement mitigation measures listed on page 4-21 to ensure consistency with this policy.</p>
<p><u>AGP26: Streams and Riparian Corridors.</u></p> <p>The following policies apply to watercourses shown by a solid or broken blue line ("blue line" streams) on the latest U.S. Geological Survey (USGS) quadrangle maps and their associated riparian vegetation.</p> <p>a) Encourage private landowners to protect and</p>	<p>The proposed asphalt plant will not significantly affect Nipomo Creek or Santa Maria River as long as several of the mitigation measures on page 4-21 are implemented.</p> <p>Proposed industrial development within the LUO/LUE amendment area would need to adhere to a minimum 50-foot setback to Nipomo Creek and mitigation measures contained</p>

Policy Statement	Project Consistency Discussion
<p>preserve stream corridors in their natural state and to restore stream corridors that have been degraded. Provide information and incentives to eliminate overgrazing in stream corridors. Encourage off-stream livestock watering sources; and,</p> <p>b) For new development requiring a discretionary permit and for land division, protect streams and riparian habitat affected by the proposal through the following measures:</p> <ol style="list-style-type: none"> <li>1. Consistent with the requirements of the Regional Water Control Board's Basin Plan, establish a grading and building setback of 30 feet from the top of the stream bank. Locate buildings and structures outside the setback. Do not remove riparian vegetation within 30 feet of the top of the stream bank. Provide for adjustments when the applicant demonstrates that such setbacks would have a significant negative impact on the agricultural viability of the site, or where alternatives are infeasible or more environmentally damaging, and the adjustments are acceptable to the Regional Board.</li> <li>2. Require appropriate erosion control measures during and following construction;</li> <li>3. Consistent with state and federal requirements, allow stream alterations for water supply and flood control projects, road maintenance, maintenance of existing channels, or improvement of fish and wildlife habitat if there are no practical alternatives;</li> <li>4. Consistence with state and federal requirements, assure that stream diversion structures project habitats; and,</li> <li>5. When significant impacts to stream or riparian resources are identified, the landowner shall implement county-approved mitigation measures consistent with the existing requirements of CEQA.</li> </ol>	<p>on page 4-21 to ensure consistency with this policy.</p>
<p><u>AGP33: Archaeological and Cultural Sites.</u></p> <p>a) When reviewing discretionary development, protect sensitive archaeological and cultural sites by avoiding disturbance where feasible; and,</p> <p>b) If sensitive sites cannot be avoided, mitigate the impact of development to the maximum extent feasible.</p>	<p>Section 5.6 Cultural Resources of this EIR contains a discussion of the archaeological and cultural resources at the project site as well as mitigation measures to avoid or minimize impacts to such resources. No significant impacts to archaeological resources will occur from construction of the asphaltic concrete plant; however, impacts may occur from industrial development within the LUO/LUE amendment area.</p>
<p><u>AGP34: Historical Resources.</u></p>	<p>Section 5.6 Cultural Resources of this EIR contains a discussion of the historical resources at the project site as well</p>

<b>Policy Statement</b>	<b>Project Consistency Discussion</b>
a) When initiated by landowners, protect the character of significant historical features and settings by implementing the recommendation for historical resources found in the Historic Element of the Environment Plan	as mitigation measures to avoid or minimize impacts to such resources. No significant impacts to historical resources will occur from construction of the asphaltic concrete plant; however, impacts may occur from industrial development within the LUO/LUE amendment area.

## 5.1 AESTHETICS

This section addresses the aesthetic resources of the existing natural and human-affected environment in the project area. The potential for scenic resources of this area and their importance to adjacent communities shall be evaluated.

### 5.1.1 Setting

The project is located along the US Highway 101 corridor, just north of the Santa Maria River in unincorporated San Luis Obispo County. Within San Luis Obispo County, U.S. Highway 101 has been identified as an Eligible State Scenic Highway, extending from the southern County line northward to State Route 46 near Paso Robles. The area immediately to the north of the LUO/LUE amendment area is occupied by a variety of businesses operating under the Commercial Service land use category, including a solid waste transfer station. There are also a few residences to the northwest of the LUO/LUE amendment area, the nearest being approximately 500 feet from the northwestern-most corner. The area immediately east of the LUO/LUE amendment area is occupied by an abandoned sand and gravel mining operation and further to the east by U.S. Highway 101. The area immediately south of the LUO/LUE amendment area is occupied by the Santa Maria River, with a residential subdivision south of the river within the City of Santa Maria, where the nearest home is 2,000+ feet away. The area immediately west of the LUO/LUE amendment area is occupied by a sand and gravel facility, and lower density residential development on top of the Nipomo Mesa.

The South County Area Plan applies Sensitive Resource Area (SRA) designations over highly scenic and important backdrops and natural landmarks visible from scenic highways and urban areas. The SRA designation allows for the application of specific standards created to protect existing scenic resources. The SRA designation does not apply to the project area.

The purpose of the Highway 101 corridor design standards is to provide public views of:

- Varied topography, including ridgelines and rock features;
- Significant stands of trees and wildflowers; and,
- Historic buildings and pastoral settings.

These standards are intended to expedite the permit process for projects that maintain scenic views and the rural character along Highway 101, while providing opportunities to use other design solutions through a discretionary review process to achieve scenic goals. Only residential structures, residential accessory building, residential access roads, specified agricultural accessory buildings, and signs are governed by these standards. Such standards may also be considered for commercial and industrial uses.

The overall visual character of a site is defined by the landforms, water, vegetative patterns and existing man-made modifications that give the site its distinguishing visual qualities. The visual quality of a site involves a more subjective judgment of its overall attractiveness. The terrain of the LUO/LUE amendment area is relatively flat, except for the adjacent Nipomo Mesa bluff top

and Nipomo Creek. Mature vegetation exists along the bluff of the Nipomo Mesa, Nipomo Creek, and the Santa Maria River, which is usually a dry riverbed. Within the project area are scattered commercial buildings, an old farmhouse, a variety of heavy equipment and portable buildings, and large stockpiles of various materials, such as recycled asphalt and concrete. The existing concrete batch plant and recycling operations involve material stockpiles, silos, and equipment that are similar to those of the proposed asphaltic concrete plant.

The site is relatively geographically-separated with the Nipomo Mesa bluff top to the northwest, the Santa Maria River to the south, and U.S. Highway 101 along the eastern border. Considering the presence of the existing commercial buildings and concrete batch plant, the project area as a whole has a low to moderate scenic quality as viewed from public vantage points.

The visual sensitivity of an area is based on the public's expectation of the area and the number of people viewing the area, as well as the duration and dominance of views. The public visual expectation of the area is for a mixture of commercial and industrial land use with a few scattered rural residences. The Nipomo bluff face is a "band" of relatively intact natural features. There are no distinctive backdrops westward beyond the Nipomo Mesa bluff. Based on viewer expectation, viewer sensitivity of the site is relatively low.

#### **5.1.1.1 Key Viewing Areas**

Key viewing locations are defined as being public or private areas from which there are visually pleasing or otherwise attractive views. In this instance, project visibility from the following locations was evaluated and a determination made regarding its sensitivity:

**Key Viewing Area 1 - Southbound U.S. Highway 101** – The proposed asphalt concrete plant site is briefly visible on approach to the U.S. Highway 101/Santa Maria River Bridge. Southbound motorists have a direct view into the proposed asphaltic concrete plant area, although viewing time is brief (approximately 6 seconds @ 65 miles per hour (mph)) given travel speed and vegetation provides some screening. This area is currently comprised of considerable commercial-industrial development, which combine to dominate the view. This view has a relatively low scenic value.

**Key Viewing Area 2 - Northbound U.S. Highway 101** – The proposed asphalt concrete plant site is possibly visible from the U.S. Highway 101/Santa Maria River Bridge for a brief period (approximately 6 seconds @ 65 mph), although the bridge railing partially obscures this view depending on the size of the vehicle. This view has relatively low scenic value.

**State Route 166** – The proposed asphalt concrete plant site is not visible along any portion of this highway until it terminates at Highway 101.

**Residences to the northwest** – The proposed asphalt concrete plant site is not visible from atop the adjacent hills.





Source: County of San Luis Obispo



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**Key Viewing Area 3 - Residential Community to the south** – The proposed asphalt concrete plant site is visible from some area across the Santa Maria River (City of Santa Maria) approximately 2,000 feet away; however, an existing levee blocks views from virtually all homes. This view also has low scenic value relative to views of the Nipomo Mesa bluffs.

The locations of the three key viewing areas (KVAs) from public roadways are shown in Figure 5.1-1. These KVAs represent views of the existing plant site from different vantage points along U.S. Highway 101 and the Santa Maria River. As discussed above, the proposed asphalt plant would be visible from the residential community to the south, and briefly visible from both northbound and southbound U.S. Highway 101.

**View 1 – From Southbound U.S. Highway 101.** Figure E-1 of Appendix E is a photograph that was taken while standing on the roadside of U.S. Highway 101 from a vantage point where the proposed asphalt plant would be most visible. An access road to the site of the proposed asphalt plant is in the foreground. Southbound motorists on U.S. Highway have a direct view into the asphalt plant site, although viewing time is brief (approximately 6 seconds @ 65 mph) given their travel speed. The area is currently comprised of considerable commercial-industrial development, which dominates the view.

Figure E-1 of Appendix E shows the existing visual condition of the concrete batch plant, including its stockpiles and buildings from Key Viewing Area 1. The larger stockpiles directly beyond the red roof in the figure's center are approximately at the same location as those proposed by the asphalt plant.

Figure E-2 of Appendix E depicts that same area and includes proposed landscaping installed to conceal the asphaltic concrete plant after about 5 years of growth. Until landscaping reaches the height indicated in this photo, the asphalt plant's components, particularly the main silos, would be visible. Near-term, the aggregate stockpiles would be less apparent, given that they would occupy an area currently home to the recyclable concrete and asphalt stockpiles. The proposed portable lime treatment plant would be intermittently obscured by the stockpiles and landscaping in the long term.

Figure E-3 of Appendix E shows that in the long-term, the asphalt plant components, and stockpiles would be visually screened by the landscaping.

**View 2 – From U.S. Highway 101 Looking Northwest.** Figure E-4 of Appendix E is a photograph that was taken from the west side of the U.S. Highway 101/Santa Maria River Bridge, while looking northwest toward the proposed asphalt plant site. This photograph provides an oblique vantage point, which would only be experienced by those using the bike path in the foreground. Looking across the river, the area being evaluated is framed, right to left, by trees to the left of the light colored building and a white cut slope (an abandoned mine) adjacent to the U.S. Highway 101/Santa Maria River Bridge, and the area directly behind the three power poles that appear in the center foreground of the photo.

Figure E-4 of Appendix E shows the existing visual condition of the concrete batch plant.

Figure E-5 of Appendix E is the same area after the asphalt plant has been constructed and landscaping in the near-term. Prior to the maturing of newly planted trees and shrubs, it is expected that the silos, stockpiles, and portable lime treatment plant would be partially visible, as would portions of the concrete batch plant.

Figure E-6 of Appendix E provides a simulation of the proposed asphalt plant and the overall appearance of the landscaping in the long-term. Long-term asphalt plant components and the concrete batch plant would be well concealed by the landscaping.

**View 3 – From Residential Development Across the Santa Maria River.** Figure E-7 of Appendix E is a photograph taken while standing on the south bank of the Santa Maria River, directly in front of an existing residential development. This was taken atop of the existing levee, which would block public street-level views of the asphalt plant. This photograph provides a more direct vantage from the top of the public path that is located on top of the levee. Looking across the river, the area being evaluated is framed by a large stand of eucalyptus trees to the left of the white cut slope (an abandoned surface mine) to the left of the U.S. Highway 101/Santa Maria River Bridge, and westward to the area immediately before the concrete batch plant silos.

Figure E-7 of D shows the existing visual condition of the concrete batch plant, which includes silos, buildings and equipment that are visually obvious given their contrasting color, though not dominant due to height.

Figure E-8 of Appendix E is the same area after the asphalt plant has been installed and landscaping in the near-term.

Figure E-9 of Appendix E shows the proposed asphalt plant and landscaping in the long-term. As shown, the proposed silos would be partially visible. The landscaping would screen the concrete batch plant, except for the western-most silos.

## 5.1.2 Impact Analysis

### 5.1.2.1 Thresholds of Significance

For the purposes of this EIR, a significant aesthetic impact is assumed to occur if the proposed project results in any of the following conditions:

1. Have a substantial adverse effect on a scenic vista;
2. Substantially damage scenic resources, including but not limited to: trees, rock outcroppings, and historic buildings within a state scenic highway;
3. Substantially degrade the existing visual character or quality of the site and its surroundings; or
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Because the project site is partially visible from vantage points in Santa Barbara County, the following thresholds of significance, based on the County of Santa Barbara's Environmental Thresholds and Guidelines Manual (County of Santa Barbara 1995), are included:

5. Does the project site have significant visual resources by virtue of surface waters, vegetation, elevation, slope, or other natural or man-made features which are publicly visible;
6. If so, does the proposed project have the potential to degrade or significant interfere with the public's enjoyment of the site's existing visual resources;
7. Does the project have the potential to impact visual resources of the Coastal Zone or other visually important area (i.e., mountainous area, public park, urban fringe, or scenic travel corridor);
8. If so, does the project have the potential to conflict with the policies set forth in the Local Coastal Plan, the Comprehensive Plan or any applicable community plan to protect the identified views; and,
9. Does the project have the potential to create a significantly adverse aesthetic impact through obstruction of public views, incompatibility with surrounding uses, structures, or intensity of development, removal of significant amounts of vegetation, loss of important open space, substantial alteration of natural character, lack of adequate landscaping, or extensive grading visible from public areas.

#### **5.1.2.2 Asphalt Plant Impacts**

##### **Short-Term Impacts**

**Impact AES-1:** Construction of the proposed project may result in visual impacts to motorists traveling along U.S. Highway 101.

**Discussion:** Partial removal of the existing concrete plant and construction of the asphaltic concrete plant would involve approximately 9 months of construction. Construction would entail removal of existing buildings and rubble and re-grading, laydown of plant components and appurtenant facilities, excavation of 500 cubic yards of material, and additional roadwork and paving to finish the site. Exposed soils, and the presence of construction equipment would result in short-term aesthetic impacts.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 1, 3, 6

##### **Mitigation Measures:**

Although there would be impacts to aesthetics due to construction activities, including excavation, these impacts would be short-term in nature and, thus, would not be significant. Dust will be kept to a minimum due to proposed air quality measures. In addition, there is an existing concrete batch plant that is partially located on the proposed asphalt plant site, which would be moved onto the adjacent Troesh site.

## Long-Term Impacts

**Impact AES-2:** The proposed asphaltic concrete plant would be visible to motorists traveling along U.S. Highway 101 and some residences.

**Discussion:** In addition to construction of an asphaltic concrete plant, a portable lime treatment plant and a portable rubberized asphalt blending system would be brought on-site on an as-need basis (maximum of 20 days per year). Associated with the operation of an asphaltic concrete plant would be several stockpiles having a maximum height of 35 feet.

The asphaltic concrete plant would be equipped with two side-by-side silos that would be approximately 69 feet high. The asphalt plant itself would have a height of 37 feet at the stack. When brought to the site, the portable lime treatment plant would be about 12 feet at its highest point and equipped with silos that would be up to 35 feet in height, depending on the type used at the site.

Stockpiles of recycled asphalt are currently onsite as are a variety of heavy equipment. Installation of proposed facilities and the placement of aggregate stockpiles at the project site would affect the appearance of the area. The principal changes to the viewshed would be the addition of the silos and the asphaltic concrete plant. The existing stockpiles, equipment and portable buildings currently onsite would be moved to an adjacent area. No change to the size (i.e., height or aerial extent) would occur.

For southbound motorists on U.S. Highway 101, the proposed plant would be briefly visible (approximately 6 second @ 65 mph). From this vantage point, the proposed use would be among similar commercial-industrial uses that would comprise the “foreground” viewshed. As such, rather than dominating the viewshed, the plant would be visually compatible with the surrounding environment (e.g., concrete batch plant, transfer station).

Northbound motorists on U.S. Highway 101 in vehicles tall enough to capture this view would, in the near-term, see the plant as having an appearance similar to the existing concrete batch plant (which is partially visible), although the new silos would be somewhat taller (approximate 5 feet). The proposed silos may be visible to the residential community south of the Santa Maria River.

Figure 3-4 shows proposed landscaping of fast-growing trees and shrubs to shield the facilities and equipment from key viewing areas. In addition to the landscaping along the eastern boundary of the asphalt plant site, it would be conducted along the entire southern, remaining eastern, and a portion of the northern boundaries. Given the immediate proximity to the Santa Maria River riparian plant community, the applicant has proposed landscaping of fast-growing riparian species native to the area, including California sycamore (*Platanus racemosa*), western Cottonwood (*Populus fremontii*), arroyo willow (*Salix lasiolepis*), wild lilac (*Ceanothus* “frosty blue”) and California bay laurel (*Umbellularia californica*).

Most of these plant species are deciduous (shed leaves in advance of winter months); thus, the visual screening provided by the landscaping along the south side of the

asphalt plant site will be seasonal. Therefore, the landscape plan shall be revised to reflect use of non-deciduous (evergreen) species.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1, 3, 4, 5, 6

**Mitigation Measure AES-2:**

- A. Prior to issuance of a building permit, the applicant shall submit for approval a revised landscape plan that utilizes a minimum 75 percent fast/tall growing evergreen tree species. The plan shall specify use of well-drained soils and tree species that are non-invasive to riparian vegetation. Where feasible, the plan shall use species and varieties that are low or non-emitters of Biogenic Volatile Organic Compounds (BVOCs). The plan shall utilize the following plant species:

Species	Height	Growth Rate	Container Size
Incense cedar ( <i>Calocedrus decurrens</i> )	Max height = 80 ft	25 ft in 10 years Fast growth rate	24" boxes
Blackwood acacia ( <i>Acacia melanoxylon</i> )	Max height – 40 ft	Fast growth rate	
Madrone ( <i>Arbutus menziesii</i> )	Max height – 40 to 70 ft	Average growth rate	
Catalina ironwood ( <i>Lyonothamus floribundus</i> )	Max height – 30 to 60 ft	Moderate growth rate	

- B. At the time of application for building permits, the applicant shall submit a landscape maintenance plan to the County Department of Planning and Building for review and approval. The maintenance plan shall identify the program for growing and maintaining the proposed vegetative screens. It shall identify long-range maintenance and vegetative replacement procedures to ensure that said screening will be maintained for the life of the project, including replacement of any trees that may die.

**Residual Impacts**

In the long-term, landscaping would assume a density and height that would be sufficient to extend and lend continuity to the existing line of vegetation paralleling the north bank of the Santa Maria River. This would provide adequate screening of the plant and would serve to provide screening of the existing batch plant when viewed from the residences across the river and from persons on the public path located atop of the levee along the south bank of the Santa Maria River;]. In addition, landscaping would shield the plant from view by southbound motorists on U.S. Highway 101. With the incorporation of mitigation, impacts would be less than significant.

**Impact AES-3:** Use of nighttime lighting would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

**Discussion:** During night operations, nighttime lighting would be necessary for the safety of the workers. To illuminate the working area, one 25-foot and three 45-foot hooded (downward facing), shielded pole lights would be placed in such a manner, that they would light up the working area only. The height of these lights is typical with existing outdoor lighting of the project area.

Two of the 45-foot light poles would be placed on the northern edge of the plant site near the aggregate drop point, the 25-foot light pole would be placed near the parking area, and the third 35 to 40-foot light pole would be placed near the sand drop point on the south side of the plant site. Other lesser and more localized lighting would be provided directly on the plant facilities and on mobile equipment. Because the direction of these shielded lights is downward, and because there is an existing tree line and hill (approximately 40 feet) between the plant and U.S. Highway 101, nighttime lighting would not interfere with traffic on the road. Southbound motorists on U.S. Highway 101 would see diffused light that is consistent with other nighttime lighting in the area. In addition, the aggregate stockpiles would shield light and keep it from affecting other offsite properties, particularly the residential community across the Santa Maria River.

The visual impact of the lights at the plant is expected to be diffused at a distance, rather than a sharp glare associated with nighttime lighting at sport stadiums and fields; therefore, this is considered a less than significant impact.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 4

**Mitigation Measures AES-3:**

The following measure is recommended to ensure that light or glare impacts are minimal and consistent with Section 22.10.060 of the Land Use Ordinance:

At the time of application for building permits, the applicant shall provide an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All light poles, fixtures, and hoods shall be dark (non-reflective) colored. Lighting shall be designed to eliminate any off site glare. All exterior site lights shall utilize full cut-off, "hooded" lighting fixtures to prevent offsite light spillage and glare. Light intensity shall be limited to 2.0 foot candles at ingress/egress. Fixtures shall be shield cut-off type and compatible with the project setting, subject to staff approval. All lighting shall be consistent with the County Land Use Ordinance standards for exterior lighting.

**Residual Impacts:**

Impacts would be less than significant.

**Impact AES-4:** Implementation of **Mitigation Measure NOS-2** (construction of sound walls) may create visual impacts.

**Discussion:** Implementation of **Mitigation Measure NOS-2**, Noise monitoring at the two nearest residences shall be conducted immediately following project implementation to determine if noise levels are significant (greater than 58.1 dBA Leq, or 1 dBA above existing, without the asphalt plant operating). If noise monitoring indicates that noise levels are significant, the applicants shall construct and maintain an 8-foot high concrete or masonry block wall (noise barrier) along the northern and western boundaries of the asphalt plant site. ~~which may involve construction of an 8-foot high concrete or masonry block wall (noise barrier) along the northern and western boundaries of the asphalt plant site may could result in visual impacts. The noise barrier would be placed between the plant and associated internal access roads and land uses north of the site. Additional 6- to 8-foot may be constructed adjacent to the affected residences (See figure 5.8-2) to reduce noise levels at these two residences below the significance threshold. These walls may also create visual impacts.~~

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1, 3, 4

**Mitigation Measures AES-4:**

- A. Prior to issuance of a Building Permit, the applicant shall prepare a visual analysis ~~of if the required~~ sound walls are constructed and amend the landscape plan identified in Mitigation Measure AES-2 (A) to include specifications for planting of trees and shrubs in front of the sound walls to visually screen the walls.
- B. The sound walls shall be painted a gray-green to blend in with the trees and shrubs that would be planted in front of the walls.

**Residual Impacts:**

Impacts would be less than significant.

**Impact AES-5:** Implementation of **Mitigation Measure PUB-2 (A)** (construction of an ~~180,000~~ 5,000 gallon water storage tank may create ~~short-term and long-term~~ visual impacts.

**Discussion:** Construction of an ~~180,000~~ 5,000-gallon water storage tank would result in exposed soils during grading. Grading, exposed soils, and the presence of construction equipment would result in short-term aesthetic impacts. ~~If the tank were located in a location viewable from Highway 101 and the residences south of the Santa Maria River, there is the potential to change the visual character of the area. If the tank were painted a bright, reflective color, it could create light and glare impacts. The construction of the 5,000-gallon water storage tank is not anticipated to result in long-term visual impacts.~~

**Impact Category:** ~~Significant but Mitigable~~ Less than significant

**Thresholds of Significance Criteria:** 1, 3, 4

**Mitigation Measures AES-5:** None Required.

- ~~A. During design, the edge where the walls of the tank meet the roof shall be engineered to have a rounded form with a minimum 900 mm to avoid a sharp visual angle when seen against the adjacent visual backdrop.~~



- ~~B. The proposed tank shall be painted an exterior color that is a non-reflective gray/green that blends with the existing and proposed vegetation.~~
- ~~C. During final design, the tank shall be set into the grade with rear retaining walls to reduce its apparent visual mass when seen from Highway 101 and the residences south of the Santa Maria River.~~
- ~~D. Prior to issuance of a Building Permit, the applicant shall prepare a visual analysis of the water storage tank and amend the landscape plan identified in Mitigation Measure AES-2 (A) to include specifications for planting of trees and shrubs in front of the sound walls to visually screen the walls. The landscape plan shall meet the following requirements:~~
- ~~• Provide low maintenance screening of the public views of the proposed tank;~~
  - ~~• Provide erosion resistance to the relatively steep slopes around the tank;~~
  - ~~• Utilize native plants to the extent feasible to blend into the surrounding landscape; and,~~
  - ~~• Locate plants in clusters and relatively natural configurations to provide a depth of foliage to screen the tank.~~

#### **Residual Impacts:**

Impacts would be less than significant.

**Impact AES-6:** Implementation of **Mitigation Measure HAZ-3 (A), WR-2 (B), WR-6, WR-7, and WR-9**, which involve construction of structures, such as berms, and detention basins, at elevations a minimum 1-foot above the 100-year flood profile and designed to withstand a 100-year flood event, may create visual impacts.

**Discussion:** These measures involving constructing berms, detention basins, and other structures and elevations a minimum 1-foot above the 100-year flood profile and designed to withstand a 100-year flood event. Structures constructed at elevations that causes them to visible from public places may create visual impacts. Such impacts may include degradation of the visual character if the structures were visible from Highway 101 and the residences south of Santa Maria River. According to Mr. Tim Tomlinson of the County Public Works Department, actual flood stage elevations for the project area are not available (refer to Section 5.14.8). As such, the required height in which these structures would need to be constructed is unknown. Therefore, visual impacts may be significant, but are unknown. **Mitigation Measure WR-2 (A)** would require the applicant to, prior to issuance of a Building Permit, conduct a flood analysis to determine the flood stage elevation of the project area. Results of this analysis would be used to determine the required elevation of berms, detentions basins, etc. Visual impacts could then be determined.

**Impact Category:** Potentially Significant but Mitigable

**Thresholds of Significance Criteria:** 1, 3, 4

**Mitigation Measures AES-6:** According to the results of **Mitigation Measure WR-2 (A)**, if the required heights of the berms, detention basins, and related structures will be greater than 6 feet, the applicant shall prepare a visual analysis and amend the landscape plan identified in Mitigation Measure AES-2 (A) to include specifications for planting of trees and shrubs in front of the structures to visually screen them.

**Residual Impacts:**

Impacts would be less than significant.

**5.1.2.3 LUO/LUE Amendment Impacts**

**Impact AES-7:** Construction of either a machinery manufacturing or chemical products manufacturing facility within the LUO/LUE amendment area may result in greater visual impacts than either a residential care facility or a metal fabricating facility.

**Discussion:** A metal machinery manufacturing or chemical products manufacturing facility may have project components that are either taller or use more exterior nighttime lighting than either a residential care facility or metal fabricating facility. Additional height may create greater visual impacts to motorists traveling on U.S. 101 or to residences located south of Santa Maria River. More extensive nighttime lighting could result in additional light and glare impacts to adjacent residents.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1, 3, 4, 5, 6

**Mitigation Measures AES-7:**

The following general mitigation measures should be implemented to reduce visual impacts that may result from new industrial development:

- A. New discretionary development proposals may need to include a visual impact analysis using photo-simulation to identify visual impacts associated with the development;
- B. At the time of application for building permits, the applicant shall submit landscape, landscape irrigation, and landscape maintenance plans and specifications to the County Department of Planning and Building for review and approval. The landscape maintenance plan shall identify programs for growing and maintaining proposed vegetative screens so that they achieve short-term and long-term objectives, including measures to ensure that screening will be maintained for the life of the project, including replacement of any trees that may die.
- C. At the time of application for building permits, the applicant shall provide an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All light poles, fixtures, and hoods shall be dark (non-reflective) colored. All exterior lighting sources shall be of heights no more than

absolutely necessary and adjusted so that light is directed down and inward to avoid light from extending into sensitive areas (e.g., residential, highway, etc.)

D. Lighting shall be consistent with the County Land Use Ordinance, which contains the following measures designed to mitigate light pollution generated by all exterior lighting:

- Outdoor lighting is to be used for the purpose of illumination only, and is not to be designed for or used as an advertising display, except as provided by Sections 22.04.300 et seq (Section 22.04.320[a]);
- Light sources are to be designed and adjusted to direct light away from any road or street, and away from any dwelling outside the ownership of the applicant (Section 22.04.320[b]);
- No light or glare shall be transmitted or reflected in such concentration or intensity as to be detrimental or harmful to persons, or to interfere with the use of surrounding properties or streets (Section 22.04.320[c]);
- Any light source used for ground area illumination, except incandescent lamps of 150 watts or less and light produced directly by the combustion of natural gas or other fuels shall be shielded from above in such a manner that the edge of the shield is level or below the lowest edge of the light source. Where any light source intended for ground illumination is located at a height greater than eight feet, the required shielding is to extend below the lowest edge of the light source a distance sufficient to block the light source from the view of any residential use within 1,000 feet of the light fixture (Section 22.04.320[d.1]);
- Where lights are used for the purpose of illuminating or accenting building walls, signs, flags, architectural features, or landscaping, the light source is to be shielded so as not to be directly visible from off-site (Section 22.04.320[d.2]);
- Free standing outdoor lighting fixtures are not to exceed the allowed height of the tallest building on the site (Section 22.04.320[e]); and,
- Street lighting shall be designed to minimize light pollution by preventing the light from going beyond the horizontal plane at which the fixture is directed (Section 22.04.320 [f]).

E. Utilities shall be placed underground to minimize their visibility from public view corridors.

**Residual Impacts:**

With the incorporation of mitigation, impacts would be reduced to less than significant levels.

#### **5.1.2.4 Cumulative Impacts**

As discussed in Section 8.2 of this EIR, cumulative projects include the Troesh Land Use Ordinance Amendment, which includes receipt, processing, storage and sales of green waste, and the Caldwell and Loomis projects. Construction of the office building/warehouse, tank storage yard, and the commercial composting facility would affect scenic views of the area from motorists traveling on U.S. Highway 101. The contribution of the proposed project to regional visual impacts of the cumulative projects would be considerable. These cumulative impacts could alter the significance of visual impacts of the project.

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## 5.2 AGRICULTURAL RESOURCES

### 5.2.1 Environmental Setting

San Luis Obispo County has diverse physical features that provides for a wide variety of agricultural uses. Characteristics potentially affecting the land for agricultural use include topography, soils, climate, natural vegetation, water availability and surrounding non-agricultural uses.

The climate of the coastal area west of the Santa Lucia Range is very different from that of the interior. Coastal temperatures are moderate throughout the year by humid marine air, including fog during spring and summer. The nearly frost-free climate allows year-round production of vegetables (typically 2 to 3 crops per year) in coastal valleys and citrus, avocados and other subtropical fruits in the foothills.

Irrigated agriculture in the area is primarily dependent on the quantity, quality, and depth of groundwater. The Santa Maria Groundwater Basin provides water to the subject area and is the largest of the coastal basins. Soils of the area are shown in Figure 5.6-2 and described in Section 5.6.1.5.

The project site is within the South County Planning Area. There are a wide range of agricultural uses occurring on the adjacent Nipomo Mesa. However, most of the designated agriculture on the mesa includes lands currently under agricultural preserve contracts (see Section 5.2.1.1). Non-contract lands include avocado and citrus orchards, tree farms and grazing land. None of the area is considered Prime Farmland.

The project area comprises a total of approximately 54 acres. The existing land use designations of the site include Residential Suburban (RS) (9.3 acres) and Commercial Service (CS) (44.7 acres). The existing uses within the LUO/LUE amendment area include: scattered commercial buildings, an old farmhouse, a variety of heavy equipment and portable buildings, stockpiles of recycled asphalt and concrete, and an existing concrete batch plant and recycling operations. The latter involves material stockpiles, silos, and equipment that are comparable to those of the proposed asphaltic concrete plant. The preferred alternative would involve changing the zoning of both the 9.3-acre area and 44.7-acre area to Industrial (IND) and construction of an asphalt plant at the existing concrete batch plant site (the concrete batch plant would be moved to an adjacent parcel). Many of the parcels within the project area are small, less than 5 acres.

As shown in Figure 4-2, agriculturally-zoned uses occur adjacent to the project site. Grazing activities are found on the other side of the freeway to the east. Row crops are found approximately 5,000 feet to the southwest across the river, and grazing is found to the west on top of the Nipomo Mesa.

### 5.2.1.1 Land Use Compatibility

The County of San Luis Obispo Agricultural Commissioner is charged with promoting and protecting agricultural resources, protecting the public’s health and safety, and providing the County and Cities with technical information and assistance in dealing with land use compatibility and capability issues affecting agriculture. This is accomplished through the review of land use proposals in or near agricultural areas and providing recommended measures where necessary. As appropriate, the Department of Agriculture will evaluate projects for land use conflicts. Recommended measures are provided where significant land use conflict determinations are made.

Land use compatibility issues include, but are not limited to: pesticide use, noise, dust, trespassing, vandalism, theft, litter, liability issues, rodent control, agricultural burns, and erosion.

The most effective mitigation measures for these issues are open space buffers between the land uses. The margin of safety and probability of conflicts are considered in determining setback distances. Because production practices vary considerably by type of crop, as well as other factors (e.g., prevailing wind, topography, etc.) buffer distances may vary accordingly.

Site-specific non-crop factors and proposal specifications often affect the final buffer distance recommendations within the ranges presented in Table 5.2-1. Other mitigation measures, such as screening, may also affect buffer distance recommendations.

**Table 5.2-1. Agricultural Buffer Distance Ranges**

Type of Agricultural Use	Buffer Distance
Vineyard	400 - 800 feet
Irrigated Orchard	300 - 800 feet
Irrigated Vegetables and Berries	200 - 500 feet
Field Crops	100 - 400 feet
Dry Farm Almonds	100 - 200 feet
Rangeland/Pasture	50 - 200 feet
Wholesale Nurseries Outdoor Grown	100 - 500 feet
Greenhouse	50 - 250 feet

Source: San Luis Obsipo Agricultural Commissioner

Parcels under agricultural use, but not within the Agriculture land use category may also affect buffer distance determinations.

## 5.2.2 Impact Analysis

### 5.2.2.1 Thresholds of Significance

For the purposes of this EIR, a significant impact to agriculture resources is assumed to occur if the proposed project results in any of the following conditions:

1. 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;
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract; and,
3. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

### 5.2.2.2 Asphalt Plant Impacts

**Impact AG-1.** Fugitive dust and asphalt plant operations may indirectly impact adjacent agricultural fields.

**Discussion:** Construction of the proposed asphalt plant would have no direct impacts to agricultural resources because no activities are being proposed within soils considered prime or of statewide importance. Secondly, the project will not conflict with existing zoning for agricultural use, or a Williamson Act contract. Thirdly, it will not involve other changes in the existing environment that could result in conversion of Farmland to non-agricultural use.

Fugitive dust emissions from construction may cause indirect impacts to adjacent agricultural crops. Also, emissions from operation of the asphalt plant could indirectly impact agricultural resources. Considering the distance of the proposed asphalt plant in relation to the adjacent agricultural uses, mitigation measures contained in Section 5.3 Air Quality to control fugitive dust emissions as well as those to minimize emissions from plant operations will minimize any potential impact to agricultural resources (personal communication with Lynda Auchinachie and Tamara Kleemann, Agricultural Commissioner's, August 4, 2004)

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 2

**Mitigation Measures:** See Air Quality section (Section 5.3) for dust and emissions controls.

**Residual Impacts**

Less than significant.



### 5.2.2.3 LUO/LUE Amendment Impacts

**Impact AG-2:** The LUO/LUE amendment may have an indirect impact on agricultural resources.

**Discussion:** Although the area currently zoned for agriculture is outside the project area (see Figure 4-2), and would not be subject to changes in land use designations, it may be affected by the industrial uses that would be allowed within the LUO/LUE amendment area. The areas adjacent to the LUO/LUE amendment area could no longer be adequate for agricultural uses due to the potential for a Machinery Manufacturing plant to emit emissions that could affect agricultural resources. The plant could potentially have an adverse effect on air quality and groundwater in addition to the increased potential for fire, explosion, and hazardous materials leaks. These issues have the potential to cause land use compatibility conflicts.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 2

**Mitigation Measures:** The following measures are already done by the County as new development is proposed:

- A. Prior to approval of any future development within the LUO/LUE amendment area, the applicant shall submit the proposed project to the County Agricultural Commissioner for review and approval to determine if potentially significant impacts to agricultural resources would result, and to identify appropriate mitigation measures to reduce such impacts.
- B. ~~indicating~~ Indicate compliance with necessary buffers. The County's Agricultural Commissioner's office makes buffer determinations and other mitigation measures on a case by case basis considering all relevant factors. County wide standard or minimum setback distances are not used (Agriculture & Open Space Element, 1998).
- C. To minimize the impact to agricultural resources, the County shall require that any proposed industrial land use authorized in this area be required to maintain appropriate air emission reduction equipment per the requirements of the San Luis Obispo Air Pollution Control District (APCD).

#### Residual Impacts

By following the existing County process, impacts to agricultural resources would be less than significant.

#### **5.2.2.4 Cumulative Impacts**

As discussed in Section 8.2 of this EIR, cumulative projects include Caldwell Minor Use Permit, Loomis Minor Use Permit, and Troesh Land Use Ordinance Amendment, which would result in the development of two office buildings, a warehouse, and a commercial composting facility. These land uses would not result in any changes or adverse impacts to agricultural resources. Furthermore, the composting facility may have a beneficial impact to agricultural resources by providing a nearby source of fertilizer and soil amendment.

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## **5.3 AIR QUALITY**

### **5.3.1 Setting**

#### **5.3.1.1 Climate and Meteorology**

Coastal San Luis Obispo County is characterized by mild weather throughout the year. Due to its location near the coast, the Pacific Ocean plays a key role in moderating temperatures. Summers are mild and often characterized by early morning and afternoon fogs. Winters are usually cool and wet with the rainy season extending from late November to early April.

The nearest climatic data station is located at the Santa Maria Airport, approximately 6 miles south of the project site. The minimum average temperature recorded at the Santa Maria Airport station from 1948 to 2004 is 38.6 degrees Fahrenheit in December. The maximum average temperature is 74.3 degrees Fahrenheit in September for the same period. The average annual rainfall, recorded from 1948 to 2004, is 12.85 inches at the Santa Maria Airport. Eighty-four percent of this rainfall occurs from November through March.

Airflow plays an important role in the movement and dispersion of air pollutants in the San Luis Obispo region. The speed and direction of local winds are controlled by 1) the location and strength of the Pacific High pressure system and other global patterns, 2) topographical factors, and 3) circulation patterns resulting from temperature differences between the land and sea.

During the spring and summer, when the Pacific High attains its greatest strength, onshore winds from the northwest generally prevail during the day. As evening approaches, onshore winds die down, and the wind direction reverses with weak winds flowing down the coastal mountains and valleys to form light easterly breezes.

In the fall, onshore surface winds decline and the marine layer grows shallow, allowing an occasional reversal to a weak offshore flow. This, along with the diurnal alteration of land-sea breeze circulation, can sometimes produce a "sloshing" effect. Under such conditions, pollutants may accumulate over the Pacific Ocean and subsequently be carried back onshore with the return of sea breezes.

In the atmosphere, air temperatures normally decrease as altitude increases. At varying distances above the earth's surface, however, a reversal of this temperature gradient can occur. Such a condition, which is called an inversion, is simply a warm layer of air over a layer of cooler air. Inversions can have the effect of limiting the vertical dispersion of air pollutants, trapping them near the earth's surface.

Several types of inversions are common to the San Luis Obispo area. Weak surface inversions are caused by radiational cooling of air in contact with the cold surface of the earth at night. In valleys and low lying areas, this condition is intensified by the addition of cold air flowing down from hills and pooling on valley floors. Surface inversions are common throughout the County during winter months, particularly on cold mornings. As the morning sun warms the earth and air near the ground, the inversion lifts, gradually dissipating throughout the day.

During the summer, subsidence inversions can occur when the summertime presence of the Pacific high pressure cell can cause the air mass aloft to sink. As the air descends, compressional heating warms the air to a higher temperature than the air below. This highly stable atmospheric conditioning can act as a nearly impenetrable lid to the vertical mixing of pollutants. Subsidence inversions can persist for one or more days, causing air stagnation and the buildup of pollutants.

#### **5.3.1.2 Air Pollution Control**

Air pollution control is administered on three governmental levels in the project area. The United States Environmental Protection Agency (EPA) has jurisdiction under the Federal Clean Air Act to develop Federal air quality standards and to require individual states to prepare State Implementation Plans (SIPs) to attain these standards.

The California Environmental Protection Agency, Air Resources Board (ARB) has jurisdiction under the California Health and Safety Code and the California Clean Air Act to develop California air quality standards, to require regional plans to attain these standards, and to coordinate the preparation by local air districts of plans required by both the Federal and State Clean Air Acts. ARB is also responsible for the development of state emission standards for mobile and stationary emission sources.

The San Luis Obispo County Air Pollution Control District (APCD) shares responsibility with the ARB for ensuring that all State and Federal ambient air quality standards are attained within the County. The APCD has jurisdiction under the California Health and Safety Code to develop emission standards (rules) for the County, issue air pollution permits, and require emission controls for stationary sources in the County. The APCD is also responsible for the attainment of State and Federal air quality standards in the County.

#### **5.3.1.3 Air Quality Standards**

Air quality standards are specific concentrations of pollutants that are used as thresholds to protect public health and the public welfare. The U.S. Environmental Protection Agency (EPA) has developed two sets of standards; one to provide an adequate margin of safety to protect human health and the second to protect the public welfare from any known or anticipated adverse effects. At this time, sulfur dioxide is the only pollutant for which the two standards differ.

ARB has developed air quality standards for California, which are generally lower in concentration than the Federal standards. California standards exist for ozone, carbon monoxide, nitrogen dioxide, PM<sub>10</sub>, visibility, sulfates, lead, hydrogen sulfide and vinyl chloride.

In July 1997, EPA finalized new health-based ozone and particulate matter (PM) standards. However, due to several lawsuits the standards were not fully implemented until February 2001. The new Federal ozone standard is based on a longer averaging period (8-hour vs. 1-hour), recognizing that prolonged exposure is more damaging. The new Federal PM standard is based on finer particles (2.5 microns and smaller vs. 10 microns and smaller), recognizing that finer particles may have a higher residence time in the lungs and cause greater respiratory illness. In 2002, the ARB lowered the annual standards for PM<sub>10</sub> and PM<sub>2.5</sub> in response to the Children's Environmental Health Protection Act. Table 5.3-1 lists the applicable State and Federal air quality standards.

**Table 5.3-1. Ambient Air Quality Standards**

Pollutant	Averaging Time	State Standard	Federal Standard
Ozone	1-Hour	0.09 ppm	--
	8-Hour	--	0.08 ppm
Carbon Monoxide (CO)	1-Hour	20 ppm	35 ppm
	8-Hour	9.0 ppm	9.0 ppm
Nitrogen Dioxide (NO <sub>2</sub> )	1-Hour	0.25 ppm	--
Inhalable Particulate Matter (PM <sub>2.5</sub> )	24-Hour	--	65 ug/m <sup>3</sup>
	Annual Arithmetic Mean	12 ug/m <sup>3</sup>	15 ug/m <sup>3</sup>
Inhalable Particulate Matter (PM <sub>10</sub> )	24-Hour	50 ug/m <sup>3</sup>	150 ug/m <sup>3</sup>
	Annual Arithmetic Mean	20 ug/m <sup>3</sup>	50 ug/m <sup>3</sup>
Sulfur Dioxide (SO <sub>2</sub> )	1-hour	0.25 ppm	--
	24-Hour	0.04 ppm	0.14 ppm

**5.3.1.4 Effects of Air Pollution**

The primary chemical compounds that are considered pollutants emitted into or formed in the atmosphere include ozone, oxides of nitrogen, sulfur dioxide, hydrocarbons, carbon monoxide, and particulate matter.

Ozone is formed in the atmosphere through a complex series of chemical reactions generally requiring light as an energy source. Ozone is a pungent, colorless gas that is a strong irritant and attacks the respiratory system. Respiratory and cardiovascular diseases are aggravated by exposure to ozone. A healthy person exposed to high concentrations of ozone may experience nausea, dizziness, and burning in the chest. Ozone also damages crops and other vegetation.

Approximately 90% of the ozone in the earth's atmosphere is within the stratosphere. The stratosphere is a layer of the atmosphere directly above the troposphere, which is the lowest layer. Ozone in the stratosphere absorbs 97-99% of the sun's high frequency ultraviolet light that is potentially damaging to life on earth.

Oxides of nitrogen (NO<sub>x</sub>) which are considered pollutants include nitric oxide (NO) and nitrogen dioxide (NO<sub>2</sub>). NO is colorless and odorless and is generally formed by combustion processes combining atmospheric oxygen and nitrogen. NO<sub>2</sub> is a reddish-brown irritating gas formed by the combination of NO and oxygen in the atmosphere or at the emission source. Both NO and NO<sub>2</sub> are considered ozone precursors because they react with hydrocarbons and oxygen to produce ozone. Exposure to NO<sub>2</sub> may increase the potential for respiratory infections in children and cause difficulty in breathing even among healthy persons and especially among asthmatics.

Sulfur dioxide (SO<sub>2</sub>) is a colorless, pungent, irritating gas which affects the upper respiratory tract. Sulfur dioxide may combine with particulate matter and settle in the lungs, causing damage to lung tissues. Sulfur dioxide may combine with water in the atmosphere to form sulfuric acid that may fall as acid rain, damaging vegetation.

Hydrocarbons include a wide variety of compounds containing hydrogen and carbon. Many hydrocarbons (known as reactive organic gases [ROG]) react with NO and NO<sub>2</sub> to form ozone. Generally, ambient hydrocarbon concentrations do not cause adverse health effects directly, but result in ozone formation.

Carbon monoxide (CO) is a colorless, odorless gas generally formed by incomplete combustion of hydrocarbon-containing fuels. Carbon monoxide does not irritate the respiratory tract, but does interfere with the ability of blood to carry oxygen to vital tissues.

Particulate matter consists of a wide variety of particle sizes and composition. Generally, particles less than 10 microns (PM<sub>10</sub>) are considered to be pollutants because they accumulate in the lung tissues and may contain toxic materials which can be absorbed into the system. Smaller particulates (PM<sub>2.5</sub>) may reside longer in lung tissue causing further damage.

#### **5.3.1.5 Baseline Air Quality**

San Luis Obispo County has been identified as a non-attainment area for ~~for both ozone (1-hour standard) and PM<sub>10</sub>~~ by the ARB. San Luis Obispo County has been designated a non-attainment area for the State 1-hour ozone standard since 1988. However, on December 5, 2003 the ARB proposed re-designating the County as attainment because no ozone violations had been recorded during 2000-2003, and that the County should be treated separately than the rest of the South Central Coast Air Basin due to minimal ozone transport associated with intervening mountain ranges. The proposed re-designation was finalized in January 2004.

Maximum concentrations of other criteria pollutants are currently within Federal and State standards.

Air quality in San Luis Obispo County is currently monitored at eight public agency and private sector monitoring stations located throughout the County. The nearest station is located in Nipomo approximately 3.5 miles northwest of the project site. This station monitors ozone, nitrogen dioxide, sulfur dioxide, and PM<sub>10</sub> levels. Table 5.3-2 presents the maximum pollutant concentrations that were recorded at this station from 2001 through 2003.

High ozone levels in San Luis Obispo County have occasionally been traced to air pollutants transported from other air basins, such as the South Coast Air Basin, the San Francisco Bay Area, and the San Joaquin Valley. The frequency with which long-range transport of pollutants affects local air quality has not been definitively established. However, most exceedances of the State ozone standard measured in the County are the result of local emissions and adverse meteorology.

#### **5.3.1.6 Air Quality Management**

The California Clean Air Act (CCAA), adopted in 1988, requires all air pollution control districts and air quality management districts in the state to adopt and enforce regulations to achieve and maintain air quality that is within the State air quality standards. On January 22, 2004, the California Air Resources Board designated San Luis Obispo County to "Attainment" of the State Air Quality Standard for Ozone. This was accomplished through a 30% reduction in nitrogen oxides (NO<sub>x</sub>), 25% reduction in reactive organic gases (ROG), emission reductions through regulations, alternative transportation & grants elimination of over 45,000 vehicle trips per day, and elimination of 150,000 vehicle miles traveled per day. However, the County is considered a nonattainment area for the State PM<sub>10</sub> standard.

**Table 5.3-2. Summary of Air Quality Standard Exceedances**

Year	2001	2002	2003
<b>Ozone 1-hour (ppm)</b>			
Worst Hour	0.085	0.080	0.097
Number of State Exceedances (Days > 0.09 ppm)	0	0	1
<b>Ozone 8-hour (ppm)</b>			
Worst 8-hour Period	0.080	0.069	0.076
Number of State Exceedances (Periods > 0.08 ppm)	0	0	0
<b>PM<sub>10</sub> (micrograms/cubic meter)</b>			
Worst Sample	64	55	70
Number of State Exceedances (Samples>50)	3	2	3
Annual Mean (State Standard is 20, Federal is 50 ug/m3)	24.8	Not available	23.6

Source: California Air Resources Board ([www.arb.ca.gov](http://www.arb.ca.gov))

In response to the requirements of the CCAA, the San Luis Obispo County APCD prepared the 1991 Clean Air Plan (CAP) to provide a framework for the attainment of State air quality standards by the earliest practicable date. The CAP is a comprehensive planning document intended to facilitate attainment and maintenance of the State ozone standard. The 1995 CAP was developed as a comprehensive update to the 1991 CAP and was expected to bring the County into attainment of the State ozone standard by the end of 1997.

The 1995 CAP described the pollutants that affect County air quality, the sources of those pollutants, and future year emissions that are anticipated under current growth trends. Based on this information, the 1995 CAP also provides a control strategy for reducing emissions of ozone precursors. Included in the 1995 CAP are a number of land use and circulation management policies and programs that have already been implemented to reduce vehicular air emissions. Additional measures recommended for adoption include trip reduction programs and telecommuting.

A second update to the 1991 CAP was developed in 1998, as a continuation of the 1995 CAP and proposed no new control measures for adoption. The 1998 CAP was expected to bring the County into attainment with the State 1-hour ozone standard by 2003.

The CAP was revised again in 2001, but did not include any new emissions control measures. However, emissions of ROG and NOx were expected to decline through the year 2015, and attainment of the State ozone standard would occur in the near term. Due to the lack of recorded violations of the State 1-hour ozone standard, San Luis Obispo County was re-designated an attainment area in January 2004.

San Luis Obispo County is in attainment of the Federal air quality standards and is not subject to the planning requirements of the Federal Clean Air Act.



### 5.3.1.7 Existing Facilities

The project parcel currently supports a concrete and asphalt recycling facility, ready-mixed concrete plant and sand and gravel mine. These facilities generate fugitive dust emissions associated with materials handling and vehicle use on unpaved roads. Trucks and heavy equipment associated with materials handling and transportation of materials also generates exhaust emissions.

## 5.3.2 Impact Analysis

### 5.3.2.1 Thresholds of Significance

Significance thresholds have been developed by the San Luis Obispo County APCD and contained within the *CEQA Air Quality Handbook* (San Luis Obispo County APCD, 1997). Specifically, project emissions are considered significant impacts if any of the following thresholds are exceeded:

1. Operational Impacts:

Reactive Organic Gases (ROG), NO <sub>x</sub> , SO <sub>2</sub> , PM <sub>10</sub>	10 lbs/day
CO	50 lbs/day

The APCD requires more stringent environmental review requirements for projects exceeding 25 lbs/day of ROG, NO<sub>x</sub>, SO<sub>2</sub> and PM<sub>10</sub> emissions, or 550 lbs/day CO emissions.

2. Construction Impacts:

ROG and NO <sub>x</sub>	185 lbs/day or 2.5 tons/quarter
PM <sub>10</sub>	2.5 tons/quarter

The APCD requires Best Available Control Technology for construction equipment (CBACT) for projects with ROG or NO<sub>x</sub> emissions between 2.5 and 6.0 tons per quarter and requires CBACT plus further mitigation for projects with emissions exceeding 6.0 tons per quarter.

3. Consistency:

Large projects must be found consistent with the District's Clean Air Plan (CAP). The APCD notes that a consistency analysis is required for the following types of projects: general plan updates and amendments, specific plans, area plans, large residential subdivisions and large commercial/industrial developments. The proposed project is not one of the types listed; therefore, a CAP consistency analysis is not required.

4. Health Risk:

The APCD has established health risk threshold values under the Air Toxics "Hot Spots" Information and Assessment Act. These values trigger community notification and a risk reduction plan.

Cancer Risk: 10 in a million lifetime cancer risk (continual 70 year exposure);

Non-Cancer Acute Hazard: acute hazard index greater than or equal to 1.0 (sum of acute hazard hourly index of each pollutant with similar adverse health effects); and

Non-Cancer Chronic Hazard: chronic hazard index greater than or equal to 1.0 (sum of chronic hazard annual index of each pollutant with similar adverse health effects).

## 5. Odors:

APCD Rule 402 states "A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property." Violation of Rule 402 is considered a significant impact.

### **5.3.2.2 Short-Term Asphalt Plant Impacts**

**Impact AQ-1:** Construction activity would generate air emissions that may adversely impact local and regional air quality.

**Discussion:** The emissions of construction equipment and vehicles would be short-term and consist of fugitive dust and exhaust emissions. A peak day and peak quarter construction emissions inventory was prepared for comparison to the thresholds of significance. Equipment lists and activity levels provided by West Coast Environmental and Engineering (2003) were used to estimate emissions. Peak activity levels would occur for about one week during grading, activity and emissions levels would be less during the remainder of the construction period. West Coast Environmental and Engineering (2003) indicated that construction would require 3 to 4 months. Therefore, emissions from the entire construction period were totaled for comparison to the ton per quarter threshold.

Construction equipment emissions were estimated using emission factors from EPA documents *Compilation of Air Pollutant Emission Factors (AP-42)* (1995a) and *Nonroad Engine and Vehicle Emission Study* (1991). On-road vehicle emissions associated with construction worker transportation, water truck use and materials transportation were also estimated. Motor vehicle emissions were estimated using the ARB EMFAC2002 model using emission-specific data for San Luis Obispo County, summer 2004. The temperature input (75 degrees F) is consistent with the CEQA Air Quality Handbook (San Luis Obispo County Air Pollution Control District, 2003).

Fugitive dust emissions were also estimated based on equipment lists and activity levels provided by West Coast Environmental and Engineering (2003). Grading, scraping, unpaved road dust and wind erosion emissions were estimated using emission factors from Sections 11.9 and 13.2 of EPA (1995). It was assumed that wind erosion of the 5 acre plant site would occur throughout the construction period. Fugitive dust emissions estimates are based on the use of water trucks to minimize dust generation.

Construction emissions would exceed the APCD's quarterly significance threshold for PM<sub>10</sub> and is considered a significant impact to regional air quality (see Table 5.3-3).

The existing concrete rubble piles may contain asbestos-cement pipe which is unacceptable for processing and recycling. Also, on-site structures and utilities may contain asbestos-containing materials. These materials must be properly abated prior to the commencement of demolition activities.

**Impact Category:** Significant but Mitigable

Thresholds of Significance Criteria: 2

**Table 5.3-3. Construction Emissions**

Pollutant	Units	Significance Threshold	Equipment	Vehicles	Fugitive Dust	Total
<b>NOx</b>	Pounds/peak day	185	122.7	2.4	0.0	<b>125.1</b>
	Tons/quarter	2.5	0.72	0.09	0.00	<b>0.81</b>
<b>ROC</b>	Pounds/peak day	185	9.1	0.3	0.0	<b>9.4</b>
	Tons/quarter	2.5	0.07	0.01	0.00	<b>0.08</b>
<b>CO</b>	Pounds/peak day	NA	62.2	5.1	0.0	<b>67.3</b>
	Tons/quarter	NA	0.32	0.20	0.00	<b>0.52</b>
<b>PM10</b>	Pounds/peak day	NA	7.2	0.0	353.0	<b>360.2</b>
	Tons/quarter	2.5	0.04	0.00	5.40	<b>5.44</b>

Thresholds of Significance Criteria: 2

**Mitigation Measure AQ-1:**

- A. Dust Control Measures. Dust generated by construction activities shall be kept to a minimum by full implementation of the following measures.
- During clearing, grading, earth moving, excavation, or transportation of dust-containing materials (soil, aggregate, crushed concrete and asphalt), water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease;
  - During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the morning and after work is completed for the day and whenever wind exceeds 15 miles per hour;
  - Stockpiled earth material shall be sprayed as needed to minimize dust generation;
  - During construction, the amount of disturbed area shall be minimized, and onsite vehicle speeds should be reduced to 15 mph or less;
  - Exposed ground areas that are planned to be reworked at dates more than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
  - After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering or revegetating or spreading soil binders to minimize dust generation until the area is paved or otherwise compacted so that dust generation is minimized;

- All heavy equipment and truck activity in unpaved areas shall be suspended when wind speeds exceed 20 mph (one hour average); and,
- All roadways associated with construction activities should be paved as soon as possible.

B. Asbestos Containing Materials. Any suspected asbestos-containing cement pipes observed within the existing concrete rubble piles shall be segregated by the operator and not processed on-site. Upon discovery of suspect asbestos-cement pipe, the San Luis Obispo APCD shall be immediately notified. The material shall be wrapped in plastic sheeting and disposed as asbestos waste in accordance with state and federal regulations.

Prior to demolition of any on-site buildings, the applicant shall complete a demolition asbestos survey prepared by a California-licensed asbestos consultant. The Asbestos Survey report shall be submitted to the San Luis Obispo County APCD along with an asbestos demolition notification pursuant to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) at least 10-days prior to initiation of demolition activities. Additionally, on-site utility pipes may be constructed with asbestos-cement pipe. These materials must be properly abated using a California-licensed asbestos abatement contractor and specially trained workers.

### **Residual Impacts**

Fugitive dust emissions would be reduced below the threshold of significance; therefore, residual impacts would be less than significant.

#### **5.3.2.3 Long-Term Asphalt Plant Impacts**

**Impact AQ-2:** Operation of the proposed asphalt hot mix plant would result in NO<sub>x</sub>, ROG, CO, SO<sub>2</sub> and PM<sub>10</sub> emissions that may adversely affect local and regional air quality.

**Discussion:** Emissions sources associated with the asphalt hot mix plant include:

- Exhaust emissions from the natural gas-fired burner used to dry the aggregate;
- Exhaust emissions from the natural gas-fired burner used to heat the asphalt oil;
- Exhaust emissions from on-site mobile equipment (wheeled loaders);
- Exhaust emissions from heavy-duty trucks used to transport aggregate, asphalt oil and asphalt product;
- Exhaust emissions from employee vehicles;
- Exhaust emissions from testing of three emergency generators (20 minutes per week);
- Evaporative ROG emissions from the hot asphalt from the dryer, mixer, hot bins, truck loading, silo filling and loaded trucks (in-transit); and,

- Dust emissions associated with aggregate handling, and truck and equipment use on unpaved roads.

Table 5.3-4 lists the assumptions used in estimating emissions from these sources. Asphalt plant emissions were calculated primarily using emissions factors from Section 11.1 of EPA (1995, updated 2004). For the purposes of emissions estimation, the proposed plant was considered a “batch mix” and not a “drum mix” because mixing of aggregate and asphalt oil would occur in a mixer and not in the dryer drum. A control efficiency of 50 percent for ROG and 98 percent for PM<sub>10</sub> for the proposed blue smoke control system was applied to emissions from truck loading and silo filling. These values were taken from West Coast Environmental and Engineering (2003), as no other data were available. The values and emissions estimations are consistent with respect to APCD’s CEQA Air Quality Handbook, which provides guidance for assessing air quality impacts for projects subject to CEQA review.

Oil heater emissions were estimated using factors from Section 1.4 (Natural Gas Combustion) of EPA (1995). PM<sub>10</sub> emissions associated with aggregate handling were estimated using factors from Sections 11.9 and 13.4 of EPA (1995). On-road vehicle emissions were estimated using summer 2004 for San Luis Obispo County from the EMFAC2002 model (April 2003 version). Emissions from emergency generator testing were estimated using manufacturer-supplied factors taken from West Coast Environmental and Engineering (2003). Emission calculations are documented in Appendix F.

Peak day and annual emissions for the asphalt hot mix plant are provided in Tables 5.3-5 through 5.3-8. Peak day emissions would exceed the daily significance threshold for NO<sub>x</sub>, ROG, CO, SO<sub>2</sub> and PM<sub>10</sub> and are considered a significant impact. It should be noted that average daily emissions would be substantially less, but would exceed the thresholds. Annual PM<sub>10</sub> emissions would also exceed the annual emissions threshold.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1

**Table 5.3-4. Assumptions used in Emissions Estimates**

Parameter	Peak Day	Annual
Asphalt Production (tons)	6,000	400,000
Asphalt Transportation (round trips): 25 tons/trip	240	16,000
Asphalt Round Trip Length (miles): south, north, east	23.3	23.3
Aggregate Usage (tons)	5,640	376,000
Aggregate Transportation (round trips): 25 tons/trip	226	15,040
Aggregate Round Trip Length (miles): 90% from Sisquoc	29	29
Asphalt Oil Usage (tons)	360	24,000
Asphalt Oil Transportation (round trips): 25 tons/trip	15	960
Asphalt Oil Round Trip length (miles): Santa Maria Refinery	24	24

On-site mobile equipment (hours)	20	1515
Employee one-way trips	24	7272
Heavy-duty truck average speed (mph)	40	40
Employee vehicle average speed (mph)	50	50

**Table 5.3-5. Asphalt Plant Operating Emissions**

Pollutant	Units	Dryer Mixer	Load-out (1)	Silo Filling (1)	Transit	Oil Heater	Aggregate Handling	Unpaved Roads
NOx	Pounds/peak day	111.9	0.0	0.0	0.0	4.2	0.0	0.0
	Tons/year	3.74	0.00	0.00	0.00	1.41	0.00	0.00
ROG	Pounds/peak day	49.2	12.6	36.6	6.6	0.5	0.0	0.0
	Tons/year	1.64	0.42	1.22	0.22	0.02	0.00	0.00
CO	Pounds/peak day	2400.0	7.8	7.2	0.0	7.6	0.0	0.0
	Tons/year	80.00	0.26	0.24	0.00	0.25	0.00	0.00
PM10	Pounds/peak day	162.0	0.1	0.1	0.0	0.7	11.8	1201.9
	Tons/year	5.40	0.00	0.00	0.00	0.02	0.40	37.9
SO2	Pounds/peak day	27.6	0.0	0.0	0.0	0.1	0.0	0.0
	Tons/year	0.92	0.00	0.00	0.00	0.00	0.00	0.00

Notes: (1) Includes 50 percent ROG and 98 percent PM10 control from blue smoke control filters

**Table 5.3-6. Mobile Source Emissions**

Pollutant	Units	Incoming Aggregate	Incoming Asphalt Oil	Outgoing Product	Employee Vehicles	On-Site Equipment
NOx	Pounds/peak day	161.4	8.9	136.0	0.5	206.4
	Tons/year	5.37	0.28	4.53	0.07	7.82
ROG	Pounds/peak day	7.9	0.4	6.7	0.2	98.7
	Tons/year	0.26	0.01	0.22	0.04	0.68
CO	Pounds/peak day	29.9	1.6	25.2	4.6	18.0
	Tons/year	0.99	0.05	0.84	0.70	3.74
PM10	Pounds/peak day	0.7	0.0	0.6	0.0	13.5
	Tons/year	0.02	0.00	0.02	0.00	0.51

**Table 5.3-7. Emergency Generator Emissions**

Pollutant	Units	165 KW	600 KW (2)	Total
NOx	Pounds/peak day	0.64	7.30	7.94
	Tons/year	0.02	0.19	0.21
ROG	Pounds/peak day	0.08	0.19	0.27
	Tons/year	0.00	0.01	0.01
CO	Pounds/peak day	0.05	1.92	1.97
	Tons/year	0.00	0.05	0.05
PM10	Pounds/peak day	0.02	0.35	0.37
	Tons/year	0.00	0.01	0.01
Hours	Peak day	0.333	0.333	
	Annual	17.3	17.3	

**Table 5.3-8. Emissions Summary**

Pollutant	Units	Asphalt Plant	Mobile Sources	Emergency Generator	Total	Significance Threshold
NOx	Pounds/peak day	116.1	513.2	7.9	637.2	25
	Tons/year	5.15	18.07	0.21	23.43	25
ROG	Pounds/peak day	105.5	113.9	0.3	219.7	25
	Tons/year	3.52	1.21	0.01	4.74	25
CO	Pounds/peak day	2422.6	79.3	2.0	2503.9	550
	Tons/year	80.75	6.32	0.05	87.12	NA
PM10	Pounds/peak day	1376.6	14.8	0.4	1391.8	25
	Tons/year	43.72	0.55	0.01	44.28	25

**Mitigation Measure AQ-2:**

- A. The asphalt plant site and all access roads shall be paved to minimize fugitive dust generation by mobile equipment and vehicles;
- B. Provisions to spray down stockpiles and any other dust generating area/activity, shall be provided and utilized as needed to prevent off-site transport of fugitive dust;
- C. A dust monitor shall be designated for each work shift to monitor site conditions, and shall order additional water spraying of roads, stockpiles and aggregate storage bins as needed to prevent off-site transport of fugitive dust. At a minimum, such watering shall be performed immediately when visible dust seen leaving the site. Water trucks shall be onsite from 1 pm to 6 pm when high winds are likely as well as when winds exceed 15 mph;
- D. The asphalt plant shall utilize drum mix technology (instead of a separate mixer) to reduce CO emissions; and,
- E. Project emissions, following implementation of Measures A through D above, shall be offset through the contribution to an off-site mitigation fund administered by APCD to finance regional emission reduction projects in the area. Off-site mitigation measures are designed to offset emissions from large projects that cannot be fully mitigated with on-site measures. Off-site emission reductions can result from either stationary or mobile sources, but should relate to the on-site impacts from the project in order to provide proper "nexus" for the air quality mitigation. For example, NOx emissions from increased vehicle trips from a large residential development could be reduced by funding the expansion of existing transit services. The off-site strategies identified below provide a range of options available to mitigate significant emissions impacts from large projects.
  - Develop or improve park-and-ride lots;
  - Retrofit existing homes in the project area with APCD-approved wood combustion devices;
  - Retrofit existing homes in the project area with energy-efficient devices;

- Retrofit existing businesses in the project area with energy-efficient devices;
- Construct satellite worksites;
- Fund a program to buy and scrap older, higher emission passenger and heavy-duty vehicles;
- Replace/repower transit buses;
- Replace/repower heavy-duty diesel school vehicles (i.e. bus, passenger or maintenance vehicles);
- Fund an electric lawn and garden equipment exchange program;
- Retrofit or repower heavy-duty construction equipment, or on-road vehicles;
- Repower marine vessels;
- Repower or contribute to funding clean diesel locomotive main or auxiliary engines;
- Install bicycle racks on transit buses;
- Purchase particulate filters or oxidation catalysts for local school buses, transit buses or construction fleets;
- Install or contribute to funding alternative fueling infrastructure (i.e. fueling stations for CNG, LPG, conductive and inductive electric vehicle charging, etc.);
- Fund expansion of existing transit services;
- Fund public transit bus shelters;
- Subsidize vanpool programs;
- Subsidize transportation alternative incentive programs;
- Contribute to funding of new bike lanes;
- Install bicycle storage facilities; and,
- Provide assistance in the implementation of projects that are identified in city or county Bicycle Master Plans.

### **Residual Impacts**

Measures A through D above would substantially reduce PM<sub>10</sub> emissions, but emissions would remain greater than the threshold of significance. Measure D would reduce project CO emissions to approximately 884 pounds on a peak day, which would exceed the 550 pound per day threshold. Implementation of Measure E would offset project emissions, resulting in residual emissions below the threshold and considered less than significant.

**Impact AQ-3:** Toxic air contaminants contained with asphalt plant operation and diesel truck exhaust may result in unacceptable human health risk.



**Discussion:** The asphalt plant would emit hazardous air pollutants as defined by the U.S. EPA including acetylaldehyde, benzene, ethylbenzene, formaldehyde, quinone, toluene, xylenes, polycyclic aromatic hydrocarbons, arsenic, beryllium, cadmium, chromium, hexavalent chromium, lead, manganese, mercury, nickel, selenium, phenol, bromomethane, 2-butanone, carbon disulfide, chloroethane, chloromethane, cumene, ethylbenzene, hexane, isooctane, methylene chloride and styrene (EPA, 1995).

Transportation of aggregate, asphalt oil and asphalt product would be conducted using diesel-powered heavy-duty trucks. On-site mobile equipment would also burn diesel fuel. The combustion of diesel fuel by internal combustion engines produces exhaust containing a number of compounds that have been identified as hazardous air pollutants by the U.S. Environmental Protection Agency (EPA) and toxic air contaminants by the California Air Resources Board (ARB). These hazardous air pollutants include benzene, toluene, xylene, propylene, 1,3-butadiene, formaldehyde, acetylaldehyde, acrolein and polycyclic aromatic hydrocarbons.

Particulate matter (PM) from diesel exhaust has recently been identified as a toxic air contaminant, which has prompted ARB to develop a Final Risk Reduction Plan (released October 2000) for exposure to diesel PM. Based on ARB Resolution 00-30, full implementation of emission reduction measures recommended in the Final Risk Reduction Plan would result in a 75 percent reduction in the diesel PM Statewide inventory and the associated cancer risk by 2010, and an 85 percent reduction by 2020 in the diesel PM inventory and potential cancer risk.

If found in sufficient quantities, the combination of hazardous air pollutants from the asphalt plant, mobile equipment and trucks could result in an unacceptable health risk to nearby residences (closest ones are located approximately 900 feet north and 2,100 feet south of the site).

An air quality health risk assessment (HRA) [and an Addendum to the HRA](#) ~~were~~ prepared by West Coast Environmental and Engineering (WCE) (See Appendix F) for the proposed asphaltic concrete plant (West Coast Environmental 2005, [2007](#)). The HRA presents toxic air contaminant (TAC) source identification, air dispersion modeling and risk calculation at residential receptors for equipment associated with operation of the proposed portable, stand-~~alone~~, asphaltic concrete plant.

This HRA assessed identical production parameters as the Santa Paula HRA, which was published by WCE on May 25, 2004 and transmitted to Ventura APCD on September 30, 2004 (this HRA was recently approved by Ventura APCD). The Santa Paula HRA was prepared for an asphalt plant in Santa Paula, California, has the following similar characteristics as the proposed asphaltic concrete plant:

- Same annual throughput (400,000 tons per year);
- Located in a rural river valley with predominantly east-west winds; and,
- Residential receptors mostly located to the north and south at approximately the same distance as the proposed asphalt plant (approximately 1,000 to 2,500 feet).

The HRA for the Santa Paula plant addressed cancer risk, acute hazards and chronic hazards for all sources, including the dryer, asphalt heaters, evaporative emissions from hot asphalt, heavy equipment and heavy-duty trucks. The HRA looked at hazardous air pollutants, including acetaldehyde, benzene, ethylbenzene, formaldehyde, quinone, toluene, xylenes, polycyclic aromatic hydrocarbons, arsenic, beryllium, cadmium, chromium, hexavalent chromium, lead, manganese, mercury, nickel, selenium, phenol, bromomethane, 2-butanone, carbon disulfide, chloroethane, chloromethane, cumene, ethylbenzene, hexane, isooctane, methylene chloride and styrene (EPA, 1995).

Findings of the Santa Paula HRA were incorporated by reference and used in the following ways:

- Cancer risk associated with diesel particulate matter (DPM) emissions from on-road and non-road emission sources was found to comprise 99% of the risk. The HRA for the proposed asphaltic concrete plant focused on calculation of cancer risk from DPM emissions from the plant;
- Acute and chronic hazard indices are an order of magnitude less than their significance thresholds. This HRA does not include an analysis of acute or chronic hazard indices though they are incorporated by reference from the Santa Paula HRA.

In the time between the Santa Paula HRA and this HRA, naphthalene was added to the California Air Resources Board (CARB) list of carcinogens. This HRA includes risk associated with naphthalene emissions from the asphalt plant dryer that were not included in the Santa Paula HRA.

The following emission sources were evaluated in the HRA for the proposed plant:

- Truck travel onsite and in route to U.S. Highway 101 interchange with State Road 166;
- Truck idling onsite;
- Non-road engines in mobile equipment operating onsite; and,
- Combustion of natural gas in the drum dryer and asphalt plant production.

The HRA ~~Addendum found~~ concluded that:

- With implementation of the proposed Condition of Approval, the 70-year cancer risk at the Maximum Exposed Individual (MEI) is less than then significance threshold of 10 in 1 million; and
- ~~Cancer risk is less than the significance level of 10 in 1 million at the nearest receptor; and,~~
- Acute and chronic hazard indices (HI) are below significance level of 1.0 HI at the nearest receptor<sup>a</sup>.

**Impact Category:** Significant but Mitigable<sup>2</sup>

<sup>a</sup> ~~These findings have not been reviewed by APCD.~~

#### Thresholds of Significance Criteria: 4

**Mitigation Measure AQ-3A:** As part of permitting for the proposed asphalt plant generators (New Source Review), the APCD ~~would require~~required that the project proponent to complete a comprehensive facility-wide health risk assessment according to the Emission Inventory Criteria and Guidelines for the “Hot Spots” program. The Assessment ~~would include~~included a facility-wide inventory of toxic air contaminants, air dispersion modeling to determine ground-level concentrations at adjacent residences and application of unit risk factors to identify cancer and non-cancer health risk. ~~Should the results of the health risk assessment indicate unacceptable health risk, mitigation measures may be required to reduce health risk by reducing ground-level concentrations of toxic air contaminants, such as:~~

- ~~1. Limiting peak production rate which would reduce emissions from the asphalt plant, mobile equipment and trucks; and~~
- ~~2.1. Installing a meteorological monitoring station and limiting asphalt production during periods when the predominant wind direction is north-south (transport emissions to residents of Nipomo or Santa Maria).~~

**Mitigation Measure AQ-3B:** The applicant shall use ultra low sulfur diesel in all on-site diesel fuel equipment.

**Mitigation Measure AQ-3C:** A “no idling” policy shall be prepared and submitted to the APCD for review and approval, prior to the start of construction for this project. The policy shall apply to both on-site diesel fuel equipment and haul trucks and limit idling of diesel fuel equipment to a maximum of five minutes.

**Mitigation Measure AQ-3D:** Project loaders shall be powered by engines that are Tier 2 or better and equipped with add-on controls for diesel particulate matter. Add-on controls chosen shall be consistent with the highest level of ARB verified technology approved for use with the loaders at the time of issuance of a certificate of occupancy.

#### Residual Impacts

Health risk can feasibly be reduced below the threshold of significance; therefore, impacts are significant, but mitigable.

~~Increasing exhaust stack height of the steam generators to increase dispersion;~~**Impact AQ-4.** Hot asphalt generates odors and has the potential to be considered a nuisance, in violation of APCD Rule 402.

**Discussion:** The project incorporates Best Available Control Technology including a blue smoke control system (multi-pass filtration system for silo and truck loading), and an air scavenging system for the dryer and asphalt drag-out conveyor. These systems would remove most of the hot asphalt odors that would be generated. In addition, the nearest residence is located approximately 0.3800 milesfeet to the north. Therefore, odors are expected to be less than significant.

**Impact Category:** Insignificant

#### Thresholds of Significance Criteria: 5

**Mitigation Measure:** No mitigation is required above what use already proposed for the project. ~~Increasing exhaust stack height of the steam generators to increase dispersion;~~

#### 5.3.2.4 LUO/LUE Amendment Impacts

**Impact AQ-5.** Generation of manufacturing-related air quality emissions.

**Discussion:** The proposed change in land use designation from RS to IND and CS to IND would result in the generation of manufacturing-related air quality emissions associated within industrial uses (e.g., chemical products or metal machinery manufacturing plant,). Such air quality emissions could adversely affect local and regional air quality and result in unacceptable human health risks.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1, 2

**Mitigation Measure AQ-5:** A project-specific air quality assessment study shall be conducted by a qualified air quality specialist at the time a new use is proposed within the LUO/LUE amendment area that exceeds established air quality thresholds or involves hazardous materials. The study shall quantify impacts to adjacent residences, and specify emission reduction measures to minimize air quality impacts to the extent feasible, as determined by the County. If necessary, the APCD may require the project proponent to complete a comprehensive facility-wide health risk assessment. All measures recommended by the air quality assessment, and the health risk assessment, if required, shall be fully implemented. Such measures may include, but are not limited to, the following:

- ~~A.~~ Paving the project site and all access roads;
- Minimizing fugitive dust;
- Possible contribution to an off-site mitigation fund to finance regional emission reduction projects, such as bikeways, diesel bus conversions, agricultural engine replacements and similar activities; and,
- Limiting peak production rates.

#### **Residual Impacts**

With the incorporation of mitigation, impacts would be less than significant.

#### 5.3.2.5 Cumulative Impacts

As discussed in Section 8.2 of this EIR, cumulative projects include the Troesh Land Use Ordinance Amendment, which includes receipt, processing, storage and sales of green waste. This project would generate emissions from on-site mobile equipment and vehicles used to transport green waste. The Caldwell and Loomis projects would generate vehicle emissions associated with materials and employee transportation. The contribution of the proposed project to regional air emissions of the cumulative projects would be considerable. However, these cumulative impacts would not alter the significance of air quality impacts of the project.

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## 5.4 BIOLOGICAL RESOURCES

### 5.4.1 Introduction

The purpose of this section is to assess potential impacts to biological resources associated with the proposed Biorn CUP and LUO/LUE Amendment, located immediately north and adjacent to the Santa Maria River, west of Highway 101. This section includes a review of pertinent literature and field surveys, the results of coordination with resource agencies, discussion and analysis of related regulatory requirements, and an assessment of the impacts of the Proposed Project on biological resources.

For the purposes of describing the two components of this project, “plant site” refers specifically to the area affected by the CUP (the proposed asphalt plant facility), and “LUO/LUE area” refers to the entire area which will be affected by the LUO/LUE amendment (including the proposed asphalt plant facility).

### 5.4.2 Environmental Setting

#### 5.4.2.1 Regulatory Setting

This section identifies those plans and policies administered by resource agencies pertaining to those biological resources that are known to exist and/or have the potential to occur within the LUO/LUE area.

#### Special-Status Species

Federal Authority. The Federal Endangered Species Act (FESA), administered by the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration – Fisheries (NOAA Fisheries), provides protection to species listed as threatened or endangered. FESA also provides protection to those species proposed to be listed under FESA or critical habitats proposed to be designated for such species. In addition to the listed species, the Federal government also maintains lists of species that are neither formally listed nor proposed, but could potentially be listed in the future. Species on this list receive “special attention” from federal agencies during environmental review, although they are not protected otherwise under the FESA. The candidate species include taxa for which substantial information on biological vulnerability and potential threats exist, and are maintained in order to support the appropriateness of proposing to list the taxa as an endangered or threatened species.

Section 9 of the FESA prohibits the “take” of any member of a listed species. Take is defined as, “...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Harass is “an intentional or negligent act or omission that creates the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavior patterns that include, but are not limited to, breeding, feeding, or sheltering.” Harm is defined as “...significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering.”

Projects that would result in the take of a federally listed or proposed species are required to consult with USFWS or NOAA Fisheries. The objective of consultation is to determine whether the project would jeopardize the continued existence of a listed or proposed species, and to determine what mitigation measures would be required to avoid jeopardy.

Consultations are conducted under Sections 7 or 10 of FESA depending on the involvement by the Federal government. Section 7 requires agencies to make a finding on all federal actions, including the approval by an agency of a public or private action, such as the issuance of a permit pursuant to Section 10/404 of the Clean Water Act, on the potential to jeopardize the continued existence of any listed or proposed species potentially impacted by the action. Section 10 is conducted when there is no Federal involvement in a project except compliance with FESA.

Under Section 7, the USFWS and NOAA Fisheries are authorized to issue Incidental Take Permits (ITP) for the take of a listed species that results from, but is not the purpose of, carrying out an otherwise lawful activity conducted by the Federal agency. The ITP includes measures to minimize the take. Under Section 10(a), the USFWS and NOAA Fisheries can issue ITPs for non-Federal projects.

The USFWS also administers the federal Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-711). Under the MBTA, it is unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR 10, including feathers or other parts of birds, nests, eggs or products, except as allowed by implementing regulations (50 CFR 21).

State Authority. The California Department of Fish and Game (CDFG) administer a number of laws and programs designed to protect fish and wildlife resources. Principal of these is the California Endangered Species Act of 1984 (CESA - Fish and Game Code Section 2050) that regulates the listing and take of threatened and endangered species. Under Section 2081 of CESA, CDFG may authorize the take of an endangered and/or threatened species, or candidate species by a permit or Memorandum of Understanding (MOU) for scientific, educational, or management purposes.

CDFG also maintains lists of “candidate species” which are species that the CDFG has formally noticed as under review for addition to the threatened or endangered species lists. California candidate species are afforded the same level of protection as listed species. CDFG also designates “species of special concern” which are species of limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. These species do not have the same legal protection as listed species, but may be added to official lists in the future. The species of special concern list is intended by CDFG as a management tool to call attention to declining populations and focus efforts on decreasing threats to long-term viability.

CDFG also administers other State laws designed to protect wildlife and plants, including those laws stated within Fish and Game Code Section 3511, 3503, 3503.5 and the California Native Plant Protection Act of 1977. Under Section 3511 of the Fish and Game Code, CDFG designates species that are afforded “fully protected” status. Under this protection, designated species can only be taken or possessed with a permit. Fish and Game Code 3503 states that it is unlawful to take, possess, or needlessly destroy the nests or eggs of *any bird*. Section 3503.5 of the Fish and Game Code states that it is “unlawful to take, possess, or destroy any

birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest of eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.”

CDFG also manages the California Native Plant Protection Act of 1977 (Fish and Game Code Section 1900, et seq), which was enacted to identify, designate and, protect rare plants. In accordance with CDFG guidelines, California Native Plant Society (CNPS) 1B list plants are considered “rare” under the Act, and are evaluated in California Environmental Quality Act (CEQA) reports.

Local Authority. Special-status species of the LUO/LUE area are afforded protection by the County of San Luis Obispo under goals and polices contained in the County of San Luis Obispo General Plan and the South County Area Plan (2002). These documents provide a framework of policies designed to protect special-status species and sensitive habitat areas. Project-related adverse impacts on special-status species are considered significant for CEQA purposes.

### **Waters and Wetlands**

Federal Authority. The Army Corps of Engineers (Corps) is responsible for the issuance of permits for the placement of dredged or fill material into waters of the United States (waters) pursuant to Section 404 of the Clean Water Act (33 USC 1344). As defined by the Corps at 33 CFR 328.3(a)(3), waters are those that are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; tributaries and impoundments to such waters; all interstate waters including interstate wetlands; and territorial seas. (Note: Based on the recent U.S. Supreme Court decision in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* [2001], and guidance from the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency [2001], the Federal government no longer asserts jurisdiction over isolated waters and wetlands under Section 404 of the Clean Water Act based on the “migratory bird rule.” Further guidance on the issue of isolated wetlands and waters is expected (U.S. Army Corps of Engineers, 2001).

Wetlands are a special category of waters, and are defined at 33 CFR 328.3(b) as: “...*those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.*”

In non-tidal waters, the lateral extent of Corps jurisdiction is determined by the ordinary high water mark (OHWM), which is defined as the: “...*line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.*” (33 CFR 328[e]).

In addition, a wetland definition has been adopted by the USFWS to include both vegetated and non-vegetated wetlands, recognizing that some types of wetlands may lack vegetation (e.g., mudflats, sandbar, rocky shores, and sand flats), but still provide functional habitat for fish and



wildlife species (Cowardin, et al., 1979). These wetlands are defined as "...lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year." Some of the USFWS-defined wetlands are not regulated by the Federal government.

The upper (landward) limit of USFWS-defined wetlands are the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; the boundary between soil that is predominantly hydric and soil that is predominantly non-hydric; or in the case of wetlands without vegetation or soil, the boundary between land that is flooded or saturated at some time each year and land that is not (Cowardin et al., 1979). The lower limit in inland areas is established at a depth of 6.6 feet below the water surface; unless emergent plants, shrubs, or trees grow beyond this depth, at which the deepwater edge of such vegetation is the boundary (Cowardin et al., 1979).

State and Local Authority. Pursuant to Section 1602 of the California Fish and Game Code, CDFG requires a streambed alteration agreement between CDFG and any State or local governmental agency or public utility before the initiation of any construction project that will: 1) divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream, or lake; 2) use materials from a streambed; or 3) result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake.

The California Fish and Game Commission adopted a modification of the USFWS definition of wetlands on March 9, 1987 as its principal means of wetland identification in conjunction with on-site inspections for implementation of the Fish and Game Commission's policy. Unlike USFWS, the CDFG definition only requires the presence of one wetland indicator for an area to qualify as a wetland. CDFG does not have a wetland regulatory program, but advises other state agencies on wetland issues.

The County of San Luis Obispo General Plan identifies a series of unique plant or animal habitats including the following: habitat of rare, endangered or threatened plant or animal species as classified by state and federal agencies and the California Native Plant Society (CNPS); wetlands and marshes; and sensitive natural communities as identified in the CDFG California Natural Diversity Data Base (CNDDDB).

The importance of wetlands has long been recognized in the San Luis Obispo County General Plan. However, there is no inventory of the wetland resources for the South County, so the identification and protection of these resources is appropriate when a development proposal is submitted on property that may include a wetland.

#### **5.4.2.2 Methodology**

The description and analysis of biological resources within the LUO/LUE area is based on a review of pertinent literature, field reconnaissance surveys, and one USFWS protocol-level California red-legged frog survey. The literature review included the examination of the following documents:

- A.J. Diani – Nipomo Asphalt Plant February 2003 Tree Survey Report, San Luis Obispo County, California (Bumgardner, 2003);
- A.J. Diani – Santa Maria Asphalt Plant Biological Resources Report, San Luis Obispo County, California (Bumgardner, 2002); and,
- USGS 7.5-minute topographical maps.

In addition, the CNDDDB was queried for records of special-status species that are known to occur within the region. The records search included the following nine 7.5-minute quadrangle maps: Santa Maria, Oceano, Nipomo, Huasna Peak, Twitchell Dam, Sisquoc, Orcutt, Casmalia, and Guadalupe. The categories of special-status species are listed in Tables 5.4-2 and 5.4-4. Special-status taxa that are known to occur, or have the potential to occur, in the LUO/LUE area were also identified through a review of relevant literature (California Native Plant Society, 2004; and Zeiner et al., 1988; 1990a, b), and previous biological studies in the area. Further, a list of federally threatened and endangered species potentially occurring within the area was requested from the USFWS. Although this document was not received prior to impact analysis, Padre biologists evaluated all federally listed species in San Luis Obispo County with the potential to occur within the immediate LUO/LUE area (see Table 5.4-3 and 5.4-5) based on habitat requirements and known habitat within the project site. Species included within the impact analysis were derived from the USFWS list titled: “*Federal Endangered and Threatened Species that may be affected by projects in San Luis Obispo County*” (website: <http://ventura.fws.gov>). Subsequent to survey efforts and impact analysis, an email confirmation was submitted by the USFWS on October 7, 2004, indicating that the California red-legged frog is the only federally listed special-status species known to occur in the area.

Field reconnaissance surveys were conducted at the LUO/LUE area for the purpose of identifying plant communities, determining typical species associated with these communities, identifying and assessing potentially impacted habitats, and to document occurrences of those federal and state list special-status species and habitats which have the potential to occur within the project area. However, the reconnaissance-level surveys were limited to only those parcels of land which the County was able to obtain landowner consent (see Figure 5.4-1). As such, a portion of the LUO/LUE area was not covered during the surveys, and analysis was based on remote sources.

Field surveys for wildlife were conducted by walking transects of opportunity through habitat types and recording species observed based on visual observation using 8X40 binoculars, auditory cues (calls and songs), and indirect signs (tracks, scat, skeletal remains, burrows, etc.). Furthermore, a USFWS protocol-level CRLF survey was conducted which covered the adjacent section of the Santa Maria River and Nipomo Creek, which transects the LUO/LUE area.

**Table 5.4-1  
 Field Survey Dates**

Field Survey Type	Dates Conducted (2004)
Botanical	August 9 and 10
Wildlife	August 9, 10, and 17
California red-legged frog survey	August 9, 17

### 5.4.2.3 Physical Setting

#### Vegetation

The LUO/LUE area is located at the southern boundary of San Luis Obispo County, directly north and adjacent to the Santa Maria River. The site is situated within the Outer South Coast Range district of the Central Western California floristic province (Hickman, 1993). Comprehensive botanical field surveys were conducted by Padre biologists on August 9, 2004 and 10. During this time, Padre biologists compiled a list of plant species (see Appendix G) which occur within the boundary of the proposed asphalt plant facility, identified any special-status plant species occurring on-site, and mapped all plant communities within the LUO/LUE area (refer to Figure 5.4-1). For those areas which were not accessible due to a lack of land owner consent, plant communities were mapped using a combination of field observations from of-site vantage points and aerial photographs.

Based on the results of the botanical field surveys, a total of 45 vascular plant species were identified within the proposed asphalt plant location which is partially developed and currently used as a stockpile area for current operations. Overall, identified plant species consisted of 22 (49 percent) native taxa and 23 (51 percent) non-native naturalized taxa. The percentage of non-native taxa is greater than for the State as a whole (17.4 percent), reflecting the relatively high level of disturbance associated with existing land use and continuing operation of the facility. Lastly, because these surveys were conducted outside of the typical spring flowering season of this floristic province (April-May), it is expected that the number of plant species associated with the proposed asphalt plant location is higher than documented during the late summer field surveys.

Overall, the LUO/LUE area encompasses six generalized plant communities: Mixed Willow Series, Coyote Brush Series, California Sage Series, Riparian Scrub, Eucalyptus Series, Ornamental, and Ruderal (disturbed) habitat. Classification of these habitat types or vegetation communities is based primarily on Sawyer and Keeler-Wolf (1995) with modifications to more accurately characterize existing conditions in the field. The general location of these communities in relation to the project elements is depicted in Figure 5.4-1.

It should be noted that a large portion of the LUO/LUE area is developed and thus devoid of vegetation as indicated within Figure 5.4-1. Furthermore, historical construction activities and presence of concrete rubble within and near banks of the channel has resulted in the degradation of the channel banks, in-stream habitat, and reduced water quality from erosion, concrete washouts from concrete equipment, and surface water runoff. The following is a description of each of the plant communities occurring within the LUO/LUE area:





Basemap Source: County of San Luis Obispo



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**Coyote Brush Series (CB).** This community is dominated by coyote brush (*Baccharis pilularis*), a moderate-sized shrub (<2m) with mesophytic leaves and semi-woody stems growing from a woody base. Sub-dominant species intermingled with coyote brush consisted primarily of ruderal species such as poison hemlock (*Conium maculatum*) and mustard (*Hirschfeldia incana*). Arroyo willow (*Salix lasiolepis*) also occurred frequently in association within this community. Furthermore, deerweed was also found in association with coyote brush. Overall, the coyote brush habitat is present only within scattered locations, primarily within the northwest portion of the LUO/LUE area.

**California Sage Series (CB).** Within the project area, California sage series occurs only on top of the Nipomo Mesa. This community is heavily dominated by California sagebrush (*Artemisia californica*), a moderately-sized shrub (<2.5m) common within habitat areas along the California coast. Sub-dominant species intermingled with coyote brush consisted primarily of deerweed (*Lotus scoparius*) and scattered coyote brush (*Baccharis pilularis*). This habitat is surrounded by ruderal species such as Italian thistle (*Carduus pycnocephalus*) and veldt grass (*Ehrharta* ssp.).

**Eucalyptus Series (EU).** This community is dominated by stands of blue gum eucalyptus (*Eucalyptus globulus*). Plants of this genus were imported from Australia and originally planted in groves throughout many areas of coastal California as a potential source of lumber and for their uses as windbreaks. In addition, eucalyptus trees have also been used to provide a natural visual barrier between observers and structures such as industrial facilities. In areas where eucalyptus forms dense stands, growth of native plants within the immediate vicinity is inhibited due to allelopathic compounds of the bark and leaf litter as is the case within stands located within the LUO/LUE area.

**Mixed Willow Series (MW).** This community is co-dominated by narrow-leaved willow (*Salix exigua*) and arroyo willow, and occurs in the southern portion of the LUO/LUE area bordering the Santa Maria River channel. Seasonal flooding of this area and shallow groundwater provide suitable soil moisture to support this plant community. Sub-dominant species within these plant communities consist of mule fat (*Baccharis salicifolia*), coyote brush, and salt cedar (*Tamarix ramosissima*). In addition, a box elder (*Acer negundo* var. *californicum*) was identified within this plant community, which may occur in the area due to a historical flood event.

**Ornamental (OR).** This community is limited to the area surrounding the cottage located in the northeastern quadrant of the LUO/LUE area and the north fence line of the existing asphalt plant facility. Plants within these areas have been planted primarily for aesthetic purposes. Species observed include Monterey pine (*Pinus radiata*) and Monterey cypress (*Cupressus macrocarpa*).

**Riparian Scrub (RS) (Holland 63000).** This community is dominated by shrub-sized (<20 feet high) willows and toyon (*Heteromeles arbutifolia*), and occurs along the banks of Nipomo Creek and associated drainages located upstream. Nipomo Creek is an ephemeral stream that flows into the Santa Maria River, adjacent to the western boundary of the LUO/LUE area. Subdominant species within this habitat consists of

California blackberry (*Rubus ursinus*), cocklebur (*Xanthium strumarium*), and curly dock (*Rumex crispus*).

**Ruderal (RU).** Ruderal habitat is a term used to describe those areas that have been disturbed by past land-use practices and/or recent ground disturbance. For the purposes of this project Ruderal also represents those areas which have been recently graded/disturbed within the LUO/LUE area. These sites are typically dominated by weedy species within the LUO/LUE area and/or bordering access roadways. Typical plant species that have been identified within the LUO/LUE area which are considered ruderal (disturbance-adapted) include: poison hemlock (*Conium maculatum*), telegraph weed (*Heterotheca grandiflora*), jimson weed (*Datura wrightii*), castor bean (*Ricinus communis*), and horseweed (*Conyza canadensis*).

## Wildlife

Wildlife surveys were conducted at the LUO/LUE area in August 2004. Detection methods included direct observation with binocular, examination and identification of tracks, scats, burrows/diggings, and carcasses/skeletal remains; and identification of vocalizations (calls and songs). Surveys were supplemented with previously published biological reports (Bumgardner 2002), regional and local species distribution references, and consultation with the USFWS and CDFG to determine which species occur or potentially occur on the LUO/LUE area. It should be noted that accurate assessment of wildlife populations would require extended periods of site research, trapping, and census taking. It is particularly difficult to detect nocturnal, rare or reclusive species to obtain accurate estimates of population size and geographical distribution. Other complications in the quantitative assessment of vertebrate (and invertebrate) populations include:

1. Many species may occur in the area only for short periods during migrations;
2. Many species of amphibians and reptiles become inactive during one or more seasons; and,
3. Seasonal or annual fluctuations in climate or weather patterns may confound observations.

The principal habitat types that would be potentially impacted by proposed project activities include those plant communities previously discussed: Coyote Brush Series, Eucalyptus Series, Mixed Willow Series, California Sage series, Ornamental, Riparian Scrub, and Ruderal. Typical wildlife species found in association with each of these cover types are discussed below:

**Coyote Brush Series (CB).** As previously stated, this community occurs in scattered locations throughout the LUO/LUE area. Specifically, the majority of coyote brush exists within the northwestern portion of the LUO/LUE area and is closely intermingled with ruderal and mixed willow habitat. Due to the moderate cover provided by coyote brush, this habitat type provides nesting and foraging habitat for a variety of smaller bird species such as California towhee (*Pipilo crissalis*), song sparrow (*Melospiza melodia*), bushtit (*Psaltriparus minimus*), Bewick's wren (*Thryomanes bewickii*), and white-crowned sparrow (*Zonotrichia leucophrys*). Shrubs within this habitat also provide shade

and shelter for several reptilian and mammalian species. Common reptiles include species such as western fence lizard (*Sceloporus occidentalis*), western rattlesnake (*Crotalus viridis*), common kingsnake (*Lampropeltis getulus*), and coast horned lizard (*Phrynosoma coronatum frontale*), a California special concern species. Mammalian species which have been observed and/or expected to occur within this habitat includes desert cottontail (*Sylvilagus audubonii*), black-tailed jackrabbit (*Lepus californicus*), long-tailed weasel (*Mustela frenata*), grey fox (*Urocyon cinereoargenteus*), bobcat (*Lynx rufus*), and small rodents.

**California Sage Series (CS).** This community occurs in a small area within the LUO/LUE area, located on top of the Nipomo Mesa. This habitat is dominated by California sagebrush with scattered deerweed and coyote brush along the northern perimeter of the habitat. Due to the dense cover provided by California sagebrush, this habitat type provides nesting and foraging habitat for a variety of smaller bird species such as those described in the Coyote Brush Series discussed above. Additionally, similar reptilian and mammalian species utilize the dense shrubs for shade and shelter.

**Eucalyptus Series (EU).** This community provides a substantial amount of foraging and roosting habitat for various bird species. The eucalyptus trees identified on-site served suitable as roosting sites for several large bird species such as great horned owl (*Bubo virginianus*), red-shoulder hawk (*Buteo lineatus*), barn owl (*Tyto alba*), red-tailed hawk (*Buteo jamaicensis*), American crow (*Corvus brachyrhynchos*), and turkey vulture (*Cathartes aura*). Eucalyptus also provides potential overwintering habitat for monarch butterfly (*Danaus plexippus*). These species is known to roost within the vicinity of the LUO/LUE area and may also utilize eucalyptus trees located on-site. Reptile species such as western fence lizard (*Sceloporus occidentalis*), ensatina (*Ensatina eschscholtzii*), and various snakes could find adequate shelter within the eucalyptus debris near the base of each tree. However, due to the lack of cover near the base of eucalyptus, this community provides little shelter and forage for mammalian species.

**Mixed Willow Series (MW).** Mixed willow habitat located within the southern portion of the LUO/LUE area has been heavily impacted due to off-road vehicle use within the Santa Maria River, encroachment from facility operations (concrete rubble), and occasional flooding, resulting in degradation of sub-canopy cover. Specifically, encroachment of concrete rubble has suppressed riparian vegetation necessary to maintain appropriate water temperatures, organic matter needed for aquatic insects (prey), and protective cover for aquatic species such as steelhead and arroyo chub during periods of heavy flow.

However, dominant willow species within this area provide suitable nesting and foraging habitat for a variety of bird species. Additionally, this habitat provides suitable cover for mammalian species such as raccoon, black-tailed deer (*Odocoileus hemionus*), grey fox, black-tailed jackrabbit (*Lepus californicus*), striped skunk (*Mephitis mephitis*), coyote (*Canis latrans*), and dusky footed woodrat (*Neotoma fuscipes*).

**Ornamental (OR).** This habitat encompasses a very small portion of the LUO/LUE area. However, palm trees associated within the area near the cottage serve as nesting habitat for bird species such as mourning dove (*Zenaida macroura*). In addition, trees



planted for landscaping purposes (e.g., Monterey pine and Monterey cypress) also provide nesting bird habitat and cover.

**Riparian Scrub (RS) (Holland 63000).** The riparian scrub community provides the widest variety of wildlife habitat due to the various densities of vegetation associated with the canopy and sub-canopy of plant species in this community. In addition to the ample habitat for bird species, this plant community serves as a migration corridor for mammal species such as raccoon (*Procyon lotor*), striped skunk, and Virginia opossum; amphibian species such as California Red-legged frog, arroyo toad, and Pacific treefrog (*Pseudacris regilla*); and, reptile species such as two-striped garter snake, and southwestern pond turtle.

**Ruderal (RU).** The majority of the LUO/LUE area consists of ruderal habitat. This cover type consists almost entirely of disturbance-adapted annual weedy species. As such this community provides little cover for wildlife species. However, rodent species may forage on forbs and herbs within the area. This provides suitable foraging habitat for raptor species occurring within the LUO/LUE area. During recent surveys, great horned owl and barn owl were identified within the ruderal habitat of the LUO/LUE area, actively hunting for small mammal species. In addition, reptile species may occupy this habitat for the purposes of thermoregulation, foraging or escape from predators.

A complete listing of the wildlife species observed during field surveys and/or expected to occur within the LUO/LUE area is provided in Appendix G.

### **Special-Status Species**

Several species known to occur within, or in the vicinity of the LUO/LUE area, are accorded "special-status" designation because of their recognized rarity or vulnerability to various causes of habitat loss or population decline. Some of these receive specific protection defined in federal or State endangered species legislation. Others have been designated as "sensitive" on the basis of adopted policies and expertise of State resource agencies or organizations with acknowledged expertise, or policies adopted by local governmental agencies such as counties, cities, and special districts to meet local conservation objectives. These species are referred to collectively as "special-status species" in this EIR, a collective term indicating some level of local, state or federal concern for populations or habitats.

**Special-status Plant Species.** Special-status plant species are either listed as endangered or threatened under the Federal or California Endangered Special Acts, or rare under the California Native Plant Protection Act, or considered to be rare (but not formally listed) by resource agencies, professional organizations, and the scientific community (see Table 5.4-2). Based on the literature search and nine-quadrangle CNDDDB query conducted for this project, 33 special-status plant species are known to occur within the region of the LUO/LUE area. Table 5.4-3 lists these species, their current status, habitat requirements, blooming period, presence of habitat, and the nearest known location relative to the LUO/LUE area.

For the purposes of this EIR, a focused botanical survey was conducted within the region of the proposed asphalt facility and a reconnaissance-level botanical survey was conducted within the portion of the area affected by the LUO/LUE amendment. As part of the botanical survey conducted on August 9 and 10, 2004, an analysis of the range and habitat preferences of those

regional species included in Table 5.4-3 was conducted to identify those special-status plant species that have the potential, however low, to occur within the LUO/LUE area based on existing habitat and site conditions. Based on this analysis, it was determined that black-flowered figwort (*Scrophularia atrata*) was the only special-status species from the list with the potential to occur within the LUO/LUE area. The following briefly presents the legal status and applicable ecological and range information for black-flowered figwort:

**Black-flowered figwort (*Scrophularia atrata*).** Black-flowered figwort is a federal species of concern and is a CNPS list 1B species. This species typically occurs in chaparral, coastal dunes, and riparian scrub habitat and is most commonly associated with rock outcroppings. Black-flowered figwort is a tall, perennial herb that blooms from April through June. Suitable habitat to support this species exists in several locations within the LUO/LUE area.

**Table 5.4-2  
 Definitions of Special-Status Plant Species**

Special-Status Plant Species
➤ Plants listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (50 CFR 17.12 for listed plants and various notices in the Federal Register for proposed species).
➤ Plants that are candidates for possible future listing as threatened or endangered under the Federal Endangered Species Act (Federal Register Vol. 67, No. 114, pp. 40657-4067, June 13, 2002).
➤ Plants that meet the definitions of rare or endangered species under the CEQA ( <i>State CEQA Guidelines</i> , Section 15380).
➤ Plants considered by the CNPS to be "rare, threatened, or endangered" in California (Lists 1B and 2 in California Native Plant Society, 2001).
➤ Plants listed by CNPS as plants about which we need more information and plants of limited distribution (Lists 3 and 4 in California Native Plant Society, 2001).
➤ Plants listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (14 CCR 670.5).
➤ Plants listed under the California Native Plant Protection Act (California Fish and Game Code 1900 et seq.).
➤ Plants considered sensitive by other Federal agencies (i.e., U.S. Forest Service, Bureau of Land Management), state and local agencies or jurisdictions.
➤ Plants considered sensitive or unique by the scientific community or occurring at the limits of its natural range ( <i>State CEQA Guidelines</i> , Appendix G).

**Table 5.4-3  
 Special-Status Plant Species Potentially Occurring in the LUO/LUE area**

Scientific Name Common Name	Status	Habitat and Blooming Period	Habitat Present (P)/ Absent (A)	Nearest Known Location
<i>Agrostis hooveri</i> Hoover's bent grass	-- / -- / List 1B	Chaparral, cismontane woodland, valley and foothill grassland (April to July)	A	Oceano area (CNPS, 2001)

<b>Scientific Name Common Name</b>	<b>Status</b>	<b>Habitat and Blooming Period</b>	<b>Habitat Present (P)/ Absent (A)</b>	<b>Nearest Known Location</b>
<i>Aphanisma blitoides</i> Aphanisma	FSC / -- / List 1B	Coastal bluff scrub, coastal dunes, coastal scrub (March to June)	A	Headlands near Lion's Head, south of Point Sal (CNDDDB, 2004)
<i>Arctostaphylos purissima</i> La Purisima manzanita	-- / -- / List 1B	Chaparral, endemic to Santa Barbara County (November to May)	A	North of Lompoc, from the vicinity of Mission La Purisma, west to Vandenberg AFB (CNDDDB, 2004)
<i>Arctostaphylos rudis</i> Sand mesa manzanita	FSC / -- / List 1B	Chaparral, coastal scrub. Endemic from Santa Barbara and San Luis Obispo Counties (November to February)	A	Between Pomeroy and Black Lake golf course, Nipomo Mesa (CNDDDB, 2004)
<i>Arctostaphylos wellsii</i> Well's manzanita	-- / -- / List 1B	Chaparral, closed-cone coniferous forest. Endemic to San Luis Obispo County (December to April)	A	South of Los Burros Creek near Highway 1 (CNDDDB, 2004)
<i>Arenaria paludicola</i> Marsh sandwort	FE / SE / List 1B	Marshes and swamps (May to August)	A	Black Lake Canyon, west of Nipomo Mesa and south of Arroyo Grande (CNDDDB, 2004)
<i>Astragalus didymocarpus</i> var. <i>milesianus</i> Mile's milk-vetch	-- / -- / List 1B	Coastal scrub in clay soils (March to June)	A	Mouth of the Cuyama River, ridge west of Cuyama River (CNDDDB, 2004)
<i>Atriplex serenana</i> var. <i>davidsonii</i> Davidson's saltscale	-- / -- / List 1B	Coastal bluff scrub, coastal scrub (April to October)	A	Santa Maria River, along Highway 1 (CNDDDB, 2004)
<i>Calochortus obispoensis</i> San Luis mariposa lily	-- / -- / List 1B	Chaparral, cismontane woodland, valley and foothill grassland (May to July)	A	Carpenter Canyon, CA (CNPS, 2004)
<i>Calycadenia villosa</i> Dwarf calycadenia	-- / -- / List 1B	Chaparral, cismontane woodland, valley and foothill grassland, meadows and seeps (May to October)	A	Los Alamos, CA (CNDDDB, 2004)
<i>Caulanthus californica</i> California jewelflower	FE / SE / List 1B	Chenopod scrub, pinyon and juniper woodland, valley and foothill grassland (February to May)	A	Cuyama Valley, CA (CNDDDB, 2004)
<i>Chorizanthe rectispina</i> Straight-awned spineflower	FSC / -- / List 1B	Chaparral, cismontane woodland, coastal scrub (May to July)	A	East of Lompoc, Vandenberg AFB (CNDDDB, 2004)
<i>Cirsium loncholepis</i> La Graciosa thistle	FE / ST / List 1B	Coastal dunes, brackish marshes and coastal riparian scrub (May to August)	A	Immediately north of the Santa Maria River, about 1 mile west of the City of Guadalupe (CNDDDB, 2004)
<i>Cirsium rhotophilum</i> Surf thistle	FSC / ST / List 1B	Coastal dunes coastal bluff scrub. Endemic to Santa Barbara and San Luis Obispo Counties (April to June)	A	Oso Flaco Lake (CNDDDB, 2004)
<i>Clarkia speciosa</i> ssp. <i>immaculata</i> Pismo clarkia	FE / SR / List 1B	Chaparral, cismontane woodland, valley and foothill grassland (May to July)	A	Nipomo Mesa (CNDDDB, 2004)

Scientific Name Common Name	Status	Habitat and Blooming Period	Habitat Present (P)/ Absent (A)	Nearest Known Location
<i>Cordylanthus rigidus</i> ssp. <i>littoralis</i> Seaside bird's-beak	FSC / SE / List 1B	Closed-cone coniferous forest, chaparral, cismontane woodland, coastal scrub, coastal dunes (May to October)	A	Base of Purisima Hills, near eastern border of Vandenberg AFB (CNDDDB, 2004)
<i>Cordylanthus maritimus</i> ssp. <i>maritimus</i> Salt marsh bird's beak	FE / SE / List 1B	Coastal dunes, marshes and swamps (May to October)	A	Cuesta-by-the Sea, Los Osos, CA (CNDDDB, 2004)
<i>Deinandra increscens</i> ssp. <i>foliosa</i> Leafy tarplant	-- / -- / List 1B	Valley and foothill grassland w/ sandy soils (June to September)	A	Highway 166, 1 mile east of Highway 1 (CNDDDB, 2004)
<i>Deinandra increscens</i> ssp. <i>villosa</i> Gaviota tarplant	FE / SE / List 1B	Coastal scrub, valley and foothill grassland, coastal bluff scrub, endemic to Santa Barbara County (May to October)	A	Vandenberg AFB; NW of Lion's Head, along both sides of Pt. Sal Road (CNDDDB, 2004)
<i>Delphinium parryi</i> ssp. <i>blochmaniae</i> Dune larkspur	FSC / -- / List 1B	Maritime chaparral and coastal dunes (April to May)	A	Nipomo Mesa along Highway 1 near junction with Willow Road (CNDDDB, 2004)
<i>Dithyrea maritima</i> Beach spectaclepod	FSC / ST / List 1B	Coastal dunes and coastal scrub (March to May)	A	Oso Flaco Lake, south of Oceano (CNDDDB, 2004)
<i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i> Blochman's dudleya	FSC / -- / List 1B	Coastal scrub, coastal bluff scrub, valley and foothill grassland (April to June)	A	Froom Ranch, west of intersection of Los Osos Valley Road and U.S. 101, just outside city limits of San Luis Obispo (CNDDDB, 2004)
<i>Erigeron blochmaniae</i> Blochman's leafy daisy	-- / -- / List 1B	Coastal dunes. Endemic to San Luis Obispo County (May to June)	A	Southwest of Santa Maria along Black Road, directly north of Betteravia Road (CNDDDB, 2004)
<i>Eriodictyon capitatum</i> Lompoc yerba santa	FE / SR / List 1B	Closed-cone coniferous forest, chaparral, endemic to Santa Barbara County (May to August)	A	Solomon Hills, Graciosa Ridge, Orcutt Oil Field (CNDDDB, 2004)
<i>Horkelia cuneata</i> ssp. <i>puberula</i> Mesa horkelia	-- / -- / List 1B	Chaparral, cismontane woodland, valley and foothill grassland (February to September)	A	Pismo Beach area (CNPS, 2001)
<i>Horkelia cuneata</i> ssp. <i>sericea</i> Kellogg's horkelia	FSC / -- / List 1B	Closed-cone coniferous forest, coastal scrub, chaparral (April to September)	A	Nipomo Mesa; 4 miles west of Nipomo (CNDDDB, 2004)
<i>Lupinus ludovicianus</i> San Luis Obispo County lupine	FSC / -- / List 1B	Chaparral, cismontane woodland. Endemic to San Luis Obispo County (April to June)	A	Summit between Arroyo Grande and Huasna (CNDDDB, 2004)
<i>Lupinus nipomensis</i> Nipomo Mesa lupine	FE / SE / List 1B	Coastal dunes. Endemic to San Luis Obispo County (March to May)	A	Southeast of Jack Lake, south of Oceano, Nipomo Mesa (CNDDDB, 2004)

Scientific Name Common Name	Status	Habitat and Blooming Period	Habitat Present (P)/ Absent (A)	Nearest Known Location
<i>Monardella crista</i> Crisp monardella	FSC / -- / List 1B	Coastal dunes, coastal scrub. Known only from Santa Barbara and San Luis Obispo Counties (April to August)	A	Dunes north of Santa Maria River and east of Guadalupe oil field (CNDDDB, 2004)
<i>Monardella frutescens</i> San Luis Obispo monardella	FSC / -- / List 1B	Coastal dunes, coastal scrub. Known only from Santa Barbara and San Luis Obispo Counties (May to September)	A	Dunes north of Santa Maria River and East of Guadalupe oil field (CNDDDB, 2004)
<i>Rorippa gambellii</i> Gambel's watercress	FE / ST / List 1B	Freshwater and brackish marshes (April to September)	A	Black Lake Canyon, Nipomo (CNDDDB, 2004)
<i>Scrophularia atrata</i> Black-flowered figwort	FSC / -- / List 1B	Closed-coned coniferous forest, chaparral, coastal dunes, riparian scrub usually in sand and diatomaceous shales (April to July)	P	Casmalia Hills, southwest of Guadalupe (CNDDDB, 2004)
<i>Suaeda californica</i> California seablite	FE / -- / List 1B	Chenopod scrub, pinyon and juniper woodland, valley and foothill grassland (February to May)	A	Cuesta-by-the-Sea, Los Osos, CA (CNDDDB, 2004)

As a result of the focused botanical survey, none of the species included within Table 5.4-3 were identified; however, one special-status plant species (Blochman's ragwort) was observed within the immediate vicinity of the active facility during surveys conducted by Padre. The following briefly presents the ecological and range information for this species:

**Blochman's ragwort (*Senecio blochmaniae*).** Blochman's ragwort is a CNPS list 4 species. This species typically occurs in coastal dunes and coastal floodplains. Blochman's ragwort is subshrub, perennial herb that blooms from May to October. A sparsely scattered population of this species (<50) was identified within the northern sand banks of the Santa Maria River channel, directly adjacent to the concrete rubble located within the existing facility.

For a complete listing of vascular flora observed within the proposed asphalt plant facility, please refer to Appendix G. In addition to the focused botanical survey of the proposed asphalt facility, Padre also conducted a plant community/habitat assessment of the LUO/LUE area. Habitats identified within this portion of the project area include: coyote brush series, eucalyptus series, mixed willow series, ornamental, ruderal, and riparian scrub. Please refer to Figure 5.4-1 for an overview of these habitat locations.

Special-status Wildlife Species. For the purposes of this project, special-status wildlife species are defined in Table 5.4-4. Based on the literature search, nine-quadrangle CNDDDB query, and field surveys conducted by Padre, 25 special-status wildlife species are known to occur within the region of the LUO/LUE area. Information regarding regulatory status and known location of these species relative to the LUO/LUE area is provided in Table 5.4-5. Additional discussion of special-status wildlife species is provided below.

**Table 5.4-4  
 Definitions of Special-Status Wildlife Species**

<b>Special-Status Wildlife Species</b>
➤ Animals listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (50 CFR 17.11 for listed animals and various notices in the Federal Register for proposed species).
➤ Animals that are candidates for possible future listing as threatened or endangered under the Federal Endangered Species Act (Federal Register Vol. 67, No. 114, pp. 40657-4067, June 13, 2002).
➤ Animals that meet the definitions of rare or endangered species under the CEQA ( <i>State CEQA Guidelines</i> , Section 15380).
➤ Animals listed or proposed for listing by the State of California as threatened and endangered under the California Endangered Species Act (14 CCR 670.5).
➤ Animal species of special concern to the CDFG (Remsen, 1978 for birds; Williams, 1986 for mammals).
➤ Animal species that are fully protected in California (California Fish and Game Code, Section 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]).

**Table 5.4-5  
 Special-Status Wildlife Species Potentially Occurring within the LUO/LUE area**

<b>Common Name Scientific Name</b>	<b>Status</b>	<b>Habitat Present (P)/Absent (A) in the vicinity of the LUO/LUE area</b>	<b>Nearest Known Occurrence(s)</b>
<b>Invertebrates</b>			
Monarch butterfly* <i>Danaus plexippus</i>	SA	P	Preisker Park, north side of Santa Maria (CNDDDB, 2004)
<b>Fish</b>			
Arroyo chub <i>Gila orcutti</i>	CSC	P	Cuyama River (Padre 2001); Santa Maria River estuary (CNDDDB, 2004)
Steelhead - Southern California ESU <i>Oncorhynchus mykiss irideus</i>	FE, CSC	P	Historically known to occur in Santa Maria River
Tidewater goby <i>Eucyclogobius newberryi</i>	FE, CSC	A	San Antonio Creek, Vandenberg AFB (CNDDDB, 2004)
<b>Reptiles</b>			
Coast horned lizard <i>Phrynosoma coronatum</i>	CSC	P	Ranch Road, Orcutt (CNDDDB, 2004)
Southwestern pond turtle <i>Clemmys marmorata pallida</i>	FSC, CSC	P	Observed upstream of the LUO/LUE area (J. Claxton, pers. obs., 2004)
Two striped garter snake <i>Thamnophis hammondi</i>	CSC	P	San Antonio Creek, Vandenberg AFB (CNDDDB, 2004)
<b>Amphibians</b>			
Arroyo toad <i>Bufo californicus</i>	FE, CSC	A	Sisquoc River, Santa Maria Valley (CNDDDB, 2004)
California red-legged frog <i>Rana aurora draytonii</i>	FT, CSC	P	Wineman Road, tributary to Nipomo Creek (CNDDDB, 2004)
California tiger salamander <i>Ambystoma californiense</i>	FPT, CSC	A	Santa Maria Airport (CNDDDB, 2004)
Western spadefoot <i>Spea hammondi</i>	CSC	A	Santa Maria River (CNDDDB, 2004)
<b>Birds<sup>1</sup></b>			

Common Name Scientific Name	Status	Habitat Present (P)/Absent (A) in the vicinity of the LUO/LUE area	Nearest Known Occurrence(s)
Burrowing owl <i>Athene cunicularia</i>	CSC, M	P	Betteravia Road and Mahoney Road, Santa Maria (CNDDDB, 2004)
California brown pelican <i>Pelicanus occidentalis</i>	SE, FE, FP, M (nesting colony and communal roosts)	A	Santa Maria River estuary
California clapper rail <i>Rallus longirostris obsoletus</i>	FE, SE, FP, M	A	Morro Bay, CA (CNDDDB, 2004)
Cooper's hawk * <i>Accipiter cooperii</i>	CSC (nesting), M	P	Observed during Padre 2004 survey
California condor <i>Gymnogyps californianus</i>	FE, SE, FP, M	A	Ballinger Canyon, Ventura County, CA (CNDDDB, 2004)
Least Bell's vireo <i>Vireo bellii pusillus</i>	FE (nesting), SE (nesting), M	P	Hanson Aggregates, Sisquoc River (CNDDDB, 2004)
Loggerhead shrike * <i>Lanius ludovicianus</i>	FSC (nesting), CSC (nesting), M	P	Observed during Padre 2004 survey (J. Claxton, pers. obs., 2004)
Sharp-shinned hawk <i>Accipiter striatus</i>	CSC (nesting), M	P	Nipomo Mesa (CNDDDB, 2004)
Tricolored blackbird <i>Agelaius tricolor</i>	CSC (nesting colonies), M	A	Twitchell Reservoir (CNDDDB, 2004)
Western snowy plover <i>Charadrius alexandrinus nivosus</i>	FT (nesting), CSC (nesting), M	A	Oso Flaco Lake (CNDDDB, 2004)
Yellow warbler <i>Dendroica petechia</i>	CSC (nesting), M	P	Hanson Aggregates Sisquoc River (CNDDDB, 2004)
Yellow-billed cuckoo <i>Coccyzus americanus</i>	SE, FC (nesting), M	A	Unknown. Last recorded within the area in 1920 (CNDDDB, 2004)
White-tailed kite <i>Elanus leucurus</i>	FP (nesting), M	P	Observed during Padre 2004 survey (B. Dugas, pers. obs., 2004)

**Mammals**

Pallid bat <i>Antrozous pallidus</i>	CSC	P	Sisquoc River, 7 miles east of Santa Maria (CNDDDB, 2004)
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Status Codes:	FE	Federal Endangered (USFWS)
	FPT	Federal Proposed Threatened (USFWS)
	FT	Federal Threatened (USFWS)
	FSC	Federal Species of Special Concern (USFWS)
	FC	Federal Candidate Species (USFWS)
	SE	State Endangered (CDFG)
	ST	State Threatened (CDFG)
	CSC	California Species of Special Concern (CDFG)
	FP	Fully Protected under California Fish and Game Code
	SA	Special animal (CDFG)
	M	Protected under the Migratory Bird Treaty Act of 1918
	*	Species observed during recent surveys (Padre 2004)
	<sup>1</sup>	Protected under Fish and Game Code 3503

Special-status wildlife species associated with coastal and/or marine habitats located west of the LUO/LUE area (e.g., brown pelican, California clapper rail, western snowy plover, tidewater goby, and California least tern) were not observed during the surveys and are not expected to occur within the site due to the lack of suitable habitat (i.e., coastal marine habitat). In addition, non-coastal species such as California condor, yellow billed cuckoo, and nesting colonies of tricolored blackbird would not occur within the LUO/LUE area due to lack of suitable habitat (e.g., mountainous savannahs, well-developed riparian forest, and wetlands). Furthermore, the

LUO/LUE area is located outside of the known range for special-status species such as unarmored threespine stickleback. Therefore, no further discussions of these species are necessary. However, for the purposes of impact analysis, the following briefly presents the applicable ecological and range information for those special-status wildlife species documented within the region of the proposed LUO/LUE area which have a likelihood of occurrence, however low, based on the presence of potentially suitable habitat:

### **Invertebrates**

**Monarch butterfly (*Danaus plexippus*).** The overwintering habitats for the monarch butterfly are considered to be of special concern by CDFG. This species is known to roost in winter (usually in dense concentrations) within coastal groves of eucalyptus, cypress or pine trees. Autumnal roosts are abandoned early (November or December) by individuals seeking more favorable conditions, while permanent roosts begin forming in October and persist into February. There are several known monarch butterfly roosting areas located within coastal San Luis Obispo County. The nearest known roosting area to the LUO/LUE area is in Preisker Park, which is located directly across the Santa Maria River. Preisker Park is an autumnal site, with a maximum monarch count of 27 in 1999 (Althouse and Meade, 1999). Several eucalyptus windrows occur within the LUO/LUE area that may provide suitable overwintering habitat. No fall or winter biological field surveys have been completed; therefore, it is unknown if this species utilizes these windrows. However, these windrows are small and fragmented and much less suitable for Monarchs, as compared to Preisker Park. Therefore, it is unlikely Monarch overwinters within the LUO/LUE area.

### **Fish**

**Arroyo chub (*Gila orcutti*).** The arroyo chub is a California species of special concern that occurs in a slow-moving or backwater sections of warm to cold streams with mud or sand substrates. Arroyo chubs are native to the Los Angeles, San Gabriel, San Luis Rey, Santa Ana, and Santa Margarita rivers and to Malibu and San Juan Creeks (CDFG, 2004). They have been successfully introduced in to the Santa Ynez, Santa Maria, Cuyama, and Mojave river systems and other smaller coastal streams (e.g., Arroyo Grande Creek) (CDFG, 2004). The most northern introduced population is in Chorro Creek, San Luis Obispo County. Arroyo chubs are scarce within their native range because the low-gradient streams in which they are the most successful have largely disappeared (CDFG, 2004). The nearest known documented occurrences of arroyo chub are Cuyama River (tributary to the Santa Maria River), 9.5 miles to the east and the Santa Maria estuary, 11 miles west of the LUO/LUE area. This species is known to occur in the Santa Maria River and may occur adjacent to the LUO/LUE area during periods of surface flow.

**Steelhead – Southern California ESU (*Oncorhynchus mykiss irideus*).** The Southern California ESU was listed as endangered by the NOAA Fisheries on August 18, 1997. Southern California steelhead is also a California species of special concern. Steelhead are an anadromous form of rainbow trout that reproduce in freshwater, but spend much of their life cycle in the ocean, where increased prey density provides a greater growth rate and size. Steelhead have been divided into 15 evolutionary significant units (ESU) based on similarity in life history, location, and genetic markers.



The Southern California ESU includes all naturally spawned populations of steelhead (and their progeny) in streams from the Santa Maria River (inclusive) to the southern extent of the species' range (U.S. – Mexico border). Historical information suggests that the Santa Maria River supported a steelhead run in the early 1900s. Currently, there is no evidence suggesting this species presence in the Santa Maria River for several decades. However, it is assumed this species has the potential to occur within the Santa Maria River adjacent to the LUO/LUE area, and within Nipomo Creek within the LUO/LUE area.

## Reptiles

**Coast horned lizard (*Phrynosoma coronatum frontale*).** The coast horned lizard is a federal species of concern and a California species of special concern that occurs in a variety of open habitats that provide sites for basking, sandy or sandy-loam substrates for night-time burial, and a suitable prey base (the species feeds almost exclusively on native ants). It was historically distributed throughout the Central and Coast Range, but now occurs at scattered, disjunct locations within this range. The coast horned lizard produces clutches of 6 to 21 eggs from May to June and hatching typically occurs in August and September. Due to the presence of suitable habitat within the LUO/LUE area and surrounding habitats, coast horned lizard has the potential to occur within less disturbed portions of the LUO/LUE area.

**Southwestern pond turtle (*Clemmys marmorata pallida*).** The southwestern pond turtle is a federal species of special concern and a California species of special concern. It is an aquatic turtle inhabiting streams, marshes, ponds, and irrigation ditches within woodland, grassland, and open forest communities. However, it requires upland sites for nesting and over-wintering. Stream habitat must contain large, deep pool areas (six feet) with moderate-to-good plant and debris cover, and rock and cobble substrates for escape retreats. Southwestern pond turtle was observed in Nipomo Creek directly upstream of the LUO/LUE area during a reconnaissance-level survey conducted by Padre in July 2004. Therefore, it has been determined that this species has the potential to occur within the LUO/LUE area.

**Two-striped garter snake (*Thamnophis hammondi*).** The two-striped garter snake is a California species of special concern which is highly aquatic and is typically found near permanent fresh water streams associated with willow habitat. This species occurs historically and currently throughout southern California streams, including the central coast. Small mammal burrows are used as over-wintering sites for the snake (Jennings, 1994). Because suitable habitat exists throughout the Nipomo Creek watershed, this species has the potential to occur within the LUO/LUE area.

## Amphibians

**Arroyo toad (*Bufo californicus*).** The southwestern arroyo toad is a federally listed endangered species and a California species of special concern. It was formerly found in rivers with near-perennial flow throughout southern California between San Luis Obispo and San Diego counties. Populations persist in Santa Barbara, Ventura, Los Angeles, Riverside, and San Diego counties. The majority of the remaining populations

in Santa Barbara and Ventura counties are located on the Los Padres National Forest (USFWS, 1994), and USFWS has designated the Sisquoc and upper Santa Ynez rivers as critical habitat for the toad (USFWS, 2001). These critical habitat locations are east and south of the LUO/LUE area, respectively. The nearest known occurrence of the species is within the Sisquoc River, 14 miles to the east-southeast. This species is not expected to occur in the vicinity of the LUO/LUE area due to the lack of stream pools from early April to early July required for breeding.

**California red-legged frog (*Rana aurora draytonii*).** The California red-legged frog (CRLF) is a federally listed threatened species and a California species of special concern. It formerly ranged from northern California south along the Pacific Coast, west of the Cascade Mountains and the Sierra Nevada, to northern Baja California at elevations from near sea level to 8,000 feet. Populations remain in the San Francisco Bay Area, along the California coast, and on the western edge of the Central Valley.

The CRLF occurs in different habitats depending on their life stage and season. All stages are most likely to be encountered in and around breeding sites, which include coast lagoons, marshes, springs, permanent and semi-permanent natural ponds, ponded and backwater portions of streams, as well as artificial impoundments such as stock ponds, irrigation ponds, and siltation ponds. This species prefers dense emergent and bank vegetation including willow (*Salix* sp.), cattail (*Typha* sp.), and bulrush (*Scirpus* sp.). The absence of these plant species within the site does not exclude the possibility that the site provides red-legged frog habitat, but the presence of one or all of these plants is an important indicator that the site may provide foraging or breeding habitat (USFWS, 1997). The largest CRLF densities are associated with deep-water pools with dense stands of overhanging willows and an intermixed fringe of cattails (Jennings and Hayes, 1994).

CRLF breed from November through March. The female lays between 2,000 to 5,000 eggs in clusters attached to emergent and submergent vegetation in ponds and backwater pools in creeks. The tadpoles remain in this habitat until they metamorphose in the summer between 11 and 20 weeks after hatching. Young frogs can occur in slow moving, shallow riffle zones in creeks or along the margins of ponds.

CRLF has been reported as occurring within the vicinity of the LUO/LUE area (see Figure 5.4-2). Specifically, the nearest known location of this species has been identified upstream of the LUO/LUE area within a tributary to Nipomo Creek (CNDDDB, 2004). A USFWS protocol-level survey was conducted within Nipomo Creek by Padre in August 2004 to determine the presence/absence of this species within the LUO/LUE area. This survey was limited to only those parcels of land which the County was able to obtain the consent of the landowner. As such, a portion of the LUO/LUE area was not covered during the protocol surveys. Although no CRLF were identified during the 2004 survey, Padre did observe suitable habitat for CRLF directly upstream of the LUO/LUE area, beneath Hutton Road and Highway 101. Due to the presence of suitable habitat upstream and known occurrences within the vicinity of the LUO/LUE area, there is a potential for CRLF occurrence within the LUO/LUE area.

**California tiger salamander (*Ambystoma californiense*).** On August 4, 2004, the USFWS down-listed the Santa Barbara County population of the California tiger salamander (CTS) to threatened status (50 CFR 17), but included the entire species

throughout its range (USFWS, 2004c). In addition to this species' federal status, CTS are also a California species of special concern.

Adult and juvenile CTS apparently spend most of their time below ground in the burrow systems of ground squirrels, pocket gophers, and other burrowing rodents. They emerge from these retreats at night during rain events between late autumn through early spring and travel to breeding pools. Most breeding pools are ephemeral (vernal). Use of permanent aquatic sites as breeding habitat is unlikely unless these features lack predators such as introduced fish and bullfrogs. Consequently, CTS's are considered obligate seasonal, or vernal, pool breeders. Man-made ponds can function as salamander breeding habitat as long as these ponds are kept free of fish and bullfrogs and possess suitable seasonal hydrologic characteristics. Adult salamanders remain at the breeding site for only a few days after breeding, then move back to their terrestrial retreats (small mammal burrows) located hundreds or thousands of feet from the pool.

The nearest known documented occurrence of this species was located within the vicinity of the Santa Maria Airport. Due to the lack of suitable habitat (vernal pools) in the project vicinity, California tiger salamander is not expected to occur within the LUO/LUE area.

**Western spadefoot (*Spea hammondi*).** This species is a California species of special concern. Spadefoot toad is not seen during most of the year, as it resides in burrows up to nine months of the year with infrequent nocturnal sojourns. They emerge during spring rains and breed in temporary pools. Western spadefoot toad occurs primarily in grassland habitats, although it is occasionally found in valley or foothill hardwood woodlands. The nearest known documented occurrence of this species was located west of the Santa Maria Airport. Due to the lack of suitable breeding pools, this species is not expected to occur within the LUO/LUE area.

## Birds

**Burrowing owl (*Athene cunicularia*).** This species is a California species of special concern and federal species of special concern. Within California, the species is typically found throughout the Central Valley, in the San Francisco Bay Area, at scattered locations along the coast, and in portions of the desert regions. The species is a year-round resident in annual and perennial grasslands or other vegetation communities that support little to no tree or shrub cover. In California, the species is typically found in close association with California ground squirrels (*Spermophilus beecheyi*) where the ground squirrel creates burrows that are used by burrowing owls as year-round shelter and seasonal nesting habitat. However, burrowing owls also use human-made structures such as culverts, corrugated metal pipes, debris piles, or openings beneath pavement as shelter and nesting habitat. No burrowing owl burrow sites were observed within the LUO/LUE area during field surveys conducted by Padre Associates and the applicant's biologist. The nearest known documented occurrence of this species is located northwest of the Santa Maria Airport. Due to the lack of field evidence and minimal habitat available, this species is not expected to occur within the LUO/LUE area.

**Cooper's hawk (*Accipiter cooperii*).** Cooper's hawk is a California species of special concern during nesting periods; primarily due to the loss of riparian nesting habitat. Preferred nesting habitat typically consists of dense stands of coast live oak, riparian or other forest habitat located near water. This species generally is solitary and feeds on small birds and mammals captured in surprise attack. Cooper's hawk is an uncommon permanent resident and fairly common fall transient along the central coast; one individual was identified within riparian habitat adjacent to the LUO/LUE area during the field surveys conducted by Padre. Based on this observation and the presence of suitable habitat within the LUO/LUE area, this species has the potential to occur within the LUO/LUE area for nesting and foraging purposes.

**Least Bell's vireo (*Vireo bellii pusillus*).** Least Bell's vireo is a state and federally listed endangered species. This bird nests in the edges of riparian scrub or riparian forests, approximately 9-198 m (30-650 ft) from the water's edge, and 1 to 2.5 m (3 to 8 ft) above ground. The nearest known documented occurrence of this species is from the Hanson Aggregate property, adjacent to the Sisquoc River (J. Greaves, person comm., 2004). This species has not been reported from Santa Maria River or Nipomo Creek. Mixed willow series along the Santa Maria River channel and Nipomo Creek is considered marginal habitat due to its limited width, adjacent development and fragmented nature. However, it is possible that this species occasionally forages within or adjacent to the LUO/LUE area.

**Loggerhead shrike (*Lanius ludovicianus*).** Loggerhead shrike is a federal species of special concern and a California special concern species during nesting periods. The species generally occurs in a variety of open grassland, oak savannah, shrub-land, and other similar habitats where it feeds primarily on large insects (e.g., grasshoppers). However, the species may also occasionally take small reptiles, birds, and mammals. Loggerhead shrikes nest during March to June with young becoming independent during July or August. The nest is generally well-concealed on a stable branch in a densely-foliaged shrub or tree. Because this species was observed on-site and based on the presence of suitable habitat within the LUO/LUE area, this species has the potential to utilize the LUO/LUE area for nesting and foraging purposes.

**Sharp-shinned hawk (*Accipiter striatus*).** The sharp-shinned hawk is a California species of special concern during nesting periods. This species typically builds nests within woodland habitat where they forage on small birds. Sharp-shinned hawks will also occasionally eat small mammals and insects. This species is a fairly common winter visitor and resident along coastal ridges foraging in woodland and semi-open habitats. Although suitable habitat for this species is fragmented (isolated eucalyptus windrows), this species has the potential to occur occasionally within the LUO/LUE area for the purposes of foraging.

**Yellow warbler (*Dendroica petechia brewsteri*).** The yellow warbler is a California species of special concern during nesting periods. Within San Luis Obispo County, this species is a fairly common summer transient of deciduous riparian habitats. This species typically nests within riparian woodland habitat of the coastal foothills from mid-April to early August. Yellow warbler forages within riparian woodland/scrub habitats by gleaning the bark of riparian vegetation for insects; however, the species will occasionally eat berries.

The nearest known occurrence of this species was located at Hanson Aggregates, near the Sisquoc River. Mixed willow series along the Santa Maria River channel and Nipomo Creek is considered marginal habitat due to its limited width, adjacent development and fragmented nature. However, it is possible that yellow warbler occasionally forages within or adjacent to the LUO/LUE area.

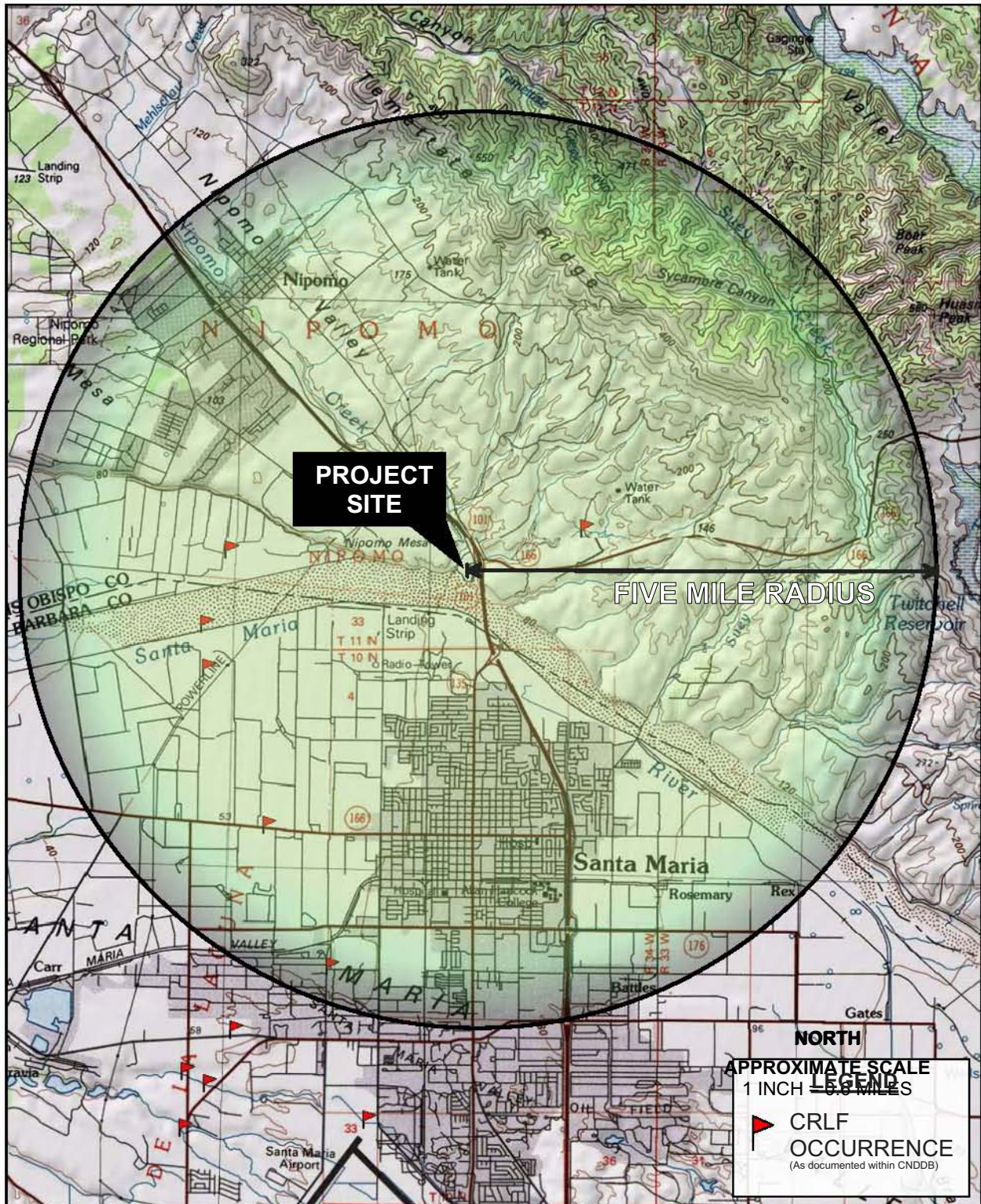
**White-tailed kite (*Elanus leucurus*).** The white-tailed kite is a California fully protected species during nesting periods. The white-tailed kite typically occurs in coastal and valley lowlands, usually associated with agricultural lands and open fields. Nests are constructed in treetops with dense foliage. This species is considered an uncommon resident of most of San Luis Obispo County; however, this species was observed within the LUO/LUE area. Suitable nesting habitat for white-tailed kite may occur along the Santa Maria River, near the LUO/LUE area. Therefore, this species has the potential to forage within the LUO/LUE area.

**Tricolored blackbird (*Agelaius tricolor*).** The tricolored blackbird is a California species of special concern. This species requires open water habitat areas surrounded by cattail marshland for the purposes of foraging and nesting. This habitat type occurs to the north of LUO/LUE area. The nearest known documented occurrence of this species is located near Twitchell Dam. Although suitable nesting habitat does not occur within the proposed LUO/LUE area, this species has the potential to occur within the LUO/LUE area as a migrant.

## Mammals

**Pallid bat (*Antrozous pallidus*).** This pallid bat is a California species of special concern. The pallid bat has a range that extends from southern British Columbia to central Mexico, and east to Oklahoma and northern Texas. Suitable roosting habitat includes crevices in rocky outcroppings, caves, mines, hollow trees, and buildings. Maternal colonies typically bear young in appropriate habitats between March 1 and August 31. The nearest known documented occurrence of this species is a day roost consisting of crevices beneath the Garey Bridge, 10 miles east-southeast of the plant site. This species generally forages no more than 3 miles from its day roost (Zeiner et al., 1990); therefore, it is not expected to occur within the LUO/LUE area.





Source: TOPO! c 2001 National Geographic Holdings (www.topo.com)



### NEAREST KNOWN CRLF OCCURRENCES

Biom CUP and LUO Amendment EIR

FIGURE 5.4-2

Back side of Figure 5.4-2

## Regulated Habitats

*Sensitive Communities.* The CNDDDB has inventoried natural communities and ranked them according to their rarity and potential for loss. Based on the CNDDDB query for the LUO/LUE area, central dune scrub, central foredune, coastal and valley freshwater marsh, and southern vernal pool are considered sensitive natural communities that have been documented within the vicinity of the LUO/LUE area. However, based on past and recent field surveys, these habitats do not exist within the LUO/LUE area and therefore will not be impacted as a result of the proposed project.

*Critical Habitats.* On January 22, 2004, the USFWS proposed designation of critical habitat for the Santa Barbara County population of the CTS. Critical habitat identifies specific areas that are essential to the conservation of this species and, areas that may require special management considerations or protection (i.e., aquatic and upland breeding habitats). Although the critical habitat designations have not been officially determined to date, the nearest known proposed critical habitat for tiger salamander is proposed critical habitat Unit 2 – Eastern Santa Maria. This unit is bordered by Stated Highway 101 on the west, Solomon Hills on the south, the Sisquoc River on the east, and the Santa Maria River floodplain on the north. The final determination of critical habitat for this species will be completed by the court ordered date of November 15, 2004 (FR Vol. 69, No. 149, August 4, 2004). Because the LUO/LUE area is outside of the proposed critical habitat for the Santa Barbara County population, this regulated habitat will not be impacted as a result of the project implementation.

Santa Maria River and its tributaries are known steelhead habitats and are considered an integral component of the southern steelhead ESU. On April 30, 2002 the U.S. District Court for the District of Columbia approved a NOAA Fisheries consent decree withdrawing critical habitat designations for 19 salmon and steelhead populations on the west coast, including those contained in the south central coast steelhead ESU (NOAA, 2003). However, a more thorough analysis of steelhead critical habitat is currently being conducted by NOAA Fisheries, which will result in the re-issuance of critical habitat designations for the southern steelhead ESU.

## Wildlife Movement Corridors

Wildlife migration corridors are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Migration corridors may be local such as between foraging and nesting or denning areas, or they may be regional in nature. Migration corridors are not unidirectional access routes; however, reference is usually made to source and receiver areas in discussions of wildlife movement networks. "Habitat linkages" are migration corridors that contain contiguous strips of native vegetation between source and receiver areas. Habitat linkages provide cover and forage sufficient for temporary habitation by a variety of ground-dwelling animal species. Wildlife migration corridors are essential to the regional ecology of an area as they provide avenues of genetic exchange and allow animals to access alternative territories as fluctuating dispersal pressures dictate.

The Santa Maria River and associated tributaries (e.g., Nipomo Creek) are believed to be migration corridors for wildlife species moving within the region and coastal habitat areas to the west. These migration corridors are especially critical through areas where human activities



(i.e., urban development, agricultural development, etc.) would otherwise prohibit or impair the movement of species between habitat areas.

### **5.4.3 Impact Analysis**

When development occurs in natural or semi-natural areas, the biological resources of the site and the surrounding area are affected. These effects may take the form of direct impacts, which include habitat loss and fragmentation, introduction of barriers to movement and dispersion, and conversion of native communities to developed conditions. Development may also result in indirect impacts that affect the quality of habitats on and surrounding the LUO/LUE area. These impacts may include the invasion of weedy or landscape plants into natural areas, noise disturbances, and declines in air and water quality. The existing LUO/LUE area includes areas that have experienced a range of past disturbance from low to high. Consequently, the character of the native communities varies considerably based on the levels of disturbance.

The mitigation measures presented in the following section are designed to avoid and/or minimize those impacts associated with the proposed project to a less than significant level.

#### **5.4.3.1 Thresholds of Significance**

Based on the mandatory findings of significance criteria at Section 15065 and Appendix G of the State CEQA Guidelines, an impact would be significant if any of the following conditions, or potential thereof, would result with implementation of the Proposed Project:

1. 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 CDFG, the USFWS, or the NOAA Fisheries;
2. A substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulation, or by the California Coastal Commission, CDFG, USFWS, or NOAA Fisheries;
3. A substantial adverse effect on Federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
4. A substantial interference 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 site;
5. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan;
6. A substantial reduction of habitat of a fish and wildlife species;
7. Cause the population of a fish or wildlife population to drop below self-sustaining levels;

8. Threaten to eliminate a plant or animal community; and/or,
9. Conflict with any local polices or ordinances protecting biological resources. For the purpose of this report, relevant goals and policies regarding sensitive resources from the San Luis Obispo County Land Use Ordinance (Title 22), South County Area Plan (2002), were used to assess conflicts with local policies. See Chapter 4.0 for detailed discussion of applicable policies and ordinances.

#### **5.4.3.2 Short-Term Asphalt Plant Impacts**

**Impact BIO-1:** Plant construction activities may adversely affect non-listed wildlife occupying adjacent habitats.

**Discussion.** The entire 5.7 acre plant site would be disturbed by construction-related activities. In addition, implementation of the proposed Landscape Plan would result in short-term construction activity within a 1.2 acre area south of the plant site. Overall, construction-related disturbance (noise, dust, heavy equipment and truck traffic) may prevent local wildlife species from foraging and breeding within the Santa Maria River, Nipomo Creek, and adjacent habitat during the construction period. However, these adverse effects would only affect a small proportion (less than 10 acres) of available riparian habitat for approximately 3 to 4 months. Periods of intense activity would likely be limited to a few weeks. Due to the existing disturbance associated with the concrete recycling operation currently operating at the plant site, local wildlife species are expected to have become acclimated to such disturbance. Due to the similarity of construction disturbance to existing activity at the plant site, small amount of habitat affected and the short duration of adverse impacts, no substantial loss of foraging or breeding opportunities is expected.

Construction activities adjacent to the Santa Maria River may reduce the quality of this potential wildlife movement corridor by introducing disturbance (noise, dust, human presence). However, only a small proportion of the 2,000-foot-wide Santa Maria River would be indirectly affected, allowing wildlife to avoid project-related disturbance by utilizing scrub habitat along the southern portion of the River. In addition, no work would occur after 7 p.m., when most wildlife movement occurs. Due to the small area affected, short duration and lack of nighttime disturbance, impacts to this movement corridor are considered less than significant.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 4, 6, 7, and 8.

**Mitigation Measure:** No mitigation required.

**Residual Impacts:** Less than significant.

**Impact BIO-2:** Plant construction activities could adversely affect avian and terrestrial special-status species, including nesting activities of protected nesting birds and sensitive species (e.g., California horned lizard).

**Discussion:** Raptor and migratory bird species protected under the Migratory Bird Treaty Act (16 USC 703-712), California Fish and Game Code Section 3503, and California Fish and Game Code Section 3503.5 may nest within the plant site or adjacent area affected by the Landscape Plan. These include ground nesters (western meadowlark and lark sparrow), small tree/shrub nesters (bushtit, American robin, northern mockingbird, loggerhead shrike, house finch, and lesser goldfinch) and several raptors which require large trees, such as eucalyptus for nesting purposes (turkey vulture, red-tailed hawk, red-shouldered hawk, great-horned owl, barn owl, white-tailed kite and Cooper's hawk). Short-term impacts to these species may occur from vegetation clearing, debris removal, dust deposition and noise disturbance associated with the construction activities. Vegetation removal and grading activities may destroy nests, nestlings, or hatchlings of these protected bird species, and would be considered a significant impact.

Coast homed lizard may be present within and/or adjacent to the project site during the construction phase of the project. This species prefers open sandy areas of the project site with a sufficient red-ant population. Suitable habitat for this species is predominately found along the sandy open areas within the southern boundary of the project site. Although, the density of this species within suitable habitat is not known, the average distance between capture points for a similar species (*Phrynosoma solare*) is 30 meters for males and 15 meters for females, or about 10 per acre (Baharav, 1975). It is likely, that historical disturbance within the plant site has resulted in a decreased population of coast horned lizard. As such, the number of individuals affected is expected to be very small. Increased mortality of this species would affect the distribution or survival of this species in the region overall. Therefore, impacts to this species are considered significant but mitigable.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1, 4 and 6

**Mitigation Measure BIO-2:** The following measures shall be implemented to avoid and/or minimize potential impacts to avian and terrestrial special-status species to the extent feasible:

- A. Initial grading and demolition operations shall be conducted prior to, or after, the nesting season (February 15 to September 15) to avoid any potential impact to nesting birds. Therefore, construction activities should be conducted between the months of October and January to the extent feasible;
- B. If Measure A is infeasible, pre-construction surveys shall be conducted by a qualified biologist two weeks prior to the initiation of construction activities conducted between February 15 and September 15 to identify potential bird nesting sites:

- If active nest sites of common bird species protected under the Migratory Bird Treaty Act (e.g., northern mockingbird, house finch, etc.) and Fish and Game Code 3503 and 3503.5 are observed within 300 feet of the plant site, then the project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young; and,
  - If active nest sites of raptors and/or species of special concern are observed within the vicinity of the plant site, construction shall be avoided or terminated until CDFG is contacted and an appropriate buffer zone around the nest site is established. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest, or the nest is abandoned.
- C. A County-approved biologist shall conduct pre-activity surveys to determine presence/absence of California horned lizard within and adjacent to the project site. Surveys shall only be required during the active period of California horned lizards (generally April through September). If California horned lizards are identified adjacent to and/or within work areas, then hand rakes or an equivalent shall be utilized by the biologist to scarify the ground surface and encourage the horned lizards (and other wildlife) to vacate the immediate area prior to construction. Alternatively, sampling composed of drift fences shall be used to capture horned lizards. As necessary, the qualified biologist shall physically relocate California horned lizard to suitable habitat located outside the construction zone. Exact procedures and protocols for relocation shall be based up on pre-project consultation with CDFG; and,
- D. A County-approved biological monitor shall be on-site during all vegetation clearing and shall periodically monitor the project site during construction activities to inspect protective fencing, equipment staging areas, and physically relocate/remove any special-status wildlife species entering the construction zone (e.g., California horned lizard, etc.). All species-status shall be relocated to suitable habitat located outside the construction zone by a qualified biologist. Exact procedures and protocols for relocating shall be based upon pre-project consultation with CDFG.

**Residual Impacts:** Implementation of this mitigation measure will reduce potential impacts to less than significant levels.

**Impact BIO-3:** Construction activities could adversely affect aquatic and semi-aquatic special-status species within the Santa Maria River and Nipomo Creek.

**Discussion:** Special-status fish species associated with the Santa Maria River (arroyo chub and southern steelhead) have the potential to occur adjacent to the plant site during periods of high flow. Storm run-off following grading of the plant site may result in transport of concrete dust and earth materials into the Santa Maria River, which may increase turbidity, siltation and pH. These water quality effects may significantly impact steelhead and arroyo chub.

During periods of water presence within Santa Maria River and/or Nipomo Creek, special-status semi-aquatic species such as southwestern pond turtle and two-striped garter snake have the potential to occur within surrounding areas of the plant site. Although these species are not expected to occur with immediate vicinity of the plant site, these species may also be affected by storm run-off leaving the plant site.

**Impact Category:** Significant but Mitigable

**Threshold of Significance Criteria:** 1

**Mitigation Measure BIO-3:** See Mitigation Measure WR-10 in the Water Resources section of this EIR.

**Residual Impacts:** Implementation of this mitigation measure will reduce potential impacts to less than significant levels.

**Impact BIO-4:** Construction activities could result in short-term habitat loss to sensitive habitats (e.g., Santa Maria River, Nipomo Creek, and mixed willow habitat).

**Discussion:** Surrounding sensitive habitats include the riparian corridors of Santa Maria River, Nipomo Creek, and mixed willow series, a sensitive plant community and wetlands under the definition adopted by CDFG and USFWS. Short-term impacts to these sensitive habitats may result from heavy equipment operation and increase human presence throughout the plant site. This could result in direct adverse impacts to sensitive habitat vegetation

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 2

**Mitigation Measure BIO-4:** The following measures shall be implemented to avoid and/or minimize potential impacts to sensitive habitats to the extent feasible:

- A. All equipment staging areas, construction-crew parking areas, and construction access routes shall be established in previously disturbed or developed areas;
- B. Prior to any earth disturbance, exclusionary fencing shall be erected at the boundaries of all construction areas to avoid equipment and human intrusion into adjacent habitats, with emphasis on protection of sensitive habitats (e.g., Santa Maria River, Nipomo Creek, mixed willow habitat);
- C. In the event that impacts would occur to the bed or banks of Santa Maria River or Nipomo Creek, the appropriate permits shall be obtained by the governing regulatory agency (e.g., Army Corps of Engineers, CDFG, RWQCB) as necessary; and,
- D. Construction (e.g., clearing and grubbing of vegetation, rough grading, etc.) of any area within a buffer zone of 25 feet from the top of bank of Santa Maria River, Nipomo Creek, or their tributaries shall be prohibited with the exception of activities

related to restoration efforts approved by the County of San Luis Obispo. Where the requirements of any regulatory agency having jurisdiction are different, the more restrictive regulations shall apply. The required 25-foot buffer shall be illustrated on final project plans and adhere to during the construction period.

**Residual Impacts:** Implementation of this mitigation measure will reduce potential impacts to less than significant levels.

### 5.4.3.3 Long-Term Asphalt Plant Impacts

Potential long-term impacts to biological resources associated with the operation and maintenance of the proposed asphalt plant would include:

**Impact BIO-5:** Grading of the plant site would result in the permanent loss of mixed willow series, a sensitive plant community and wetlands under the definition adopted by CDFG and USFWS.

**Discussion:** The entire 5.7 acre plant site would be disturbed by construction activities to varying degrees. However, most of the site contains concrete rubble and associated materials, such that the loss of vegetation and wildlife habitat would be limited to approximately 0.46 acres. This habitat loss would include approximately 0.04 acres of coyote brush series, 0.32 acres of mixed willow series, and 0.10 acres of eucalyptus series.

Mixed willow series is considered rare and worthy of status tracking by the California Natural Diversity Data Base. In addition, willows are hydrophytic vegetation and the mixed willow series meets the wetland vegetation criterion of the Corps of Engineers Wetland Delineation Manual. This plant community is relatively rare in the region due to episodic flood events and agricultural development. Long-term impacts associated with habitat loss are considered significant but mitigable.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 2 and 8.

**Mitigation Measure: BIO-5:** The following measures shall be implemented to avoid and/or minimize potential impacts to mixed willow habitat to the extent feasible:

- A. Willows removed as a result of project-related construction activities shall be replaced at a 10:1 ratio on-site. Restoration of mixed willow habitat shall be conducted by a qualified individual with experience in native plant restoration. Such restoration shall be maintained for a minimum 5 years to ensure successful establishment. If restoration is not successfully after 5 years, additional planting shall be conducted;
- B. Mitigation Measure BIO-4(B); and,

C. Mitigation Measures BIO-4(C).

**Residual Impacts:** Implementation of this mitigation measure will reduce potential impacts to less than significant levels.

**Impact BIO-6:** Grading of the plant site would result in the permanent loss of special-status plant species.

**Discussion.** The only special-status plant species observed within the asphalt plant site during surveys conducted by Padre was Blochman's ragwort. This plant has been designated as a List 4 species by the California Native Plant Society, which denotes a plant of limited distribution or infrequent throughout a broader area in California, and vulnerability or susceptibility to threat appears low at this time. Therefore, this species is not considered rare or endangered for the purposes of CEQA under Section 15380 of the State CEQA Guidelines. The project would result in the loss of a small number of individuals of this species, and is not expected to substantially affect the distribution or survival of this species in the region. Therefore, impacts are considered less than significant.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 1

**Mitigation Measure: BIO-6:** Although impacts to Blochman's ragwort are considered to be less than significant, the following measures shall be implemented to avoid and/or minimize potential impacts to this special-status plant to the extent feasible:

A. Protective fencing shall be installed around populations of Blochman's ragwort to prevent loss of this special-status plant species.

**Residual Impacts:** Implementation of this mitigation measure will reduce potential impacts to insignificant levels.

**Impact BIO-7:** Long-term habitat loss would result in adverse effects to special-status wildlife species.

**Discussion.** Special-status wildlife species potentially present within the asphalt plant site includes coast horned lizard, Cooper's hawk, least Bell's vireo, loggerhead shrike, sharp-shinned hawk, yellow warbler, white-tailed kite and tri-colored blackbird. These species (if present) would be expected to forage and possibly breed within remaining riparian habitat along the Santa Maria River, along the southern plant site boundary and within the area affected by the proposed Landscape Plan.

Implementation of the proposed project would also result in a loss of habitat for the coast horned lizard, including the suitable habitat located within the southern boundary of the project site. This would include a loss of 0.32 acres of mixed willow series and 0.04 acres of coyote brush series due to construction-related impacts; in addition, loss of

habitat would include 1.2 acres of proposed landscape area. Although, the density of this species within suitable habitat is not known, the average distance between capture points for a similar species (*Phrynosoma solare*) is 30 meters for males and 15 meters for females, or about 10 per acre (Baharav, 1975). It is likely, that historical disturbance within the plant site has resulted in a decreased population of coast horned lizard. As such, the number of individuals affected due to long-term habitat loss is expected to be very small. Long-term mortality of this species and loss of suitable habitat would cumulatively affect the distribution or survival of this species in the region overall. Therefore, impacts to this species are considered significant but mitigable.

Cooper's hawk and loggerhead shrike were observed foraging in the vicinity of the plant site and may nest here. Least Bell's vireo, sharp-shinned hawk, yellow warbler, white-tailed kite and tri-colored blackbird may also forage on-site. Loss of habitat would be very small (0.46 acres) and is considered less than significant.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1

**Mitigation Measure: BIO-7:** The following measures shall be implemented to avoid and/or minimize significant long-term impacts to those special-status species due to habitat loss:

A. Mitigation Measures BIO-5(C).

**Residual Impacts:** Implementation of this mitigation measure will reduce potential impacts to less than significant levels.

**Impact BIO-8:** Implementation of Mitigation Measure REC-2 may result in impacts to riparian vegetation and wildlife adjacent to Santa Maria River.

**Discussion.** In accordance with the County's adopted Trails Plan, Mitigation Measure REC-2 would require the applicant to grant a permanent easement to the County for a proposed trail corridor (25-foot wide minimum). The conceptual location of the trail easement is shown in Figure 5.11-1. The actual location of the trail and the offer to dedicate will be reviewed and approved by County Parks prior to the applicant receiving a building permit. Existing riparian may be impacted during construction and operation of the proposed trail. In addition, special-status wildlife species, such as the coast horned lizard, Cooper's hawk, least Bell's vireo, loggerhead shrike, sharp-shinned hawk, yellow warbler, white-tailed kite and tri-colored blackbird, that forage and breed within the riparian vegetation, may be impacted.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1



**Mitigation Measure: BIO-8:**

- A. Prior to construction of the trail, County Parks shall have pre-activity surveys for special-status wildlife species (e.g., California red-legged frog, southwestern pond turtle, two-striped garter snake, etc.) conducted by a qualified biologist, according to regulatory agency protocols. In the event that these species are identified, then the appropriate regulatory agencies (USFWS and/or CDFG) shall be contacted prior to trail construction activities to determine appropriate buffers from project activities and any additional appropriate project-specific mitigation measures to be implemented; and,
- B. Following construction of the trail, County Parks shall establish interpretive signage to encourage users to stay within trail boundaries and to increase environmental awareness of the sensitivity of riparian habitat and special-status species.

**Residual Impacts:** Implementation of this mitigation measure will reduce potential impacts to less than significant levels.

**5.4.3.4 LUO/LUE Amendment Impacts**

The following impact analysis is based on the “worst case scenario” described within the introduction of this chapter.

**Impact BIO-9:** The proposed change in land use could result in direct and indirect impacts to existing habitats and wildlife within, and/or adjacent to, the LUO/LUE area.

**Discussion:** The proposed LUO/LUE Amendment would result in all existing land use categories (RS) and (CS) to be changed to the IND land use category (54.0 acres total). For the purposes of this analysis, potential impacts which could occur under the “worst-case” permissible land use for the existing land use categories (RS and CS) will be compared to those potential impacts which could occur under the “worst-case” land use for the proposed land use category (IND).

It is assumed that the “worst-case” permissible land use to occur under RS would be a Residential Care Facility, for CS it would be a Metal Industries, Fabricated, and for the proposed land category IND is would be Chemical Products Manufacturing. There are other land uses permissible within only the industrial land use category that may generate greater impacts, but were eliminated from further consideration because it was determined that these uses would not be allowed at the LUO/LUE area due to their incompatibility with existing uses.

Assuming the “worst-case” permissible land use for all land use categories, future build-out under the existing land use categories (RS and CS) or the proposed land use (IND) both have the potential to ultimately result in complete vegetation removal within the LUO/LUE area. The existing area of each plant community within the LUO/LUE area is provided in Table 5.4-6. Note that mixed willow series and riparian scrub are considered

wetlands under the CDFG and USFWS definition, and the Nipomo Creek channel likely supports wetlands under the Corps definition. It is assumed that a large portion of the riparian scrub habitat and wetlands would not be impacted unless Nipomo Creek and its tributary are channelized.

**Table 5.4-6. Plant Communities/Habitat of the LUO/LUE Area**

Habitat type	Approximate Acreage
Coyote Brush Series (CB)	3.50
Eucalyptus Series (EU)	2.90
Mixed Willow Series (MW)	6.75
Ornamental (OR)	0.39
Riparian Scrub (RS) <sup>1</sup>	2.79
Ruderal (RU)	31.38
<b>Total</b>	<b>44.71*</b>

<sup>1</sup> A large majority of this habitat would not be affected unless Nipomo Creek and tributaries were channelized.

\* The remaining 6.29 acres are currently considered developed (see Figure 5.4-1).

Because both the existing land uses and proposed land use have the potential to ultimately result in complete removal of vegetation outside of the banks of Nipomo Creek and its tributary, it has been determined that the proposed LUO/LUE amendment would not result in any additional impacts to vegetation, wildlife habitat and wetlands within the LUO/LUE area.

However, the “worst-case” permissible land use under the proposed land use category (IND) would increase potential impacts to wildlife species, in comparison to those potential impacts which could occur under RS and CS. Specifically, the potential for a Chemical Products Manufacturing land use within any portion of the total 54.0 acres could result in a number of additional impacts in comparison to the “worst-case” permissible existing land use, including:

- Environmental Hazards – In the event that a chemical products manufacturing facility was developed within the proposed Industrial land use category there would be an increased presence of chemicals within subject area and risk of upset. As such, there would also be a potential for surrounding habitats and/or wildlife to be directly and/or indirectly exposed to these chemicals, which could result in injury, harm, or death. Exposure to these chemicals could result from direct contact, inhalation, ingestion, or indirectly from surface water runoff.

In addition, the presence of a chemical products manufacturing facility could result in other environmental hazards such as an increased potential for fires and explosions which may substantially affect surrounding habitats and wildlife species.

- Contaminated Surface Water Runoff – Development of a chemical products manufacturing facility may result in an increased amount of contaminated surface water runoff, in comparison to Residential Care Facility or Metal Industries land use. While biological systems have an assimilative capacity to absorb or break down pollution, this capacity is often exceeded, resulting in poor water quality and loss of biological diversity and abundance.

It is anticipated that the potential impacts discussed above would be prevented or mitigated by the federal, state, and local regulations as they relate to environmental hazards and storm water runoff. Please refer to Section 5.4 – Hazards and Hazardous Materials and Section 5.14 – Water Resources and Flooding.

Due to access constraints identified during the biological survey conducted by Padre, it should be noted that a large portion of the LUO/LUE area which would be affected by the land use ordinance amendment was not surveyed by Padre biologists. However, based on the presence of suitable habitat within the LUO/LUE area, it has been determined that the above-mentioned LUO/LUE amendment impacts (Environmental Hazards and Contaminated Surface Water Runoff) could adversely affect aquatic and semi-aquatic special-status species such as southern steelhead, arroyo chub, California red-legged frog, southwestern pond turtle and two-striped garter snake.

Potential impacts to aquatic species including special-status species (southern steelhead, arroyo chub and California red-legged frog) would be largely attributed to contaminated surface water runoff. Contamination from the chemical manufacturing facilities could alter water chemistry requirements for these species, in addition to potentially altering the physiology of the organisms and/or their prey (aquatic insects).

Semi-aquatic species such as southwestern pond turtle, two-striped garter snake, and western toad could also be impacted due to contaminated surface runoff. In addition, due to these species reliance on both aquatic and terrestrial environments, they may also be impacted due to the environmental hazards present in upland habitat. However, upland habitat for these species is highly degraded in many areas of the LUO/LUE area; therefore, there is a low potential for these species to occur within these habitats (ruderal, coyote brush, ornamental).

Impacts to avian, terrestrial species, and special-status plant species (black-flowered figwort) are expected to be the same under the “worst-case” permissible land use for both the existing and proposed land use categories because impacts to these species would be largely affected by the loss of habitat that would be experienced under the “worst-case” scenarios.

**Impact Category:** Significant but Mitigable

**Threshold of Significance Criteria:** 1, 6

**Mitigation Measures: BIO-9:** The following measures shall be implemented to avoid and/or minimize potential special-status species impacts associated with the proposed LUO/LUE amendment:

- A. Mitigation Measure BIO-4(C);
- B. Implement Mitigation Measure WR-9;
- C. Implement Mitigation Measure WR-10; and,
- D. Prior to any new development within 150 feet of Nipomo Creek, Nipomo Creek tributary, and/or Santa Maria River under the proposed IND land use category, pre-activity surveys for special-status wildlife species (e.g., California red-legged frog, southwestern pond turtle, two-striped garter snake, etc.) shall be conducted by a qualified biologist, according to regulatory agency protocols. In the event that these species are identified, then the appropriate regulatory agencies (USFWS and/or CDFG) shall be contacted prior to development activities to determine appropriate buffers from project activities and any additional appropriate project-specific mitigation measures to be implemented.
- E. Prior to any new development within the LUO/LUE Amendment Area, a qualified biologist shall determine whether the project site contains suitable habitat for Black-flowered figwort. If suitable habitat (i.e., chaparral, coastal dunes, and riparian scrub) is present, then pre-activity surveys for Black-flowered figwort shall be conducted by a qualified biologist, according to regulatory agency protocols. In the event that this species is identified, then the appropriate regulatory agencies (USFWS and/or CDFG) shall be contacted prior to development activities to determine appropriate buffers from project activities and any additional appropriate project-specific mitigation measures to be implemented.

**Residual Impacts:** Implementation of the above listed measures will reduce potential project impacts associated with the LUO/LUE amendment to less than significant levels.

#### 5.4.3.4 Cumulative Impacts

As discussed in Section 8.2 of this EIR, cumulative projects include Caldwell Minor Use Permit, Loomis Minor Use Permit, and the Troesch Land Use Ordinance Amendment. The Caldwell Minor Use Permit involves the construction of one office building/warehouse and one warehouse with appurtenant vehicle storage. The Loomis Minor Use Permit involves the construction of a modular office building. The Troesch Land Use Ordinance Amendment involves the development of a commercial composting facility for receiving and processing green material. All three projects occur in previously developed areas and all of the projects have been determined to have no effect on cumulative biological resources, upon review by the County of San Luis Obispo. Therefore, the proposed project is not expected to have any cumulative impacts on biological resources in the area.

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## 5.5 CULTURAL RESOURCES

### 5.5.1 Setting

#### 5.5.1.1 Prehistoric Overview

The project area lies within the traditional territory of the Chumash cultural family. The Chumash occupied the region from San Luis Obispo County to Malibu Canyon on the coast, and inland as far as the western edge of the San Joaquin Valley, and the four northern Channel Islands (Grant 1978). The Chumash are subdivided into six linguistic groups: Barbareño, Ventureño, Purisimeño, Ynezeño, Obispeño, and Island. The general project area is located near the traditional borders of the Obispeño and the Purisimeño (Greenwood, 1978; Gibson 2003; Bertrando 1994; Glassow 1996). Because these borders were fluid through time, it is impossible to assign one group to this location.

Central coast prehistory is divided into four broadly defined periods – Millingstone, Early, Middle and Late. There is little evidence of occupation during the Paleoindian period (11,000 – 8,500 years before present (B.P.) on the central coast. The Cross Creek site (CA-SLO-1797) is the only known representation of the period in the region.

The Millingstone Period (8,500-5,500 B.P.), according to Glassow (1996), is characterized along the Santa Barbara channel by thick rectangular *Olivella* beads, and a high density of handstones and millingstones. Two sites excavated by Greenwood (1972) at Diablo Canyon have been fundamental to our understanding of the Millingstone period on the central coast.

The Early Period (5,500-3,000 B.P.) exhibits similar artifact assemblages to the Millingstone period, however major changes in subsistence technology occurred. Mammals and fish became increasingly important in the diet, while shellfish consumption became increasingly less important. The introduction of mortar and pestle technology also reflects a more intensive use of plant resources (Joslin 2000).

The Middle Period (3,000-1,000 B.P.) is characterized by artifact assemblages that include contracting-stemmed projectile points, and a wide array of shell beads and ornaments. While many subsistence-settlement trends remained constant from pre-3,000 B.P., there was an intensification in the use of small schooling fish and an even further decline in the reliance on shellfish (Joslin 2000).

The Late Period (700 B.P.-Historic) settlements, according to Jones (1995), maintained a terrestrial orientation, focusing on the procurement of acorns and a variety of other interior plants and animal foods. At CA-SLO-1303, a site located at the original extent of the Morro Bay estuary, the artifact assemblage illustrates a high frequency of Franciscan chert, a material more common inland. The prevalence of this material suggests that people were coming to the coast from an inland residential base (Joslin 2000).

The Historic Period began with Spanish contact, and subsequent missionization. These missions had a direct impact on the native people of the region, as they were forced to convert and live within the mission grounds. The combined effects of forced acculturation, disease, and outright conflict rapidly reduced the Obispeño and Purisimeño populations (Berg and Hildebrandt).

### **5.5.1.2 Historic Overview**

The Mission Period began with the expedition of Gaspar de Portolá and Father Junipero Serra in 1769. This expedition began in San Diego, and continued northward towards Monterey, establishing five missions along the way. They passed through Santa Barbara and San Luis Obispo Counties in the same year. The two closest missions to the Nipomo area are La Purisima Concepcion and San Luis Obispo de Tolosa founded in 1787 and 1772 respectively.

In 1822 Mexico gained its independence from Spain, and in 1834 the Missions were secularized and their lands granted as rewards for loyal service or in response to an individual's petition. During Mexican rule, missions declined in influence and large cattle ranches (called ranchos) dominated the San Luis Obispo area. The project site is located within the historic boundaries of the 37,888 acre Nipomo Rancho, one of the first and largest of the Mexican land grants in San Luis Obispo County. Captain William Goodwin Dana applied for the property in 1835, and the grant was confirmed by Governor Juan B. Alvarado in 1837 (Norton 1956). Captain Dana's first house on the Nipomo Rancho was known as the Casa de Adobe and was built about 1840 (Norton 1956). The Mexican Period ended with the signing of the Treaty of Guadalupe Hidalgo in 1848, which transferred control of California, New Mexico, Texas, and other western properties to the United States. Captain Dana was patented 37,888 acres in 1868 (Cowan 1977), much of which was later subdivided and sold by his heirs. Settlers were attracted to the general project area by good weather, water and fertile soils. Agriculture became and remains the principal land use in the general project area, with some sand and gravel mining occurring along the Santa Maria River.

Historic maps of the area show that the Pacific Coast Railroad (PCRR) formerly ran through the eastern edge of the project site. Built in the early 1880's by the Pacific Coast S.S. Company, the PCRR ran from Port San Luis through San Luis Obispo, past Arroyo Grande and Santa Maria to its termination at Los Olivos (Best 1997). The PCRR helped fuel San Luis Obispo County's economic development for 60 years, but the completion of the Southern Pacific Railroad in 1901, followed by ever increasing automobile and truck traffic and the completion of the Santa Maria Valley Railroad ultimately resulted in the PCRR being sold for scrap in 1942.

#### **Phase 1 Archaeological Survey**

A Phase 1 Archaeological investigation was conducted by Conejo Archaeological Consultants (Conejo) for the proposed LUO/LUE amendment and the CUP. A copy of this report is maintained by the County of San Luis Obispo. The study was prepared in accordance with CEQA and the County of San Luis Obispo's cultural resource guidelines. The goal of the investigation was to determine if the proposed LUO/LUE amendment and CUP would impact any potentially significant archaeological resources, and if so, present recommendations to reduce any such impacts to a less than significant level.

An archaeological survey of approximately 33 acres of the project site was conducted on July 27, 2004. No prehistoric resources were identified. Conejo did not survey the 11.3 acres within the Biorn CUP site that were surveyed by archaeologist Robert Gibson in 2003, nor was the northern area (parcels 090-302-34 and 090-302-35) of the project site surveyed due to denial of access by property owners. This section of the project area was surveyed by Dills in 1989, who did not identified any cultural resources.

The record search identified no archaeological sites within or adjacent to the asphalt plant site. In addition, a sacred lands file check with the Native American Heritage Commission (NAHC) did not identify any sacred lands within the plant site. Mr. Gibson's survey of this site did not identify any prehistoric or historic resources; Conejo concurs with these findings.

In addition, Conejo identified no prehistoric cultural resources within the LUO/LUE amendment area. However, a historic farm complex was recorded by Conejo. This complex is located near the middle of the LUO/LUE amendment area, west of Cuyama Lane. The historic structures on the project site include a barn and a farmhouse, built by Geraldine Biorn's grandparents, Ole and Margaret Nelson in the late 1890s when they immigrated to the area from Denmark. The Nelsons dry farmed the surrounding land for beans, grains and alfalfa. The existing farmhouse replaces an earlier home the Nelsons had built on the property. Both the farmhouse and barn were extensively damaged by a Nipomo Creek flood in 1992 and were abandoned at that time.

## 5.5.2 Impact Analysis

### 5.5.2.1 Thresholds of Significance

For the purposes of this EIR, a significant impact to cultural resources is assumed to occur if the proposed project results in any of the following conditions:

- 1) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines;
- 2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines;
- 3) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- 4) Disturb any human remains, including those interred outside of formal cemeteries.

### 5.5.2.2 Asphalt Plant Impacts

The Archaeological Survey Report indicated that no archaeological sites within or adjacent to the CUP project site were identified. It concluded that the grading and subsequent construction on the site for the asphalt plant would not have an adverse impact on any known cultural resources. No additional archaeological work within the Biorn CUP project site is warranted.

### 5.5.2.3 LUO/LUE Amendment Impacts

**Impact CUL-1:** Future industrial development associated with the LUO/LUE Amendment could have a potentially significant impact on historic cultural resources.

**Discussion:** There were no prehistoric cultural resources identified within the LUO/LUE Amendment project area; however, a historic farm complex was recorded consisting of a wooden frame farmhouse and a wooden barn, both of which are over 100 years old. Both buildings were extensively damaged during the 1992 flooding of the Nipomo Creek. Historic privies and trash pits are often associated with historic complexes such as this; however, the old farmhouse privy location fell within the area excavated by scrappers for fill during construction of Highway 101. As the probable location for trash pits also falls within this borrowed area, the likelihood of significant buried historic features being associated with this farm complex site is low. Until further evaluation of the Nelson farm,



it is assumed to be potentially significant under Criteria A & C of the California Register at a local level. Therefore, if the proposed land use changes result in industrial development of the farm property, the project could have a potentially significant impact on cultural resources.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1

**Mitigation Measure CUL-1:**

- A. Prior to development, a qualified cultural resource professional as approved by the County (historian/architectural historian) shall be retained to conduct a historical evaluation of the Nelson farmhouse and barn, and any associated outbuildings, animal pens, and farm equipment. The historic structure evaluation should include the history of the property, and the farm complex should be recorded on appropriate California Department of Parks and Recreation (DPR) forms. Any important/significant historic resources identified shall be mitigated as specified by the historical evaluation prior to its demolition or relocation; and,
- B. Prior to construction permit issuance, a Phase I archaeological survey shall be conducted for parcels 090-302-34 and 090-302-35. All recommended measures shall be required of new development to reduce impacts to less than significant levels.

**Residual Impacts:** With the incorporation of mitigation, impacts would be less than significant.

**Impact CUL-2:** Development of the LUO/LUE amendment area may have a significant impact on unknown/buried cultural resources.

**Discussion:** Because buried cultural resources cannot be located with surface surveys, the potential for buried cultural resources exists. Ground disturbance due to construction could potentially impact unknown or buried cultural resources.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 2

**Mitigation Measure:** The County's LUO (Sec. 22.10.040) requires the following in the event archaeological resources are unearthed or discovered during any construction activity:

- 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 laws; and,
- B. In the event archaeological 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.

**Residual Impacts:** With the incorporation of mitigation, impacts would be less than significant.

#### **5.5.2.4 Cumulative Impacts**

No prehistoric cultural resources identified within the LUO/LUE Amendment project area. However, because buried cultural resources cannot be located with surface surveys, the potential for buried cultural resources exists. Ground disturbance due to construction of the projects described in Section 8.2 could potentially affect unknown or buried cultural resources and cause cumulative impacts. Measures contained in Sec. 22.10.040 of the LUO would minimize impacts.

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## **5.6 GEOLOGY AND SOILS**

The purpose of this section is to describe geological and soil conditions in the project area and to evaluate potential impacts of the proposed project on these features.

### **5.6.1 Setting**

#### **5.6.1.1 Geology**

Review of the "Geology of California, Santa Maria Sheet," published by the California Division of Mines and Geology and dated 1958, indicates that the project site is located within the Coast Range geomorphic province of California. The project site is further located at the northern fringe of the Santa Maria Valley, which is formed by the Nipomo Mesa to the north, the San Raphael mountains to the east, and the Solomon Hills to the south. The majority of the project site is underlain by recent alluvial deposits (CDMG, 1958).

The bluff edge of the Nipomo Mesa is located along the western boundary of the project area. The Nipomo Mesa is underlain by older sand dune deposits that pre-date the last Ice Age. The dune shapes are still evident in the surface topography of the mesa. The dunes are characterized as linear ridges and intervening closed depressions. The eastern and southern boundaries of the mesa have been defined by erosional cuts by Nipomo Creek and the Santa Maria River. The mesa bluff edge consists of steep slopes that are moderately stabilized by existing vegetation.

The project site is located within the Nipomo Mesa Sub-basin of the Santa Maria Valley groundwater basin. A shallow groundwater flow/gradient is expected to follow the topography of surface elevations towards the Pacific Ocean to the west-northwest. Estimated groundwater depths may fluctuate due to groundwater pumping, rainfall, and seasonal variations. A well was completed in 1988 within the boundaries of the proposed asphalt plant site. This well is currently used to supply the process needs of the existing Portland cement batch plant, and dust control needs of the batch plant and adjacent concrete recycling facility. A second well is located approximately 350 feet east of this well, and is used by the Nipomo Community Services District to provide water to the Nipomo area. Depth to groundwater at these wells is relatively shallow, at approximately 25-40 feet below ground surface (West Coast Environmental and Engineering, 2003).

The project site is located within a 100-year floodplain and the County's Flood Hazard Combining Designation (see Figure 5.14-2), which presents special issues associated with the storage and handling of hazardous materials and wastes. Refer to Section 5.14 for a discussion of potential flood hazards/issues and Section 5.7 for a discussion of issues related to storage of hazardous materials within the Flood Hazard Combining Designation.

Historically, the project area has been used for sand and gravel pit mining operations, agricultural activity, a few homes, and excavation of soil for fill during Highway 101 construction. Currently, there is a concrete and asphalt recycling facility, a ready-mixed concrete plant, and light industrial and commercial uses at the project area. There is some residential development northwest of the project area up on the mesa.

### 5.6.1.2 Faults

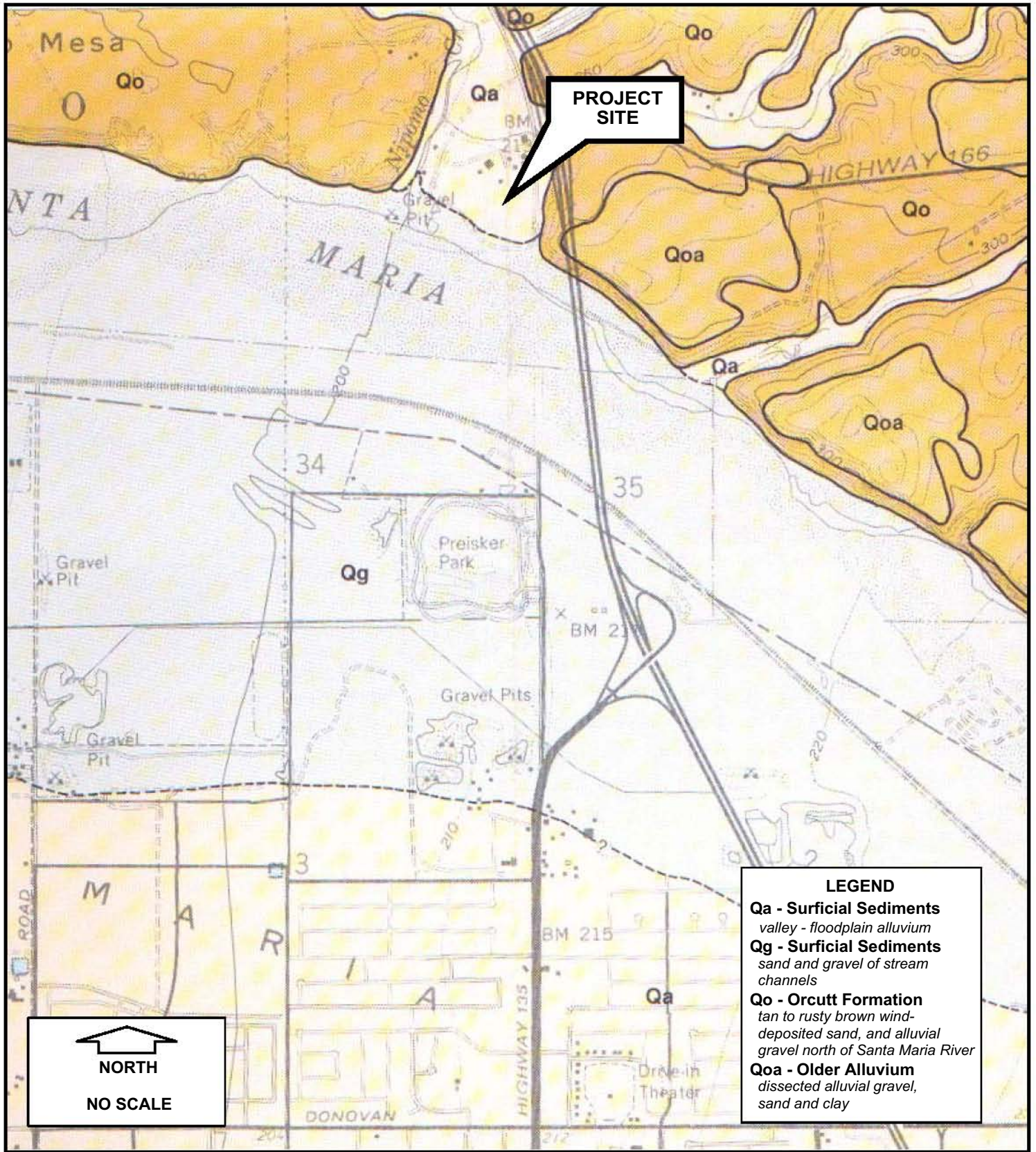
Several faults in the region of the project area are considered geologically active or potentially active and are capable of causing significant ground motion in the vicinity of the project site. The California Geological Survey (CGS, formerly the California Division of Mines and Geology [CDMG]) considers an active fault as one with surface displacement within the last 11,000 years (Holocene age). A potentially active fault is a fault with evidence of surface displacement during the last two million years (Quaternary age). Principal known active faults or fault systems near the project site include the San Andreas fault system, Hosgri fault zone, Los Alamos, Santa Lucia, and Los Osos faults. Also located near the project site are the potential active Wilmar Avenue/Santa Maria River fault, Oceano fault, Pecho fault, Oceanic-West Huasna fault, San Luis Bay fault, and the Casmalia-Orcutt-Litte Pine fault system. A review of geologic hazard zones indicate that the project site does not lie within a Alquist-Priolo Earthquake Fault Zone (County Safety Element, Map 2).

There are two magnitudes of earthquakes that are commonly used in analysis of ground motion. The Maximum Credible Earthquake (deterministic) is the largest rational and believable earthquake that can occur within the presently known tectonic framework. The Maximum Probable Earthquake (probabilistic) is the maximum earthquake that is likely to occur during a 100-year interval (CDMG, 1975). It is to be regarded as a probable occurrence, not as an assured event that will occur within a specific time period. The postulated magnitude should not be lower than the maximum that has occurred within historic time.

Table 5.6-1 Vicinity Faults, lists the known active and potentially active faults near the project site (Blake, 1996). This table also presents the distances of each fault from the project site and the maximum credible and maximum probable events that could result from each fault.

**Table 5.6-1 – Active and Potentially Active Faults Within 50 Miles of the Project Site.**

Fault Name	Approximate Distance (miles)	Maximum Credible Earthquake Magnitude	Maximum Probable Earthquake Magnitude
Wilmar Ave/Santa Maria River	0	6.5	4.6
Point San Luis	6	7.5	5.7
Océano	7	6.5	4.4
Black Mountain	8	7.5	6.3
Los Osos	10	7.0	5.3
Santa Lucia	15	7.5	5.6
Casmalia/Orcutt	7	7.5	5.9
Rinconada	21	7.5	5.9
Hosgri	18	7.5	6.4
La Panza	25	7.5	5.2
San Andreas	45	8.0	7.4
Big Pine	46	6.9	5.8



Basemap Source: Dibblee Geologic Map, Santa Maria Quadrangle



County of San Luis Obispo - Biorn LUO Amendment/CUP

**SITE GEOLOGY**  
**FIGURE 5.6-1**

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Basemap Source: County of San Luis Obispo



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**Wilmar Avenue/Santa Maria River Fault.** The Wilmar Avenue/Santa Maria River fault is located along the eastern boundary of the project area, within the vicinity of the Highway 101 alignment. This fault is a northwest-trending, northeast dipping fault that has poor geomorphic expression and is exposed only at the present sea cliff at Wilmar Avenue in Pismo Beach. The Wilmar fault continues at least to Arroyo Grande and may extend along the eastern margin of the Nipomo Mesa to the northern part of the Santa Maria Valley. Lettis (1990) states that the Wilmar fault may include a part of the Santa Maria River fault. The locations of the Wilmar and Santa Maria River fault are inferred based on water and oil well data.

Hart et al (1986) describes the Santa Maria River fault as steeply dipping and may offset the mid-Pleistocene unit locally, but is largely concealed by Holocene and late Pleistocene deposits. Hart depicts the Santa Maria fault as approximately paralleling the west side of Highway 101.

### 5.6.1.3 Seismic Hazards

Several types of seismic hazards are associated with earthquake events. Several of these potential hazards are described below:

**Liquefaction.** Liquefaction is a phenomenon where unconsolidated and/or near saturated soils lose cohesion and are converted to a fluid state as a result of severe vibration. Loose, granular soils are most susceptible to these effects, while more stable silty clay and clay materials are generally somewhat less affected. Liquefaction potential for soils at the project site is considered high due to the granular materials at the southern portion of the project site and the shallow groundwater table.

**Groundshaking.** Seismically induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake's seismic waves. Ground rupture is most likely along active faults.

**Landslide potential.** The occurrence of landslides is generally influenced by a number of factors, including slope angle, soil moisture content, vegetative cover and the physical nature of the underlying strata. Landslides can be triggered by construction-related grading activities, seismic activity and fires.

**Fault rupture.** Small to moderate earthquakes (magnitudes less than 5.0 on the Richter Scale) are common in San Luis Obispo County. The most significant quakes affecting the County during the last century have generally been centered outside the County itself, and have included events in excess of 7.0 (Lompoc in 1927 and Tehachapi in 1952). The most notable exception to this was the San Simeon Earthquake on December 22, 2003, which was a 6.5 magnitude earthquake centered approximately 24 miles west of Paso Robles.

**Tsunamis/Seiches.** Tsunamis are seismically induced waves that can cause damage in coastal areas. The project site is not located near the coast. Seiches are seismically induced waves which occur in large bodies of water. The potential for such hazards occurring at the project area is non-existent.

### 5.6.1.4 Topography

The project site is located on a small flood plain along the southeastern side of the Nipomo Mesa. Nipomo Creek is located east of the Nipomo Mesa and drains into the Santa Maria River, which is adjacent and south of the project site. On-site elevations range from

approximately 200 to 260 feet above mean sea level. Surface drainage at the project area generally follows surface topography. A concrete-lined drainage channel extends from Hutton Road west to Nipomo Creek at Cuyama Lane, which collects drainage from the Hutton Road/Highway 101 area.

#### 5.6.1.5 Soils

Soils found at the project area are predominantly comprised mostly of alluvial deposits deposited from flooding events along Nipomo Creek and the Santa Maria River. As mapped by the U.S. Department of Agriculture Soil Conservation Service, soil units found within the region of influence are shown in Figure 5.6-2.

The soil types found at the project area include Marimel silty clay loam, Mocho Variant fine sandy loam, Xerets-Xerolls-Urban land complex, Xerothents-escarpment soils, and riverwash. Each soil is described further below:

**Marimel silty clay loam.** The Marimel silty clay loam soil is found at the northern edge of the project area. The soil is found on alluvial fans and narrow valleys. The soil is formed in alluvium weathered from sedimentary rocks. The soil is typically very deep, well drained, with moderately slow permeability, slow surface runoff, and a slight erosion hazard. This soil is highly corrosive to untreated steel.

**Mocho Variant fine sandy loam.** The Mocho fine sandy loam is located within the southern portion of the project area at the proposed asphalt plant site. This soil is found on nearly level soil on alluvial fans and plains. The soil is formed in alluvium weathered from sedimentary rocks. The soil is very deep, well drained, with moderately rapid permeability, slow surface runoff, a slight erosion hazard, and a moderate wind erosion hazard. This soil is highly corrosive to untreated steel.

**Xerets – Xerolls – Urban land complex.** This soil complex is found within the central developed portions of the project area. This complex consists of nearly level soils that are covered by urban structures. The soil materials have been modified by earthmoving equipment and covered with urban development. This soil complex may have a wide range of permeability, and runoff and erosion hazards.

**Xerothents – Escarpment.** This soil type is located on the Nipomo Mesa bluff edges. This soil is found on steep soils at the end of terraces. The soils are fairly stabilized and vegetated. When the soil is bare, runoff is rapid and erosion hazard is high. Water runoff can cause gully erosion.

**Riverwash –** This soil type is found within the Santa Maria River channel at the southern boundary of the project area. This soil is composed of granular material eroded from rock materials found in the Santa Maria River-Cuyama-Sisqouc watershed area. This soil includes stratified sandy loam, sands, gravels, and cobbles. Permeability is rapid, and erosion is variable.

#### 5.6.2 Regulatory Setting

The following state and local regulations apply to the project site and are designed for the protection of health and safety from geologic hazards:

1. *Public Resources Code, Section 2621, et seq.* The Alquist-Priolo Special Studies Zone Act of 1972 establishes criteria and policies to assist cities, counties, and state agencies in the exercise of their responsibility to prohibit the location of developments and structures for human occupancy across the trace of active faults as defined by the State Mining and Geology Board;
2. *Title 22 of the San Luis Obispo County Code.* The Land Use Ordinance (at 22.14.060) sets forth the Combining Designation Standards for Geologic Study Areas (GSAs) and Flood Hazard (FH) combining designations. GSAs are applied to areas where “geologic and soil conditions could present new developments and their users with potential hazards to life and property.” The standards require preparation of a geologic report on geologic hazards and appropriate mitigation measures which must be incorporated into the project design to reduce these hazards. FH areas are areas within defined 100-year floodplains;
3. *Other Regulatory Requirements 17922, 179511-17958.7* of the State Government Code requires cities and counties to adopt and enforce the Uniform Building Code, including a grading section (Chapter 70), providing minimum protection against some geologic hazards. The County of San Luis Obispo implements these provisions; and,
4. *County Safety Element (1998).* The 1998 Safety Element updates and replaces the original 1977 Safety Element and 1975 Seismic Safety Element to the County General Plan. The Safety Element includes a Policy Document that includes goals, policies and implementation measures for reducing potential geologic and other safety hazards.

### 5.6.3 Impact Analysis

#### 5.6.3.1 Thresholds of Significance

Based on the County of San Luis Obispo’s CEQA Guidelines, an impact would be significant if any of the following conditions, or potential thereof, would result with implementation of the proposed project:

1. Exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence, or other similar hazards;
2. Location within a California Division of Mines and Geology (CDMG) Earthquake Fault Zone;
3. Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions, from project-related improvements, such as vegetation removal, grading, excavation or fill<sup>1</sup>;
4. Change rates of soil absorption, or amount or direction of surface runoff;
5. Include structures located on expansive soils;

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<sup>1</sup> Addressed in Section 5.14.

6. Change the drainage patterns where substantial on- or off-site sedimentation/erosion or flooding may occur;
7. Involve activities within the 100-year flood zone<sup>1</sup>;
8. Inconsistency with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards; and,
9. Preclude the future extraction of valuable mineral resources.

### 5.6.3.2 Asphalt Plant Impacts

**Impact GEO-1:** Construction and operation of the proposed asphalt plant could expose occupants to liquefaction, severe ground shaking, and land subsidence during an earthquake.

**Discussion:** The project site is located on granular soils with shallow ground water that could experience liquefaction during an earthquake. Active faults are located within the Central Coast region that could produce large magnitude earthquakes. Additionally, the Wilmar Avenue/Santa Maria River fault, located adjacent to the project site, is considered potentially active. Additionally, construction of buildings and structures at the project site will be required to conform with the California Building Code, which includes seismic safety measures. The project site is not located within a CDMG Earthquake Fault Zone. This impact is considered significant but mitigable.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1, 2, 5, 8

**Mitigation Measure GEO-1:** The project foundation and structural design shall follow the recommendations of a design level geotechnical investigation and shall address items including groundshaking, liquefaction, expansive soils, and soil subsidence. The geotechnical investigation shall also address potential seismic hazards from the Wilmar Avenue/Santa Maria River fault.

#### **Residual Impacts**

With implementation of the above-referenced measures, residual impacts are anticipated to be less than significant.

### 5.6.3.3 LUO/LUE Amendment Impacts

**Impact GEO-2:** Industrial development along the western fringe of the LUO/LUE amendment area, located along the edge of the Nipomo Mesa, could result in significant impacts from construction on unstable slopes and improper drainage control. Significant erosion could occur if development/disturbance is allowed on it.

**Discussion:** The edge of the Nipomo Mesa (see Figure 4-3) is defined as the point of change in topography where slope exceeds 15 percent descending directly from the Mesa to the Santa Maria, Cienega, Los Berros and Nipomo Valleys. Erosion impacts could occur on slopes of Oceano dune sand (which typifies the Nipomo Mesa) that are steeper than 15 percent.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1, 3

**Mitigation Measure GEO-2:** The project shall be required to comply with the County Land Use Ordinance regulations, Section 22. 112.020(B), which address development along the Nipomo Mesa bluff edge. These standards include the following:

- A. **Drainage plan requirements.** Land use permit and land division applications shall include a drainage plan in compliance with Chapter 22.52. The plan shall identify the point of change to 15 percent slope, in addition to other required drainage plan contents. The drainage plan requirement may be waived through an adjustment approved in compliance with Section 22.70.040, where a development will be located a sufficient distance from the bluff top edge to be of no concern;
- B. **Standards for projects requiring Zoning Clearance or Site Plan Review.** Projects requiring Zoning Clearance or Site Plan Review shall be designed in compliance with the following standards. Projects that are unable to meet these requirements may be considered through Minor Use Permit review, with the applicant paying the difference in fees.
- **Grading limitation.** Locate all grading, such as for building pads or access roads, away from slopes steeper than 15 percent on the bluff edge of the Nipomo Mesa to avoid erosion and visual impacts associated with grading, except for transmission lines and pipelines.
  - **Setbacks.** All new structures shall be set back at least 50 feet from the top edge and the toe of the slope bank to prevent slope failure. Structures are not permitted on the slope of the bluff face, except for transmission lines and pipelines.
  - **Drainage control.** Runoff created by new development shall be conveyed away from the bluff toward the interior of the Mesa. On-site or off-site retention/recharge basins shall be utilized for storage and infiltration of all runoff.
  - **Septic system locations.** If a subsurface disposal system shall be located within 150 feet of the edge of the steeper bluff slopes (30 percent or greater), the system shall be designed to meet the Central Coast Basin Plan requirements for site suitability and the prevention of "daylighting" of effluent. This system must be approved by the Building Official prior to installation.

### **Residual Impacts**

With implementation of the above-referenced measures, residual impacts are anticipated to be less than significant.

#### **5.6.3.4 Cumulative Impacts**

Projects that may be allowed under the proposed land use designation changes are also addressed in the discussion above. Construction of additional industrial uses within the project vicinity may cause construction-related turbidity and sedimentation of the Nipomo Creek. Multiple projects near the creek could also increase erosion and increase creek sediment load, thus, resulting in a long-term impact for the area. If this situation were to occur, engineered systems, such as sediment catch basins, would be necessary to ensure that the increased sediment did not reduce the fresh water supply or the quality of habitat in Nipomo Creek.

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## **5.7 HAZARDS AND HAZARDOUS MATERIALS**

### **5.7.1 Introduction**

This section addresses the potential for impacts related to the presence and use of hazards/hazardous materials within the project area. Impacts associated with the project were based on a review of existing literature, a reconnaissance-level field survey, and a search of environmental records for hazardous sites.

### **5.7.2 Environmental Setting**

The project site is located on a small flood plain along the southeastern side of the Nipomo Mesa. Nipomo Creek drains into the Santa Maria River adjacent and south of the project site. On-site elevations range from approximately 200 to 260 feet above mean sea level. The general direction of groundwater flow is anticipated to be south toward the Santa Maria River.

Review of the "Geology of California, Santa Maria Sheet," published by the California Division of Mines and Geology and dated 1958, indicates that the project site is located within the Coast Range geomorphic province of California. The project site is further located at the northern fringe of the Santa Maria Valley, which is formed by the Nipomo Mesa to the north, the San Raphael mountains to the east, and the Solomon Hills to the south. The project site is underlain by older alluvial deposits (CDMG, 1958).

The project site is located within the Nipomo Mesa Sub-basin of the Santa Maria Valley groundwater basin. A shallow groundwater flow/gradient is expected to follow the topography of surface elevations towards the Pacific Ocean to the west-northwest. Estimated groundwater depths may fluctuate due to groundwater pumping, rainfall, and seasonal variations. Two water supply wells are located at the project site. One well is operated by the Cuyama Lane Water Company as a water supply well to serve the industrial users within the larger project site and the other would be used by the proposed asphalt plant. Depth to groundwater at these wells is relatively shallow, at approximately 25-40 feet below ground surface (West Coast Environmental and Engineering, 2003). The project site is located within a 100-year floodplain, which presents special issues associated with the storage and handling of hazardous materials and wastes.

Historically, the project area has been used for sand and gravel pit mining operations, agricultural activity, a few homes, and excavation of soil for fill during U.S. Highway 101 construction. Currently, there is some residential development in the northern portion of the project area, a concrete and asphalt recycling facility, a ready-mixed concrete plant, and a former sand and gravel mine in the southern portion of the project area.

#### **5.5.2.1 Current Site Conditions**

On July 27, 2004, Padre visited the proposed asphalt plant project site to assess the current site conditions. The eastern portion of the project site was observed to be utilized as private contractor storage yards and the western portion of the project site is currently utilized for the stockpiling of concrete rubble. One water supply well was observed within the middle portion of the project site. A concrete lined containment area was observed at the southeastern corner of the proposed asphalt plant site; within the containment was a 55-gallon drum, which was observed to be open and overflowing with black liquid, possibly motor oil. Oil staining was observed around the base of the drum and outside of the containment area. This area may be



a former hazardous waste storage area associated with historical industrial operations at the project site. Refer to Figure 5.7-1 for the location of the containment area.

### **5.5.2.2 Environmental Records Search**

An environmental records search was conducted for the project site by Environmental Data Resources, Inc. (EDR) on August 20, 2004. The EDR report was utilized to identify known or suspected areas of contamination, underground storage tank locations, solid waste management facilities, and hazardous waste treatment, storage, and/or disposal locations. One known site was located within a radius of 1 mile of the project site. The Nipomo Transfer Station is located less than ¼ - mile north of the project site, and is classified as a Solid Waste Facility/Landfill Site. This site is a transfer station for solid waste generated in the Santa Maria area for transportation to the Chicago Grade Landfill located in Templeton. No areas of contamination were identified by the EDR database search.

### **5.7.3 Regulatory Setting**

The following section provides a brief description of some of the applicable state and federal regulations relating to the use, storage, and disposal of hazardous substances and petroleum.

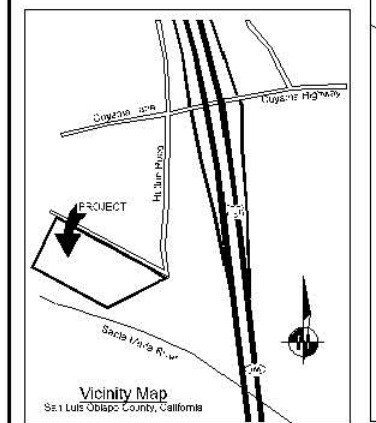
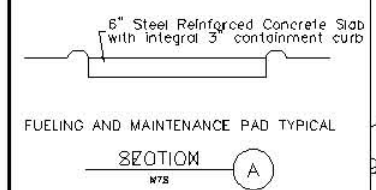
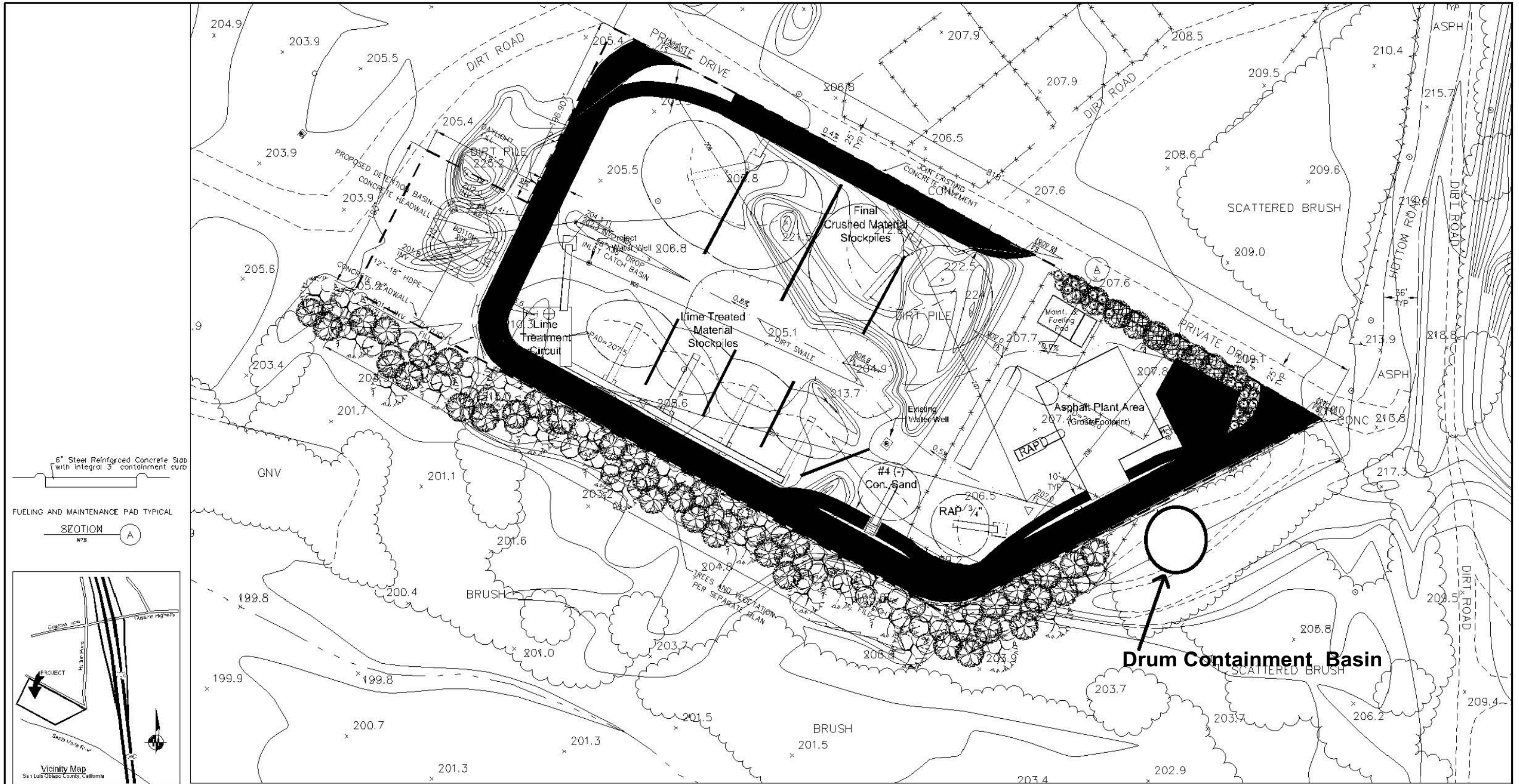
#### **Federal Laws/Regulations**

*Federal Water Pollution Control Act of 1972 (Clean Water Act).* The Clean Water Act governs the control of water pollution in the United States. This Act includes the National Pollutant Discharge Elimination System (NPDES) program, which requires that permits be obtained for point discharges of wastewater. This Act also requires that storm water discharges be permitted, monitored, and controlled for public and private entities.

*Resource Control and Recovery Act of 1974 (RCRA).* RCRA was enacted as the first step in the regulation of the potential health and environmental problems associated with solid hazardous and non-hazardous waste disposal. RCRA, and the formation of the U.S. Environmental Protection Agency (EPA) to implement the Act, provide the framework for national hazardous waste management, including tracking hazardous wastes from point of origin to ultimate disposal.

*Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).* Under CERCLA, owners and operators of real estate where there is hazardous substances contamination may be held strictly liable for the costs of cleaning up contamination found on their property. No evidence linking the owner/operator with the placement of the hazardous substances on the property is required. CERCLA, also known as Superfund, established a fund for the assessment and remediation of the worst hazardous waste sites in the nation. Exceptions are provided for crude oil wastes that are not subject to CERCLA.

In 1986, Congress established the “innocent landowner defense” in the 1986 amendments to CERCLA known as the Superfund Amendments and Reauthorization Act (SARA). To establish innocent landowner status, the landowner “must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial and customary practice in an effort to minimize liability.” In an effort to clarify what constitutes “all appropriate inquiry,” the ASTM has developed a standard that provides specific definition of the steps one should take when conducting a “due diligence” environmental site assessment for commercial real estate.



<p><b>LEGEND:</b></p> <ul style="list-style-type: none"> <li>CONVEYOR SWEEP PATH</li> <li>PRODUCT RECEPTION HOPPER</li> <li>CONVEYOR BELT SYSTEM</li> <li>EXISTING VEGETATION</li> <li>INTERNAL ACCESS ROADS (ASPHALTIC CONCRETE)</li> <li>EXISTING WATER WELL</li> <li>PROPOSED LANDSCAPING (SEE LANDSCAPE PLAN FOR DETAILS)</li> <li>PROPOSED ODP BOUNDARY (0.15 acres)</li> </ul>		<p>Base Topography by RBF Consulting, 11/12/02</p> <p>0 60 120</p> <p>SCALE IN FEET</p>		<p>SITE PLAN PROPOSED PERMIT BOUNDARY AND SITE DETAILS</p> <p>N. POMO ASPHALT PLANT A.J. DIANI CONSTRUCTION COMPANY, INC. SAN LUIS OBISPO COUNTY, CALIFORNIA</p> <p>PROJECT: A140-001-03 DRAWN BY: DSM/BAJ DATE: 1/24/03 REVISION: 4/25/03 APPROVED BY: IE/JM DATE: 1/24/03 PRINTED: 4/25/03 DRAWING: A140-001-03-01-01-01-01-01-01-01-01</p>	
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Source: West Coast Environmental



**LOCATION OF IDENTIFIED CONTAINMENT AREA AND LEAKING DRUM**

**FIGURE 5.7-1**

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*Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Act)* was enacted in 2002 to create new exemptions from Superfund liability, authorizes brownfields revitalization funding, and provides assistance to state and local site clean-up programs. The EPA has released draft All Appropriate Inquiry (AAI) standards in accordance with the National Brownfields which would replace the current ASTM standard for environmental due diligence for protection of potential purchasers of contaminated property.

*Hazardous and Solid Waste Amendments of 1984 (HSWA)*. The HSWA law was enacted to close RCRA loopholes and regulated leaking underground storage tanks (USTs) specifically. The California State Water Resources Control Board (SWRCB), the Central Coast Regional Water Quality Control Board (RWQCB), and the local County Division of Environmental Health, as a Certified Unified Program Agency (CUPA) program, oversee UST regulations and cleanup of leaking USTs.

*Asbestos Hazard Emergency Response Act of 1986 (AHERA)*. The Act is the federal legislation that governs the management and abatement of asbestos-containing materials in buildings.

*National Emission Standards for Hazardous Air Pollutants; Asbestos, 40 CFR Part 61*. This regulation requires the assessment and proper removal of asbestos-containing materials that could release asbestos when disturbed prior to the demolition of buildings.

*Clean Air Act*. The regulatory programs that govern stationary sources of air pollution apply to any facility that emits or has the potential to emit conventional pollutants: oxides of nitrogen and sulfur, carbon monoxide, volatile organic compounds (VOCs) or particulate matter. It may also apply to emission sources of certain toxic chemicals. In addition to the existing air district permitting programs required by state law and district rules, a new federal operating permit program must be implemented to meet federal Environmental Protection Agency (EPA) regulations adopted pursuant to Title V of the 1990 amendments of the Clean Air Act. Locally the Clean Air Act regulations are implemented and enforced by the San Luis Obispo Air Pollution Control District (APCD).

### **California Laws/Regulations**

*Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code)*. The Porter-Cologne Act established a regulatory program to protect water quality and protect beneficial uses of the state's waters. The Porter-Cologne Act also established the State Water Resources Control Board and nine regional boards as the main state agencies responsible for water quality in the state. Discharges of wastes (including spills, leaks, or historical disposal sites) where they may impact the waters of the state are prohibited under the Porter-Cologne Act, including the discharge of hazardous wastes and petroleum products. The assessment and remediation of these waters are regulated by the regional boards, the Central Coast Regional Water Quality Control Board administers such waters in the vicinity of the proposed project.

*Title 22, California Code of Regulations*. Title 22 of the California Code of Regulations regulates the use and disposal of hazardous substances in California. It contains regulatory thresholds for hazardous wastes which are more restrictive than the federal hazardous waste regulations.

*California Health and Safety Code Sections 25500 et seq.* The California community right-to-know hazardous material law applies to any facility that handles any hazardous material (chemical, chemical-containing products, hazardous wastes, etc.) in a quantity that exceeds

reporting thresholds. The most common thresholds that trigger regulation based on that state statute are 500 pounds of solid, 55 gallons of liquid, and 200 cubic feet of compressed gas, based on the presence of individual chemicals. The basic requirements of hazardous materials and community right-to-know regulations for covered facilities include:

- Determining whether the facility handles hazardous materials;
- Immediate reporting of releases of hazardous materials;
- Submission and update of a Hazardous Materials Business Plan (including a accurate chemical inventory, site map showing hazardous materials storage locations, emergency response plan, and notification procedures) as required by the local administering agency;
- Notification of the local administering agency of the handling of specified quantities of acute hazardous materials and submission of a Risk Management Plan (RMP) as required;
- Annual submission for manufacturing facilities of a Toxic Chemical Release Report (Form R) if threshold amounts of certain toxic chemicals are made, or processed for use; and,
- Requirements for hazardous materials storage imposed by local administering agencies, fire departments, and California Occupational Safety and Health Administration (Cal/OSHA) standards.

California Air Resources Board – Air Toxics Control Measure. Under the California Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to construction permit issuance, a geologic evaluation is required to determine the presence or absence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading may begin. These requirements may include, but are not limited to, 1) preparation of an “Asbestos Dust Mitigation Plan,” which must be approved by APCD before grading begins; and 2) an “Asbestos Health and Safety Program”, as determined necessary by APCD.

### **County of San Luis Obispo Regulations**

The County of San Luis Obispo has adopted a County Land Use Ordinance, Title 22 of the County Code, which regulates land use within the unincorporated areas of the County. Pertinent sections relating to hazardous materials storage are found in Section 22.10.070 (Operational Standards – Flammable and Combustible Liquids Storage), and Section 22.14.060 (Combining Designations). Relevant sections of each are presented below:

#### **Section 22.10.070 – Flammable and Combustible Liquids Storage.**

The storage of flammable or combustible liquids (those with flash points below 140°F) is subject to the following standards.

- A. Applicability. The standards of this section apply in addition to all applicable state and federal standards, including any regulations administered by the County Health Department, Fire Department, Sheriff’s Office, Agricultural Commissioner, and Air Pollution Control District. If any standards of this chapter conflict with regulations

administered by other federal, state, or county agencies, the most restrictive standards apply.

**B. Permit Requirements.**

1. **Health Department Permit.** A permit for the underground storage of hazardous substances, including but not limited to gasoline and diesel fuel, shall be obtained as set forth in Chapter 8.14 of this Code.
2. **Land Use Permit.** No land use permit is required for the storage of flammable or combustible liquids, except that where the quantity stored exceeds the limitations specified in Subsection D, minor use permit approval is required unless the land use involving the storage of flammable or combustible liquids would otherwise be required by this Title to have Conditional Use Permit approval.

**C. Limitation on Use.** The storage of flammable or combustible liquids for sale is allowed only in the Recreation, Commercial or Industrial categories, unless authorized by Conditional Use Permit approval.

**D. Limitations on Quantity.** The quantity of flammable or combustible liquids stored on a site shall be limited as follows: (relevant sections provided below)

2. **Other Areas.** Storage shall be limited to the following quantities on any single building site, unless greater quantities are authorized through Conditional Use Permit or Minor Use Permit approval.

**Table 5.7-1. Maximum Quantity Allowed Based on Type of Storage**

Type of Liquid	Aboveground	Underground
Combustible	20,000 gallons	No limitation
Flammable	2,000 gallons	20,000 gallons

**E. Setbacks.** Aboveground storage facilities for flammable or combustible liquids shall be set back 50 feet from any property line or residential use, or as otherwise required by the Uniform Fire Code or Uniform Building Code where a smaller setback is allowed by those codes.

**F. Additional Standards.** (relevant sections provided below)

2. All aboveground storage of flammable and combustible liquids shall be within types of containers approved by the county fire chief.

**Section 22. 14.060 – Flood Hazard Areas.**

**D. Construction Standards.** New structures or any improvement/repair to an existing structure (including manufactured homes) where the value proposed is more than fifty percent of the market value of that existing structure before start of construction of the new structure or any improvement, and prior to the damage requiring the repair are subject to the following construction standards. This can be determined by the assessment roll or by a current appraisal. The appraisal shall be completed by an appraiser with a “Certified General License” issued by the State Office of Real Estate

Appraisal and shall determine full market value of the existing site improvements based on the Uniform Standards of the Professional Appraisal Practices as published by the Appraiser Standards Board of the Appraisal Foundation.

2. Storage and Processing. The storage or processing of materials that in time of flooding are buoyant, flammable, or explosive; that could be injurious to human, animal, or plant life; or that may unduly affect floodway capacity or unduly increase flood heights is not permitted. Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

#### **5.7.4 Impact Analysis**

##### **5.7.4.1 Thresholds of Significance**

For the purposes of the EIR, a potential impact related to the presence of hazardous materials and/or risk of upset impact of hazardous materials is identified as significant based on the following thresholds:

1. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials;
2. Create a significant hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials within one-quarter mile of an existing or proposed school;
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese List) and, as a result, would create a significant hazard to the public or the environment;
5. 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 for people residing or working in the project area;
6. For a project within the vicinity of a private airstrip, would the project result in the safety hazard for people residing or working in the project area;
7. Impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and,
8. Expose people or structures to a significant risk or loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

##### **5.7.4.2 Asphalt Plant Impacts**

**Impact HAZ-1.** The construction of the proposed asphalt plant would include the installation of asphaltic oil aboveground storage tanks (ASTs) which could potentially impact the project site and potentially the Santa Maria River if ruptured during an upset condition.

**Discussion:** Construction of the proposed asphalt plant would include the installation of two 20,000-gallon capacity asphaltic oil ASTs and one 1,000-gallon capacity heated asphaltic oil AST. These ASTs would include internal heaters to heat the oil prior to use in mixing with aggregate and other ingredients. The heated oil would have a reduced viscosity and could impact the ground surface and the Santa Maria River if released. ASTs with a capacity in excess of 660 gallons are required to be registered with the SWRCB. Operators of the ASTs are required to prepare a Spill Prevention, Control, and Countermeasures (SPCC) plan for operation of the ASTs and potential upset conditions. The proposed asphalt plant may utilize oils that are semi-solid at ambient temperatures and must be heated prior to use in the asphalt mixing process. Flood walls will be required to protect the AST area from being inundated during a 100-year flood event. The flood walls are anticipated to be no more than four feet tall around the AST area.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 2

**Mitigation Measure HAZ-1:**

- A. Asphaltic oil ASTs installed at the project site shall be provided with secondary containment capable of holding 110% of the volume of the AST. The containment shall provide adequate protection to prevent inundation of the containment area in the event of a 100-year flood; and,
- B. Prior to operation, the applicant shall prepare and implement a SPCC plan for the operation of on-site ASTs containing oil/petroleum hydrocarbons in excess of 660 with capacities greater than 55 gallons.

**Residual Impacts:** Construction of necessary flood walls around the ASTs is not anticipated to create a secondary impact to flooding or visual resources. **Mitigation Measure AES-6** addresses potential visual impacts associated with flood walls. With the incorporation of mitigation, impacts would be less than significant.

**Impact HAZ-2.** Use of diesel fuel or other petroleum hydrocarbon-containing liquids to coat the beds of trucks hauling asphalt from the proposed facility could result in the contamination of soil, storm water, and groundwater.

**Discussion:** It is common practice for truck operators hauling asphalt to coat the truck beds with diesel fuel prior to loading asphalt at an asphalt plant. The operators commonly use Hudson sprayers to spray diesel fuel on the trailer bed surface to aid in dumping the asphalt at the construction site. This practice is unsafe due to potential fire hazards from the improper use of diesel fuel. This practice also frequently results in the ground surface at the entrance to the asphalt plant to become contaminated from excess diesel fuel running off the truck bed as it proceeds to the asphalt plant. The contaminated soil could also result in the contamination of storm water flowing over the contaminated soil. This condition could also present a potential threat to ground water if significant amounts of diesel fuel are released to the soil. Suitable bio-degradable surfactants are available on the market that could be utilized by the truck operators to prevent the asphalt from sticking to the beds of the truck beds.

**Impact Category:** Significant but Mitigable



**Thresholds of Significance Criteria:** 1, 2

**Mitigation Measure HAZ-2:** During operations, the asphalt plant operator shall not allow the loading of any trucks that have had their beds sprayed with diesel fuel or any other petroleum hydrocarbon-containing liquid. Annual inspections will be conducted by the County Certified Unified Program Agency (CUPA, administered by County Environmental Health) to ensure that soil contamination has not occurred at the site due to spraying of truck beds with diesel fuel or other petroleum hydrocarbon-containing liquids.

**Residual Impacts:** With the incorporation of mitigation, impacts would be less than significant.

**Impact HAZ-3:** Due to the project site's presence within a 100-year floodplain, hazardous materials could be released during a significant storm event.

**Discussion:** The proposed asphalt plant will include the use of various hazardous materials, including asphaltic oil, diesel fuel, liquid propane, oil emulsions, motor and hydraulic oil, waste motor oil, acetylene and oxygen (compressed gases), and hydrated lime. In the event of a significant storm event, these materials could be released if not properly stored. The proposed facility will be required to submit a Hazardous Materials Business Plan with the County's CUPA program, as required by state law. The Hazardous Materials Business plan will include a site map showing hazardous materials storage areas, an emergency response plan, a spill response plan, and an emergency evacuation plan. Flood walls will be required to protect the hazardous materials storage area from being inundated during a 100-year flood event. The flood walls are anticipated to be no more than four feet tall around the storage area.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1, 2

**Mitigation Measure HAZ-3:**

- A. Hazardous materials and hazardous wastes shall be stored in areas provided with secondary containment capable of holding 110% of the volume of the materials stored and designed to prevent storm water associated with a 100-year flood event from inundating the storage area (e.g. flood walls with heights above 100-year flood elevation); and,
- B. In accordance with the County's Land Use Ordinance, Title 22, Section 22.14.060(D)(2), propane tanks, ASTs and USTs installed on-site shall be provided with anchoring to prevent the tank from being washed away during a flooding event at the project site.

**Residual Impacts**

Construction of necessary flood protection measures are not anticipated to create a secondary impact to flooding or visual resources. Construction of the 8-foot sound walls identified in Mitigated Measure NOI-4 are not expected to create secondary impacts to hazardous materials. With implementation of the recommended mitigation measures, residual impacts are anticipated to be less-than-significant.

**Impact HAZ-4:** The existing 55-gallon drum and former containment area may have contaminated underlying soils.

**Discussion:** A former containment area containing a 55-gallon drum was observed at the eastern portion of the project site. The containment area may have historically contained hazardous materials or wastes. The 55-gallon drum was observed to be overflowing with oil.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1, 2

**Mitigation Measure HAZ-4:**

A. The existing 55-gallon drum at the southeastern containment area shall be removed by a waste oil recycler or hazardous waste transporter after adequate characterization as to the composition of the liquid. The identified containment area at the southeastern portion of the proposed project site shall be adequately assessed to determine whether potential soil contamination exists at this area. This assessment shall include the advancement of shallow drill holes and the collection of soil samples for chemical analyses to determine whether soil contamination is present at this area. A Technical Work Plan for the site assessment activities shall be prepared by a registered geologist or licensed civil engineer and submitted to the County CUPA agency for review and approval prior to implementation. A report documenting results of the site assessment activities shall be submitted to the CUPA agency for review. Identified soil contamination shall be adequately removed from the site for proper disposal prior to construction of the proposed asphalt plant.

B. Should contaminated soil be encountered during construction activities, the SLO APCD shall be notified immediately. Any storage pile of contaminated material must be covered at all times, except when soil is added or removed. The following measures shall be implemented:

- Covers on storages piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
- Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH-non-permeable barrier, such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
- Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
- During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and,
- Clean soil must be segregated from contaminated soil.

### **Residual Impacts**

With implementation of the recommended mitigation measures, residual impacts are anticipated to be less than significant.

### 5.7.4.3 LUO/LUE Amendment Impacts

The proposed LUO/LUE amendments would include the re-designation of approximately 44.7-acres of land currently designated as Commercial Service to the Industrial uses, re-designation of approximately 9.3-acres of land currently designated as Residential Suburban to Industrial use category. The following analysis evaluates the types of land uses that would be allowed under the proposed land use designation and the potential hazardous materials/waste issues associated with these land uses. Table 3-2 presents a list of allowable uses that could be permitted under the proposed land use designation changes. For purposes of this analysis, impacts are assessed using existing conditions as the baseline condition.

As listed above in Section 5.5.3 – Regulatory Setting, there are a variety of existing regulations that will be applicable to possible proposed land uses allowed in the Industrial use category. These uses range from manufacturing of finish products, vehicle and equipment services, fueling and repair, and agricultural related industries. The proposed allowable uses for the LUO/LUE amendment area could include a range of hazardous materials and/or wastes, including, flammable liquids and gasses, toxic substances, pesticides, fuels, and medical and/or infectious wastes.

Any proposed land uses that would handle or store hazardous materials over reportable quantities (e.g. 55 gallons) would be required to submit hazardous materials business plans to the County CUPA. Any proposed facilities with aboveground or underground storage tanks would be required to comply with federal and state AST and UST regulations for secondary containment and leak prevention. Facilities using paints, varnishes or coatings would be required to obtain proper permits from the APCD. Any industrial wastewater discharges would be required to be permitted through the NPDES permitting system administered by the RWQCB. Facilities generating hazardous wastes would be required to appropriately package and ship the wastes to a licensed hazardous waste disposal or treatment facility. Any facilities, such as veterinary hospitals, or animal confinement facilities may generate infectious wastes that would be required to be removed by a licensed transporter and disposed or incinerated off-site.

The following impact analysis is presented to address special circumstances that may result from the proposed LUO/LUE amendment:

**Impact HAZ-5:** Due to the LUO/LUE amendment area's presence within a 100-year floodplain, hazardous materials could be released during a significant storm event.

**Discussion:** The proposed LUO/LUE amendment area allowable uses may include the use of various hazardous materials. In the event of a significant storm event, these materials could be released if not properly stored. The allowable facilities would be required to submit a Hazardous Materials Business Plan with the County CUPA, as required by state law. The Hazardous Materials Business plans are required to include a site map showing hazardous materials storage areas, an emergency response plan, a spill response plan, and an emergency evacuation plan.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1, 2

**Mitigation Measure HAZ-5:**

- A. Future industrial development within the LUO/LUE amendment area shall implement Mitigation Measure HAZ-3; and,
- B. In accordance with the County's Land Use Ordinance, Title 22, Section 22.14.060(D)(2), propane tanks, ASTs, and USTs installed within the LUO/LUE Amendment area shall be provided with anchoring to prevent the tank from being washed away during a flooding event at the project site.

### **Residual Impacts**

With implementation of the recommended mitigation measures, residual impacts are anticipated to be less-than-significant.

#### **5.7.4.4 Remaining Hazards Issue Areas**

The proposed project is not within one-quarter mile of an existing or proposed school. The project site is not included on the Cortese list of hazardous materials sites. The project site is not located within the regulated area of an adopted airport land use plan, or within two miles of a public airport or private airstrip. The project site is located adjacent to Highway 101, and would not impair the implementation of or interfere with an adopted emergency response or evacuation plan. The project site is located within an area of moderate fire hazard, as shown on the County of San Luis Obispo's Natural Hazard Disclosure Maps – Fire Hazard Map (<http://landarch.larc.calpoly.edu/slocounty/nhd.htm>).

#### **5.7.4.5 Cumulative Impacts**

The proposed asphalt plant and LUO/LUE amendments comprise the majority of the land within the existing industrial area. As such, the analysis is cumulative in nature. No significant cumulative impacts were identified.

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## 5.8 NOISE

This section addresses community noise impacts from project-related short-term and long-term noise sources. The noise analysis is based on project characteristics provided by the applicant.

### 5.8.1 Setting

#### 5.8.1.1 Characteristics and Measurements of Noise

**General Information on Noise.** Noise is generally defined as unwanted or objectionable sound. Decibels and other technical terms are defined in Table 5.8-1. Noise levels are measured on a logarithmic scale because of physical characteristics of sound transmission and reception. Noise energy is typically reported in units of decibels (dB). Noise levels diminish (or attenuate) as distance to the source increases according to the inverse square rule, but the rate constant varies with type of sound source. Sound attenuation from point sources, such as industrial facilities, is about 6 dB per doubling of distance. Heavily traveled roads with few gaps in traffic behave as continuous line sources and attenuate at 3 dB per doubling of distance. Noise from more lightly traveled roads is attenuated at 4.5 dB per doubling of distance.

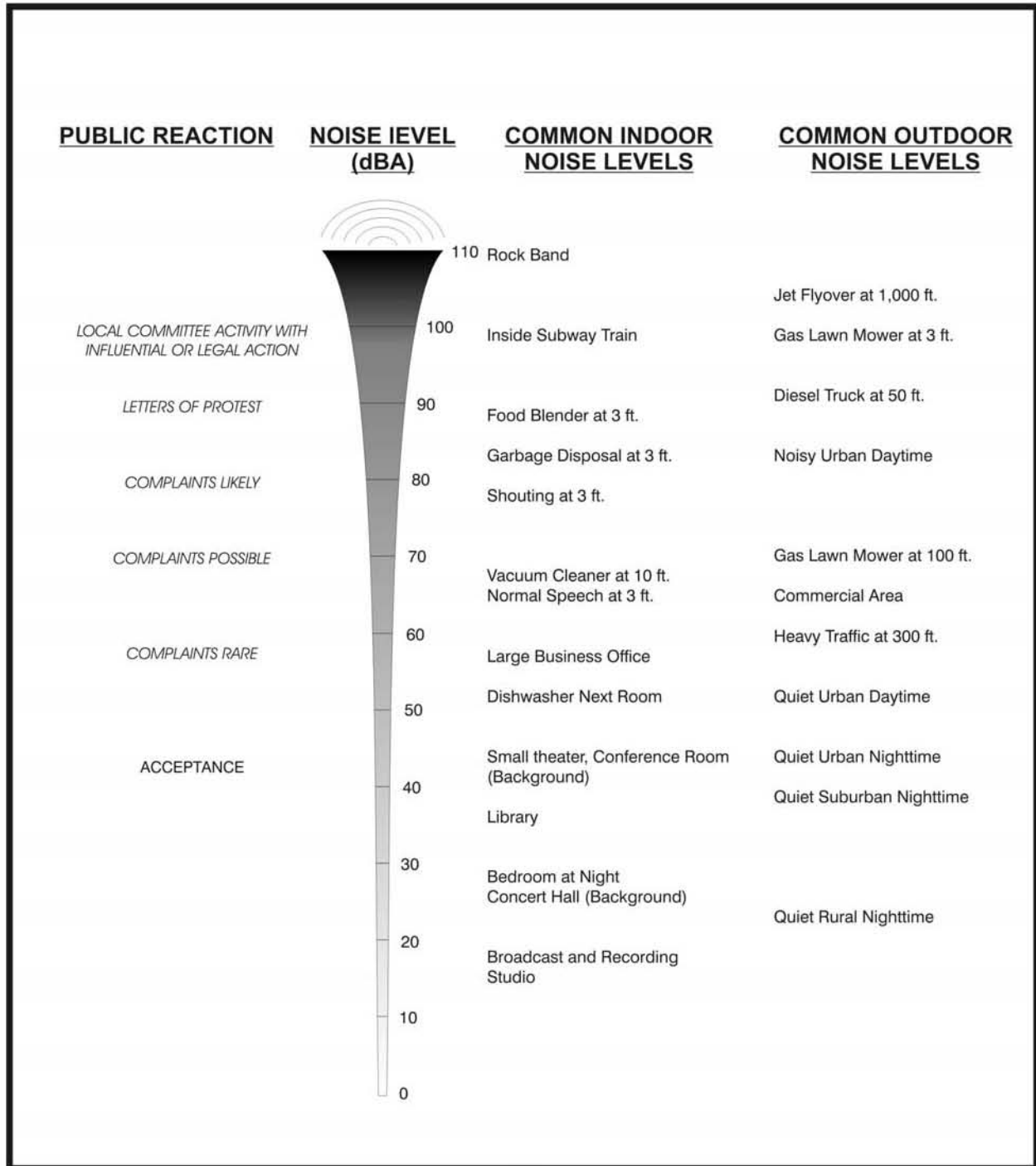
Community noise levels are measured in terms of the A-weighted decibel (dBA). A-weighting is a frequency correction that correlates overall sound pressure levels with the frequency response of the human ear. Equivalent noise level ( $L_{eq}$ ) is the average noise level on an energy basis for a specific time period. The duration of noise and the time of day at which it occurs are important factors in determining the impact on communities. Figure 5.8-1 provides a graphical representation of sound energy and potential adverse effects of common sounds. Noise is more disturbing at night and noise indices have been developed to account for the time of day and duration of noise generation. The Community Noise Equivalent (CNEL) and Day Night Average Level (DNL or  $L_{dn}$ ) are such indices. These indices are time-weighted average values equal to the amount of acoustic energy equivalent to a time-varying sound over a 24-hour period. The CNEL index penalizes night-time noise (10 p.m. to 7 a.m.) by adding 5 dB to account for increased sensitivity of the community after dark. The  $L_{dn}$  index penalizes night-time noise the same as the CNEL index, but does not penalize evening noise.

**Effects of Noise.** People are subject to a multitude of sounds in the environment. Typical noise levels of indoor/outdoor environments and public response to these sounds are shown in Figure 5.8-1. Excessive noise cannot only be undesirable but may also cause physical and/or psychological damage. The amount of annoyance or damage caused by noise is dependent primarily upon three factors: the amount and nature of the noise, the amount of ambient noise present before the intruding noise, and the activity of the person working or living in the noise source area.

**Table 5.8-1. Definitions of Acoustical Terms**

Term	Definitions
Decibel, DB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the sample sound pressure to the standard sound pressure, which is 20 micropascals (20 micronewtons per square meter)
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure
A-Weighted Sound Level, dB	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear, and correlates well with subjective reactions to noise. All sound levels in this reports are A-weighted
Equivalent Noise Level, $L_{eq}$	The average A-weighted noise level during the measurement period
Community Noise Equivalent Level, CNEL	The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 P.M. to 10:00 P.M. and after addition of 10 decibels to sound levels in the night between 10:00 P.M. and 7:00 A.M.
Day/Night Noise Level, $L_{dn}$	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 P.M. and 7:00 A.M.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, time of occurrence, tonal or information content, as well as the prevailing ambient noise level

**Figure 5.8-1. Magnitude of Common Sounds**





The difficulty in relating noise exposure to public health and welfare is one of the major obstacles in determining appropriate maximum noise levels. Although there has been some dispute in the scientific community regarding the detrimental effects of noise, a number of general conclusions have been reached:

- Noise of sufficient intensity can cause irreversible hearing damage;
- Noise can produce physiological changes in humans and animals;
- Noise can interfere with speech and other communication; and,
- Noise can be a major source of annoyance by disturbing sleep, rest, and relaxation.

#### **5.8.1.2 Noise Sensitive Land Uses**

The County's Noise Element has identified noise sensitive land uses as follows:

- Residential development, except temporary dwellings and residential accessory uses
- Schools – preschool to secondary, college and university, specialized education and training
- Health care services (hospitals)
- Nursing and personnel care
- Churches
- Public assembly and entertainment
- Libraries and museums
- Hotel and motels
- Bed and breakfast facilities
- Outdoor sports and recreation
- Offices

#### **5.8.1.3 Existing Noise Environment**

**Noise Sources.** There are a number of potentially significant sources of community noise within San Luis Obispo County and its incorporated cities. These sources include traffic on state highways, major county roadways, and city streets; railroad operations; airport operations; military activities; and loud stationary facilities.

The asphalt plant site is located within an existing heavy commercial/industrial area, with a concrete batch plant and green waste recycling facility in close proximity. The facilities generate noise as a result of vehicles (primarily heavy-duty trucks), stationary equipment and mobile equipment. In addition, the asphalt plant site is located adjacent to U.S. 101 which generates noise through motor vehicle travel. The area affected by the proposed LUO/LUE amendment is also exposed to traffic noise from U.S. 101, and noise from the green waste recycling facility to the south.

**Receptors.** Noise sensitive receptors within the region of influence of the proposed project include several single-family residences located within and immediately to the north of the proposed LUO/LUE amendment area, and residential developments in Santa Maria, directly across the Santa Maria River from the asphalt plant site.

**Ambient Noise Levels.** Ambient noise levels were monitored at two locations adjacent to existing sensitive receptors, using a Larson-Davis DSP-80 precision integrating sound level meter. The sound level meter was calibrated using a Larson-Davis CAL200 sound generating calibrator. The first location is within the proposed LUO/LUE amendment area, the second location is adjacent to the Riverside Mobile Home Park, the nearest sensitive receptor in Santa Barbara County. The noise measurements were conducted on July 27, 2004 and October 8, 2004 (see Table 5.8-2). Nighttime ambient noise was measured at 4:15 a.m. on October 8, 2004, within the LUO/LUE amendment area. Table 5.8-2 also includes data provided by the applicant's *Preliminary Noise Study* by West Coast Environmental and Engineering (2003). These data indicate an average daytime ambient noise level of 57.1 dBA Leq within the LUO/LUE amendment area, and a peak nighttime ambient noise level of 58.1 dBA Leq. The large range of noise levels measured within the LUO/LUE amendment area (50.1 to 63.1 dBA Leq) appear to be a result of the large variation in activity at the existing concrete batch plant.

**Table 5.8-2. Ambient Noise Levels at Nearby Residences**

Data Source	Distance (feet)	Date	Time	Average Noise Level (dBA Leq)
<b>Residence within LUO/LUE Amendment Area</b>				
West Coast Environmental	600 feet from asphalt plant site	11/14/02	1301-1316 daytime	58.1
Padre Associates	800 feet from asphalt plant site	7/27/04	1422-1442 daytime	50.1
Padre Associates	700 feet from asphalt plant site	10/8/04	1645-1705 daytime	63.1
Padre Associates	700 feet from asphalt plant site	10/8/04	0415-0435 nighttime	58.1
<b>Santa Barbara County, Riverside Mobile Home Park</b>				
West Coast Environmental	1,850 feet from asphalt plant site	11/14/02	1133-1147 daytime	65.1
Padre Associates	1,750 feet from asphalt plant site	7/27/04	1452-1512 daytime	55.6

#### 5.8.1.4 Regulatory Setting

Noise generated by the proposed project would affect receptors in San Luis Obispo and Santa Barbara counties; therefore, applicable policies for both counties are presented here.

**San Luis Obispo County.** The Noise Element of the San Luis Obispo County General Plan provides a policy framework within which potential noise impacts may be addressed during project review and long-range planning. The San Luis Obispo Noise Element contains policies that are applicable to all development in the County, the most relevant of which are summarized below. Proposed activities that do not conform to these policies constitute a significant impact.

Policy 3.3.2. “New develop of noise-sensitive land uses shall not be permitted in areas exposed to existing or projected future levels of noise from transportation noise sources which exceed 60 dB  $L_{dn}$  or CNEL (70  $L_{dn}$  or CNEL for outdoor sports and recreation) unless the project design includes effective mitigation measures to reduce noise in outdoor activity areas and interior spaces to or level the levels specified for the given land use in Table 3-1.

Policy 3.3.5. “Noise created by new proposed stationary noise sources or existing stationary noise sources which undergo modifications that may increase noise levels shall be mitigated as follows and shall be the responsibility of the developer of the stationary noise:

For new proposed resource extraction, manufacturing or processing noise sources or modifications to those sources which increase noise levels: where such noise source will expose existing noise-sensitive land uses (which are listed in the Land Use Element as allowable uses within their land use categories) to noise levels which exceed [a daytime  $L_{eq}$  of 50 dBA and nighttime  $L_{eq}$  of 45 dBA], best available control technologies shall be used to minimize noise levels. The noise levels shall in no case exceed [a daytime  $L_{eq}$  of 50 dBA and nighttime  $L_{eq}$  of 45 dBA].”

Policy 3.3.6. “San Luis Obispo County shall consider implementing mitigation measures where existing noise levels produce significant noise impacts to noise sensitive land uses or where new development may result in cumulative increases of noise upon noise sensitive land uses.”

**Santa Barbara County.** In planning land use, 65 dBA CNEL is the maximum exterior noise exposure compatible with noise-sensitive uses unless mitigation features are included in project designs.

**City of Santa Maria.** The City boundary is located south of the project site, along the south bank of the Santa Maria River. The City’s General Plan Noise Element limits exterior noise at residences to 60 dBA CNEL, 65 dBA CNEL at commercial land uses, and 70 dBA CNEL at industrial land uses.



Source: County of San Luis Obispo

**NOISE MEASUREMENT LOCATIONS**  
**FIGURE 5.8-2**

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## Impact Analysis

Project impacts include both short-term impacts (construction-related) and long-term impacts (operation-related). Short-term impacts consist of noise generated by construction equipment, vehicles associated with grading, excavation/trenching, and erection of structures. Long-term impacts would be associated with operation of new commercial and industrial facilities, such as the asphalt plant, including noise generated by heavy-duty trucks, stationary equipment, and mobile equipment. These impacts would be significant if the project results in an exceedance of acceptable noise standards.

### 5.8.2.15.8.1.5 Thresholds of Significance

**San Luis Obispo County.** Consistent with the stationary source noise exposure limits of the Noise Element of the General Plan, exterior noise levels at noise-sensitive receptors exceeding an hourly average ( $L_{eq}$ ) of 50 dBA during the daytime (7:00 a.m. to 10:00 p.m.) and 45 dBA at night (10:00 p.m. to 7:00 a.m.) will be considered a significant impact. Consistent with Section 22.06.044 of the Land Use Ordinance, exterior noise levels exceeding 1 dBA over the existing noise level will be considered a significant impact if existing noise levels exceed 50 dBA Leq daytime, or 45 dBA Leq nighttime. Therefore, the daytime threshold is 58.1 dBA Leq and the nighttime threshold is 59.1 dBA Leq, at the nearest residence.

Consistent with the Noise Element, new development exposed to existing or projected future noise levels of noise from transportation noise sources which exceed 60 dB  $L_{dn}$  is considered a significant impact.

Consistent with Section 22.06.042 of the Land Use Ordinance, noise generated by construction activities are exempt from the noise standards, provided such activities are limited to 7 a.m. to 9 p.m. on weekdays, and 8 a.m. to 5 p.m. on weekends.

**Santa Barbara County.** Project-related exterior noise levels exceeding 65 dBA CNEL at noise-sensitive receptors in Santa Barbara County will be considered a significant impact. Noise generated by construction activities greater than 1,600 feet away from noise-sensitive receptors are considered a less than significant impact.

**City of Santa Maria.** Project-related exterior noise levels exceeding 60 dBA CNEL at residential receptors in the City of Santa Maria will be considered a significant impact.

### 5.8.2.25.8.1.6 Asphalt Plant - Short-term Impacts

**Impact NOS-1:** Construction activities would result in short-term noise impacts to nearby residences.

**Discussion:** Noise generated by construction was estimated for a peak day during site grading. Noise levels would reach 62.4 dBA Leq at the nearest residences within the LUO/LUE amendment area, which would exceed the threshold of significance established in Section 5.8.2.1 (58.1 dBA Leq daytime). Noise-sensitive receptors in Santa Barbara County are located greater than 1,600 feet from the asphalt plant site. Therefore, construction-related impacts to residences in adjacent Santa Barbara County would be less than significant.

**Impact Category:** Class 2

### **Mitigation Measure NOS-1:**

- A. No use of heavy equipment or heavy-duty trucks shall occur between 9 p.m. and 7 a.m. on weekdays, or between 5 p.m. and 8 a.m. on weekends;
- B. Equipment engine covers shall be in place and mufflers shall be in good condition; and
- C. Adjacent residents and the County of San Luis Obispo will be given advanced written notification of proposed construction activities, scheduling and hours of construction, and noise compliant procedures to minimize potential annoyance related to construction activities.

### **Residual Impacts**

With the incorporation of mitigation, impacts would be insignificant.

#### **5.8-2-35.8.1.7 Asphalt Plant - Long-term Impacts**

**Impact NOS-2:** Asphalt plant operation would result in noise impacts to nearby residences.

**Discussion:** Noise generated by stationary equipment, mobile equipment and motor vehicles were estimated for peak day operation (6,000 tons per day) and logarithmically added to the existing average ambient noise level (57.1 dBA Leq) to determine post project noise level at the nearest sensitive receptor. Estimates of stationary equipment noise are based on noise contours provided by the plant manufacturer (ALmix), and calculated geometric divergence and ground attenuation assuming a 6 db drop per doubling of distance. Mobile equipment noise (two wheeled loaders and one backhoe) was estimated using noise reference values from EPA (1971), and calculated geometric divergence and ground attenuation assuming a 6 db drop per doubling of distance. Motor vehicle noise was estimated using the Caltrans SOUND2000 model and included modeling the access road from the U.S. 101/S.R. 166 interchange to the site and internal roadways. Peak hour volumes were assumed to include six autos (worker vehicles), 2 medium-duty trucks and 48 heavy-duty trucks (481 round-trip, 962 one-way trips per 20 hour day). Noise levels at noise-sensitive receptors are provided in Table 5.8-3.

Daytime noise levels and nighttime noise levels at the nearest residence (within the LUO/LUE amendment area) would exceed the thresholds of significance (see Table 5.8-3, 59.7 dBA Leq), for noise-sensitive receptors in San Luis Obispo County. ~~Project-related noise levels at the nearest residences in the City of Santa Barbara County would not exceed the 65 dBA CNEL threshold and is considered a less than significant noise impact.~~

Following implementation of the proposed asphalt plant, residences along the south levee of the Santa Maria River (within the City of Santa Maria) would be exposed to exterior noise levels of approximately 62 dBA CNEL, which exceeds the City's 60 dBA CNEL noise standard. However, existing noise levels at these residences are approximately 61 dBA CNEL, primarily due the adjacent freeway (U.S. 101) and existing industrial land uses adjacent to the project site. Harris (1991) indicates that the human ear can detect changes of 0.5 dBA (broadband noise), but changes less than 3 dBA are not readily noticeable. Therefore, the project-related increase of 1 dBA CNEL would not be noticeable at these residences and is considered a less than significant impact.

**Impact Category:** Class 2 (at nearest residences within SLO County)

**Mitigation Measure NOS-2:** Noise monitoring at the two nearest residences shall be conducted immediately following project implementation to determine if noise levels are significant (greater than 58.1 dBA Leq, or 1 dBA above existing, without the asphalt plant operating). If noise monitoring indicates that noise levels are significant, the applicants shall:

- Construct and maintain An 8-foot high concrete or masonry block wall (noise barrier) shall be constructed and maintained along the northern and western boundaries of the asphalt plant site. The noise barrier shall be placed between the plant and associated internal access roads and land uses north of the site. The noise barrier would reduce noise levels at the nearest residential receptor by approximately 4 dBA Leq (see barrier insertion loss in Harris, 1991). However, many components of the asphalt plant extend greater than 8 feet above the ground and noise generated by these components would not be reduced by the noise barrier. Therefore, the noise barrier would not reduce ambient noise levels generated by the proposed asphalt plant by 4 dBA Leq;

~~Due to the complexity involved with modeling the magnitude, location, operating hours and frequency of the numerous noise sources proposed (vehicles, mobile equipment, stationary equipment), it is unclear if an 8-foot noise barrier would reduce the project noise impact to a level of less than significant. A taller wall may be proposed, but would likely have significant aesthetics impacts. Therefore, noise monitoring at the two nearest residences shall be conducted immediately following project implementation to determine if noise levels are significant (greater than 58.1 dBA Leq, or 1 dBA above existing, without the asphalt plant operating). If noise monitoring indicates noise levels are significant, noise walls adjacent to the affected residences shall be provided to reduce noise levels at these two residences below the significance threshold. Alternatively, the applicant may~~

- Purchase and demolish the two affected residences; or
- Retrofit the receptor homes with noise attenuating building materials (e.g., windows or insulation).



**Table 5.8-3. Plant Operation Peak Day Noise Impacts**

Receptor Description	Existing Average Daytime Noise Level (dBA Leq)	Threshold	Equipment (stationary and mobile, dBA Leq)	Motor Vehicles (dBA Leq)	Combined Noise, Ambient + Equipment + Motor Vehicles (dBA Leq)	Combined Noise (dBA CNEL)
Residence 1 (LUO/LUE area)	57.1	58.1*	53.8	51.2	59.7	66
Residence 2 (LUO/LUE area)	57.1	58.1*	53.8	51.2	59.7	66
Residence 3 (Riverside Mobile Home Park)	55.6	65**	46.8	42.9	56.4	62
Residence 4 (Riverside Mobile Home Park)	55.6	65**	47.9	44.0	56.6	62

\* Existing noise level + 1 dBA Leq (San Luis Obispo County)

\*\*dBA CNEL (Santa Barbara County)

### Residual Impacts

Due to the complexity involved with modeling the magnitude, location, operating hours and frequency of the numerous noise sources proposed (vehicles, mobile equipment, stationary equipment), it is unclear if an 8-foot noise barrier would reduce the project noise impact to a level of less than significant. A taller wall may be proposed, but would likely have significant aesthetics impacts. Retrofitting the receptor homes would reduce the interior noise levels, but would not reduce ambient exterior noise levels. Therefore, if the 8-foot sound wall would not reduce the project noise impact to a level of less than significant, the applicant shall purchase and demolish the two receptor homes.

#### 5.8-2.45.8.1.8 LUO/LUE Amendment Area

**Impact NOS-3.** The LUO/LUE Amendment would result in manufacturing-related noise.

**Discussion:** The proposed change in land use designation from RS to IND could result in the generation of loud noise from uses not allowed under the existing land use designation. Such noise would adversely affect noise-sensitive receptors (residences) within the existing CS land use designation. In addition, certain industrial use noise could adversely affect residences outside the LUO/LUE Amendment area. It is possible that noise from the additional uses allowed under the Industrial category would result in noise levels at existing residences exceeding ambient levels by more than one dBA Leq, which would be considered a significant impact.

**Impact Category:** Class 2

**Mitigation Measure NOS-3:** A project-specific acoustical study shall be conducted by a qualified acoustical engineer at the time an industrial land use is proposed for the LUO/LUE amendment area that identifies loud noise-making activities. The study shall quantify impacts to adjacent residences, and specify noise reduction measures and structures to minimize noise levels to the extent feasible, as determined by the County.

All measures recommended by the acoustical study shall be fully implemented. Such measures may include:

- All noise-producing activities shall be conducted within insulated enclosures;
- Masonry block walls shall be constructed along the property boundaries; and
- Equipment shall be fitted with isolators to reduce ground vibration.

### **Residual Impacts**

As the manufacturing process(es) and associated noise producing characteristics of the land use has not been specified, it is unknown if noise impacts can be reduced below the threshold. Residual impacts may be significant.

#### **5.8.2.55.8.1.9 Cumulative Impacts**

As discussed in Section 8.2 of this EIR, cumulative projects include the Caldwell Minor Use Permit, Loomis Minor Use Permit and Troesh Land Use Ordinance Amendment which would result in the development of two office buildings, a warehouse, and a commercial composting facility. Construction of the asphaltic concrete plant and changing the land use designations of the LUO/LUE amendment area to IND could result in the generation of industrial-related noise, not allowed under the existing land use designation. Such noise would adversely affect noise-sensitive receptors (residences) within the existing CS land use designation, until the existing residences were replaced with non-residential development. In addition, industrial-related noise would adversely affect residences outside the LUO/LUE Amendment area. It is likely that at a cumulative level, manufacturing noise could result in noise levels at existing residences exceeding ambient levels by more than one dBA Leq, which is considered a significant cumulative impact.

It is possible that loud noise-generating uses currently allowed under the CS designation could also adversely affect existing noise sensitive receptors both within and outside the LUO/LUE amendment area.

## **5.9 POPULATION AND HOUSING**

### **5.9.1 Setting**

The setting information for this section has largely been provided by the County of San Luis Obispo's Housing and Energy Elements, and the County Local Agency Formation Commission's "Nipomo Community Services District, Sphere of Influence Update Municipal Service Review" EIR.

#### **5.9.1.1 Population**

The proposed project is located within the boundaries of San Luis Obispo County. The nearest significant population of residents and housing within San Luis Obispo County is located on the Nipomo Mesa near the LUO/LUE amendment area. According to the 2000 Census, the Nipomo urban area is home to 12,626 residents with 4,146 dwelling units. The Nipomo Community Services District (NCSO) now serves approximately 10,000 to 11,000 residents as compared to an estimated 5,700 in 1990.

Over the last two decades, Nipomo's population has increased dramatically. From 1980 to 1990, the community of Nipomo increased by 1,862, a 35.5% increase and an average growth rate of 3.5% per year. From 1990 to 2000, the community of Nipomo increased by 5,517, a 77.6% increase and average growth rate of 7.8% per year. As such, Nipomo has experienced total increase of approximately 7,379 people or 140% total growth rate (LAFCO, 2004).

Based on census data compiled by the San Luis Obispo Council of Government (SLOCOG) and the State of California Department of Finance projections, the community of Nipomo is expected to show a much slower growth rate than experienced during 1980 to 2000. From 2000 to 2010, the community of Nipomo is expected to increase by approximately 1,388, an 11% increase and an average growth rate of 1.1%. From 2010 to 2020, the community of Nipomo is expected to increase by approximately 1,962, a 14% increase and an average growth rate of 1.4%. As such, the community of Nipomo is expected to experience a total increase of approximately 3,350 people or 26.5% total growth rate over the next 20 years (2000 to 2020). This is substantially less than the total growth rate of 140% experienced from 1980 to 2000.

In terms of County growth, the South County planning area (both coastal and inland) has been significant when compared to other planning areas and the overall county. The population in South County increased approximately 66% between 1980 and 1990. In contrast, the county experienced a 26% population increase between 1980 and 1990 (South County Area Plan, 2002). This growth illustrates the attraction of the South County planning area for residential development. The area, which has experienced, and continues to experience, the highest growth rate in South County is Nipomo. Unlike other communities that have limited growth due to resource constraints, Nipomo has experienced tremendous growth. This dramatic growth is placing strains on infrastructure, including road capacities, schools and water availability (County, 2003).

In 1970 the Santa Maria Valley, home to just over 40,000 residents, was a support center for agriculture and petroleum industries and a bedroom community for Vandenberg Air Force Base (VAFB) (County of Santa Barbara 2000). The petroleum industry gradually declined due to depleted oil fields and falling oil prices, while agriculture continued to be a primary valley

employer. Fueled by expanded acreage and a transfer to higher value crops, agricultural production increased and supporting industries expanded agricultural employment. The population grew too, tripling to over 120,000 in 2000 (County of Santa Barbara 2000). Both Orcutt and the city of Santa Maria expanded their urban areas to accommodate the population growth; the latter annexed over 1,500 acres (County of Santa Barbara 2000). Orcutt converted over 1,110 acres to urban use since 1969 (County of Santa Barbara 2000). Urban development in the Santa Maria Valley now extends from the Santa Maria River to the north, to the foothills to the south, from Highway 101 to the east and almost to Black Road to the west. In 2000, the Santa Maria Valley is behind only Buellton in its urban growth rate. With a greater capacity to grow than Buellton, the Santa Maria Valley may outpace all other communities in coming decades. An analysis of income revealed that 33.6% of the households within the City of Santa Maria make over \$50,000 annually (MIG 2004).

### **5.9.1.2 Housing**

The California Department of Housing and Community Development (HCD) ensures that cities and counties have designated sufficient land to accommodate its assigned share of housing needs pursuant to the requirements of California Government Code Section 65583. "Assigned Share" is the share of regional housing need assigned to a city or county under a Regional Housing Needs Plan (RHNP) adopted by the local Council of Governments. Most recently, the HCD has issued the determination of each region's share of statewide housing need. In response, the San Luis Obispo Council (SLOCOG) prepared and adopted a RHNP to allocate the housing needs to the cities and the unincorporated areas of the county.

As a result of the RHNP, the County must identify adequate sites for 7,020 new housing units during the period of January 1, 2001 to June 30, 2008. These sites are divided among various income group categories. As of 2003, approximately 2,439 housing units (34.7% of the total required) have been constructed among the various income group categories, resulting in the need for 4,581 additional housing units to be built by 2008. These additional housing needs will be met by the various cities and unincorporated areas of the county.

To accommodate the additional housing needs of San Luis Obispo County, County staff conducted an analysis of existing Residential Multi-Family (RMF) areas that are vacant. Based on this analysis it was determined that there is sufficient existing RMF-zoned property to accommodate 1,188 units. Furthermore, the County also identified existing RMF parcels which are mostly vacant that can accommodate up to an additional 318 dwelling units. This is a total of 1,506 units which could be built within existing land uses, thus reducing the total need for additional housing units from 4,581 to a total of 3,075 (County of SLO, 2004a).

It should be noted that over the past decade the increase in the number of completed units countywide has averaged approximately 1.4 percent within the unincorporated portions of the county. While this average is well below the allowable 2.3 percent growth rate established by the Growth Management Ordinance (GMO) (Title 26, San Luis Obispo County Code), growth has not been evenly distributed throughout the county, and certain communities have provided a disproportionate share of dwelling unit increase e.g., Nipomo).

To guide future development and provide adequate housing at a growth rate of 2.3 percent, the GMO has made efforts to exempt "very low" and "low and moderate" housing categories from the GMO for the purposes of encouraging growth in these categories. Additionally, to ensure

that affordable housing will be provided in the unincorporated areas of the county, County staff is currently drafting a proposed Inclusionary Housing ordinance. The Inclusionary Housing ordinance would require a specified amount of affordable housing in conjunction within new market-rate housing developments. Mechanisms for providing affordable housing could be accomplished by requiring an Inclusionary Housing Fee from various sources, including cities. This Inclusionary Housing Fee would be included within a Housing Trust Fund for the purposes of stimulating the development of more affordable housing, in addition to currently available federal and state grants. The ordinance is not expected to be adopted by the County Board of Supervisors until 2006.

### **5.9.1.3 Energy**

As adopted by the Board of Supervisors in 1995, the Energy Element contains polices and programs that encourage energy conservation and promotes greater energy efficiency. In terms of energy use throughout the county, sectors (Commercial, Residential, and Industrial) which are found within the existing land uses of the project area account for approximately 10.27 percent, 20.20 percent, and 4.96 percent of the energy consumption in the county, respectively. Other sectors which are not included within the project area include Public Facilities (2.19 percent), Agriculture (2.12 percent), and the largest consumer of energy resources, Transportation (60.26 percent). Over half of the energy consumption of Transportation uses included passenger vehicles.

Commercial users of electricity and natural gas represent a broad range of businesses. The primary users of this electricity include eating and drinking places (34 percent) and hotels (31 percent). The next major user was personal service (9 percent), including businesses such as laundries, dry cleaning plants, etc. The Commercial sector used approximately 2,706,298 total MMBtu (County of SLO, 1995).

The Residential sector is the largest purchaser of electricity and natural gas in the county. Energy is used for various purposes such as space heating, air conditioning, water heating, lighting, refrigeration and cooking. The residential sector purchased about 44 percent of the electricity consumed in the county and about 52 percent of the gas purchased in the county. Overall, the Residential sector used approximately 5,320,017 total MMBtu (County of SLO, 1995).

Industrial users of electricity and natural gas include activities such as oil and gas extraction, petroleum refining, electricity generation, pipeline operations, etc. The Industrial sector consumed approximately 1,306,722 MMBtu (County of SLO, 1995).

To maintain or decrease the current levels of electricity and natural gas use with an increasing population base, the per capita use of energy would have to decrease by a little over 2 percent each year. This means that a person using a total of 5.6 million kWh in 1993 would have to decrease use to 3.6 million kWh by 2015 – an overall decrease of 37 percent. Likewise, to keep natural gas use constant, it would be necessary to reduce therms per capita by 37 percent.

## 5.9.2 Impact Analysis

### 5.9.2.1 Thresholds of Significance

According to the CEQA Guidelines, the implementation of the proposed project would have a significant impact if it would:

1. Induce substantial population growth in an area, either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure);
2. Displace existing housing or people requiring construction of replacement housing elsewhere;
3. Create the need for substantial new housing in the area; and,
4. Use substantial amount of fuel or energy.

### 5.9.2.2 Asphalt Plant Impacts

Construction would begin upon approval of the project and would take approximately 9 months. Construction is proposed to occur during four 10-hr days each week from 7:00 A.M. to 5:00 P.M. During the construction of the proposed asphalt plant, construction personnel would be temporarily necessary. These workers are expected to be a combination of the local work force and labor from surrounding areas (e.g., San Luis Obispo and Santa Barbara counties). Because of the short-term nature of the construction project, long-term housing needs for construction crew members would not be necessary. During the operation of the proposed asphalt facility, it is expected that the asphalt plant would require a total of 12 employees per day to operate the facility between 6:00 AM and 4:00 PM, and between 7:00 PM and 5:00 AM, Monday through Saturday.

**Impact POP-1:** The proposed project would result in additional job opportunities, which could thus result in a minor increase ~~ing in the~~ population and ~~the~~ demand for housing.

**Discussion:** Job opportunities generated during the construction phase are considered temporary and would not affect the overall population of the county. Therefore, housing needs for temporary construction personnel are expected to be met from available temporary housing facilities (e.g., hotels), if necessary. Furthermore, temporary construction personnel may potentially be hired from local areas, thus resulting in no significant increased demand on housing.

The applicant has estimated that the operation of the proposed facility would require approximately 12 permanent employees to operate the proposed asphalt plant facility. Overall, this is not a significant increase to the population of the Nipomo area or the surrounding areas in the county. As a result, the proposed project would not result in a significant impact to the growth rate of the county, or to the community of Nipomo or City of Santa Maria.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 1,3

**Mitigation Measure:** No mitigation measures are required.

**Impact POP-2:** The proposed project would result in an overall increased level of energy consumption.

**Discussion:** The construction and operation of the proposed project will create an additional demand for energy in the form of petroleum products (e.g., natural gas) and electricity. Because this energy will be provided by existing local energy sources, the applicant will be required to install the necessary to develop the necessary infrastructure to supply the project site. Although, the proposed project would consume energy during its operation, the impact of this consumption is considered low in comparison to available energy resources, efficiency of new technologies, and comparable consumption by other sectors (i.e., Residential, Commercial).

In terms of energy consumption and energy efficiency, the proposed asphalt plant will utilize natural gas as the fuel to dry and heat the aggregate and asphaltic oil. Specifically, the proposed asphalt plant would include the use of an ALmix dual drum continuous mix asphaltic concrete plant consisting of a 100 million BTU/hr (1000 therm/hr) natural gas fired, low NOx burner and two 2 million BTU/hr (20 therm/hr) hot oil heaters to dry and heat the aggregate and asphaltic oil. The proposed plant would also result in an increase in electrical use due to increased operations of various facility needs. The proposed asphalt will utilize BACT relating to energy consumption equipment; therefore, impacts are less than significant.

**Impact Category:** Insignificant

**Thresholds of Significance Criterion:** 4

**Mitigation Measure:** No mitigation required.

### 5.9.2.3 LUO/LUE Amendment Impacts

**Impact POP-3:** The proposed land use designation change of the 9.3-acre area from RS to the IND land use category would result in a loss of land which could be potentially utilized for future building opportunities for new housing.

**Discussion:** Rezoning the land uses from RS to IND would result in a net loss of land available for housing development. Due to the close proximity to existing commercial land uses, the existing RS-designated land within the project area has the potential for future housing, including possibly used as affordable housing. The County is currently considering an Inclusionary Housing Ordinance. Although this ordinance has not been approved to date, it would likely require future commercial development (including Industrial development) to pay a fee towards securing affordable housing. Upon approval, the Inclusionary Housing Ordinance shall be implemented for all new development within the LUO/LUE amendment area.

However, most of the 9.3 acres is comprised of steep slopes of the Nipomo Mesa and is not available for housing; existing CS zoning and proximity to freeway and Santa Maria Speedway makes livability questionable (e.g., noise). Also, a portion of the CS area is in the FH combining designation, which further adds to its undesirability for residential development.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 1,2

**Mitigation Measure:** No mitigation required.

#### **5.9.2.4 Cumulative Impacts**

As discussed in Section 8.2 of this EIR, cumulative projects include the Caldwell Minor Use Permit, Loomis Minor Use Permit and Troesh Land Use Ordinance Amendment which would result in the development of two office buildings, a warehouse, and a commercial composting facility. Specifically, the development of these structures would potentially result in additional job opportunities for the area, thus increasing the demand on local housing; however, due to the relatively small square footage of the structures, cumulative impacts to population and housing are considered to be less than significant.



## 5.10 PUBLIC SERVICES AND UTILITIES

### 5.10.1 Setting

This section assesses the impacts of the proposed project on fire/life protection, police services, schools, water services, sanitary sewers, and solid waste services. This analysis is based on comparisons of project service needs to the existing or anticipated levels of service. The setting information for this section has been largely provided by the County of San Luis Obispo General Plan Safety Element, Public Facilities Financing Plan for Unincorporated Area Facilities, Nipomo Community Services District Sphere of Influence Update/Municipal Service Review EIR, and coordination with local agencies and districts.

#### 5.10.1.1 Fire/Life Protection

**Area-wide Fire Protection.** Fire protection and emergency services for the project area are provided by the California Department of Forestry and Fire Protection (CDF)/County Fire Department. The ~~CDF/County Fire~~[CAL FIRE Department](#) is responsible for the administration of the fire stations that serve the unincorporated areas of the County and special districts without fire protection. The ~~CDF/County Fire~~[CAL FIRE Department](#) also provides equipment and training for the volunteer stations. Two stations are primarily responsible for the fire protection and basic life support for the project area, including: 1) Nipomo Station (Station 20); and, 2) Mesa Station (Station 22). The stations are staffed to provide 24-hour-a-day, seven-day-a-week emergency response, and include volunteer programs to increase response capabilities.

Nipomo Station (Station 20) is the nearest ~~CDF/County Fire~~[CAL FIRE Department](#) station to the project area. Station 20 is located at 450 Pioneer Street, Nipomo, located north of the proposed project area. Current staff levels at Station 20 include one permanent person on a year-round basis and one seasonal permanent person.

Mesa Station (Station 22) is at the second nearest ~~CDF/County Fire~~[CAL FIRE Department](#) station to the project area. Station 22 is located at 2391 Willow Road, Arroyo Grande, west of the intersection of Highway 1 and Willow Road, located approximately 10 northwest of the project site. Response time for a call for service from Station 22 is approximately 10 minutes. Current staff levels at Station 22 include one permanent person on a year-round basis.

The response time for a call for service from both stations is estimated to be approximately 10 minutes, which is considered an acceptable response time in accordance with the San Luis Obispo County Fire Protection Plan and the County of San Luis Obispo General Plan Safety Element. In addition to staff levels mentioned above, both Stations 20 and 22 are supplemented with 15 CDF/SLO County Fire Department volunteer fire firefighters.

~~CDF/County Fire~~[CAL FIRE Department](#) also maintains mutual aid agreements with the City of Santa Maria and County of Santa Barbara for mutual aid of the Highway 166 Corridor.

**Funding.** On August 20, 1991, the San Luis Obispo County Board of Supervisors adopted Ordinance No. 2519 establishing Title 18 of the County Code entitled "Public Facilities Fees." The ordinance established fees on new development in the County to pay for public improvements, public services, and community amenities that are needed as a result of

development. The fees apply to construction permits issued for any development project and are intended to provide funding for fire protection, general government services, parks and recreation, Sheriff's patrol, and fee administration. These fees were increased in 2004. By law, the revenue generated by these fees can only be used to fund capital facilities, such as the purchase of land, construction of buildings, or the purchase of major equipment. The revenue cannot be used to fund employee salaries. The amounts of the fees for fire protection improvements are presented in Table 5.10-1.

**Table 5.10-1. Public Facilities Fees for Fire Protection**

Facility	Residential (Per Dwelling Unit)		Nonresidential (Per 1,000 Building Sq. Ft.)		
	Single Family	Multi Family	Office	Retail	Industrial
Fire Protection	\$710	\$406	\$875	\$526	\$375

Source: San Luis Obispo County Public Facilities Financing Plan for Unincorporated Facilities, 2004

**5.10.1.2 Police Services**

**Current Facilities.** The Sheriff's Department provides services to the unincorporated areas that are similar to those of a municipal police department. These services include routine patrol of unincorporated areas, response to emergency and non-emergency calls, and investigation of alleged crimes. Patrol services for the project area are provided through Oceano (South) Substation. Other services and facilities, including investigative services, are located in the County Operations Center on Kansas Avenue located approximately four miles north of San Luis Obispo.

Additional law enforcement support for the project area is provided by the California Highway Patrol (CHP). The primary responsibility of the CHP is to respond to traffic related calls along highways and streets in unincorporated areas of the County. Unlike the Sheriff's Department, they will not investigate, take action, or respond to crimes in progress in residential, commercial or industrial areas. They may respond upon request as backup to the Sheriff, if available; however, the CHP does not typically provide police protection services.

**Current Service** The South Substation serves the communities of Oceano, Huasna, Nipomo, rural Arroyo Grande, New Cuyama, and Lopez Lake, totaling 950 square miles. Total staff at the South Substation is 22 patrol deputies, 2 sergeants, and 1 commander. A typical shift at this patrol station includes 2 to 5 deputies on patrol. The precise number of cars and officers on patrol varies from day-to-day depending on employee absences, jail check-ins, and other administrative duties. Emergency response times for the South Station are dependent on where the patrol vehicles are in relation to a call, as well as the nature of the call.

**Funding.** The County currently uses general fund revenues to pay for the leased space for the existing three substations. The County estimates that the average cost of substations is \$237 per square foot based on preliminary estimates. This cost includes all construction-related

costs, including design and engineering, furnishings and equipment, construction management, and all related permit approval and utility connection fees.

**Table 5.10-2. Public Facilities Fees for Sheriff Patrol**

Facility	Residential (Per Dwelling Unit)		Nonresidential (Per 1,000 Building Sq. Ft.)		
	Single Family	Multi Family	Office	Retail	Industrial
Sheriff Patrol	\$140	\$78	\$173	\$106	\$73

Source: San Luis Obispo County Public Facilities Financing Plan for Unincorporated Facilities, 2004

### 5.10.1.3 Schools

**Current Facilities.** The project area is served by the Lucia Mar Unified School District (LMUSD). LMUSD serves the south county area including the cities of Pismo Beach, Grover City, Arroyo Grande, and the unincorporated communities of Oceano, Nipomo and the surrounding rural areas. As of 2004, the LMUSD operates 15 schools; current enrollment for the District is 10,960 students (LMUSD, 2004). The schools within the LMUSD which serve the project area include Nipomo Elementary School, Dana Elementary School, Mesa Middle School, and Nipomo High School.

Enrollment trends for schools in the Nipomo area have leveled off in years since 1995, with no considerable increase in the total enrollment number. This is a demographic indicator that shows that the increase in the Nipomo area population is enrolling fewer persons in the public schools.

**Funding.** Passage of Proposition 1A in 1998 has fundamentally changed the way school construction is financed in California. Under the new rules, local school districts must cover 50 percent of the cost of new school facilities. The remaining 50 percent will be provided by the \$9.2 billion state school bond fund approved by the voters. To raise the 50% local share, cities and counties may levy school fees on new development at the current rate of \$2.14 per square foot of residential development and \$0.34 per square foot of commercial and industrial development. Local school boards could impose higher fees under certain conditions.

In the event that the state bond fund becomes depleted, districts that meet hardship conditions could assess developers 100% of the cost of new facilities. These new rules will not be in effect until 2006. During that period, cities and counties may not deny zone changes or General Plan amendments on the basis of inadequate school facilities, because of the presumption that facilities will be adequate under the new system.

The state has developed standards for school construction costs which determine the funding level for each school facility project. Allowable amounts per pupil - \$10,400 for elementary schools, \$11,000 for middle schools and \$14,000 for high schools – are based on statewide averages from projects built over the last several years. These figures do not include land costs, which are based on local market value. (Excerpted from an article by Timm Herdt in

the California Planning and Development Report, September, 1998; County of San Luis Obispo Annual Resource Summary Report 2003).

#### **5.10.1.4 Roads**

Please refer to Section 5.12 – Traffic/Circulation.

#### **5.10.1.5 Solid Wastes**

**Current Facilities.** Nipomo Garbage, a subsidiary of South County Sanitary Services, collects solid waste generated from the project area and disposes the collected solid waste at the Cold Canyon Landfill in the County of San Luis Obispo, which is located approximately 17 miles north of the project site. The Cold Canyon Landfill serves the cities of San Luis Obispo, Morro Bay, Grover Beach, Pismo Beach, and Arroyo Grande, and the unincorporated areas of the north coast and south county, in which the project area is located.

Recyclable materials are collected by San Luis Obispo County Recycles and hauled to their processing yard in San Luis Obispo. They may also haul and grind green waste for composting. Waste from the project area may also be disposed of at the Santa Maria Landfill, located approximately 20 miles southeast of the project site. However, due to the higher rates at the Santa Maria Landfill and the fact that solid waste is typically disposed of within the County in which it is generated, it is unlikely that refuse would be deposited at this location. Furthermore, a transfer station is also located at the intersection of Highway 166 and Highway 101, adjacent to the project area.

The San Luis Obispo County Integrated Waste Management Plan, Summary Plan, 1995, states that Cold Canyon Landfill is permitted to dispose of a maximum of 750 tons of solid waste per day, and 270,000 tons per year. Cold Canyon currently accepts less than 400 tons per day; two million tons of capacity remains. It is estimated in the Summary Plan that, as of January 1995, the remaining permitted disposal capacity in the landfill is 20 years. These projections are based on County of San Luis Obispo General Plan population growth rate estimates, as well as continued successful implementation of policies and goals of the County

#### **5.10.2 Thresholds of Significance**

According to the County of San Luis Obispo CEQA Guidelines, the implementation of the proposed project would have a significant impact if it would have a significant effect upon or result in the significant need for new or altered public services in any of the following areas:

1. Fire Protection;
2. Police protection (e.g., Sheriff, CHP);
3. Schools;
4. Roads;
5. Solid Wastes; and,
6. Other public facilities.

### 5.10.2.1 Asphalt Plant Impacts

Fire Protection. Fire protection has been evaluated on the basis of the ability of the ~~CDF/County Fire~~CAL FIRE Department to provide services to the area. Impacts would be considered significant if the demand created by the proposed asphalt plant would require additional facilities and personnel, and/or if ~~CDF/County Fire~~CAL FIRE Department was unable to adequately protect the proposed facility. Due to the potential fire hazards and hazardous material which are associated with the proposed project site, the following impacts have been identified:

**Impact PUB-1:** The proposed asphalt plant facility would increase the potential demand on fire protection services located within the asphalt plant area.

**Discussion:** The increased demand for fire protection and emergency medical services would expand the need for fire fighting staff and facilities that service the region of the project site. Fire protection services standards are based on service population densities, which include residents and employees. As such, the ~~CDF/County Fire~~CAL FIRE Department has determined that the fire facilities impact fee is \$234 per capita for Industrial/Low Density land use categories. In addition to governmental funding, it is anticipated that the current public facilities impact fee would reduce impacts to facilities improvement funding to less than significant levels. However, the fire facilities impact fee does not address increased fire protection personnel, which may be required for the project.

**Impact Category:** Significant but Mitigable (Fire Protection Facilities), Significant and Unavoidable (Fire Protection Personnel)

**Thresholds of Significance Criteria:** 1

**Mitigation Measure PUB-1:**

Prior to construction, the applicant shall pay the required fire facilities impact fee of \$375 per 1,000 sq-ft of structure area.

**Residual Impact:**

With the incorporation of mitigation, impacts to fire protection facilities would be less than significant; however, impacts to fire protection personnel would remain significant and avoidable.

**Impact PUB-2:** The proposed asphalt plant facility would increase the demand for water resources for adequate onsite water services for fire protection services.

**Discussion:** The proposed asphalt plant would include the construction of a 5,000 gallon water storage tank which would be primarily used for dust control, maintenance of landscaping, and restroom facilities. The applicant estimates that the proposed asphalt plant would use approximately 1,000 gallons per operating day, plus an average of 1,500 gallons per day for landscaping. The applicant also intends to utilize the water storage tank for the purpose of fire suppression.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1

### Mitigation Measure PUB-2:

- A. Upon submittal of building permit application, applicant shall provide a letter from CAL FIRE on their review of the project design and the need for an automatic extinguishing system. If an automatic extinguishing system is recommended, it shall meet industry standards, as well as any additional CAL FIRE recommendations. All measures recommended by CAL FIRE, including a water tank that includes 5,000 gallons for fire water storage, shall be shown on all applicable construction plans. Prior to occupancy or final inspection, whichever occurs first, all CAL FIRE recommendations shall be installed.~~In accordance with the fire flow and water storage requirements of the County adopted California Fire Code (CFC), the applicant shall construct a firewater storage tank with a minimum storage capacity of 180,000 gallon.~~
- B. Prior to construction, the applicant shall submit for review and approval a Fire Safety Plan to the Department of Planning and Building and ~~CDF/County Fire Department~~CAL FIRE. The Fire Safety Plan shall:
- Emergency procedures to be used in case of fire,
  - Instructions on ways to prevent fires and methods to control fire hazards throughout the business;
  - Information about the appointment, organization and instruction of designated supervisory staff and other occupants, including their related fire safety duties and responsibilities;
  - The method and frequency of conducting fire drills;
  - Detailed maintenance procedures for fire protection systems and building features;
  - The identification of alternate fire safety measures in the event of a temporary shutdown of fire protection equipment or systems, so that occupant safety can be assured;
  - Instructions and schematic diagrams describing the type, location and operation of building fire emergency systems.

### Residual Impact:

With the incorporation of mitigation, impacts to fire protection services would be less than significant.

Police Protection: Police protection has been evaluated on the basis of the ability of the Sheriff's Department to provide services to the area. Impacts would be considered significant if the demand created by the proposed asphalt plant would require additional facilities and personnel, and/or if the Sheriff's Department was unable to adequately protect the proposed facility.

**Impact PUB-3:** The proposed asphalt plant facility could increase the potential demand on police protection services located within the asphalt plant area.

**Discussion:** Police protection services for the site would be provided by the County Sheriff's Department. Vandalism, theft of construction materials and equipment and burglary would be of potential concern during construction and long-term operation of the asphalt plant. Considering that nighttime lighting will be utilized during operation of the plant, along with extended hours of operation, impacts to police protection would be less than significant.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 2

**Mitigation Measure:** None required.

Schools. School services have been evaluated on the basis of the ability of LMUSD to provide services to the area. Impacts would be considered significant if the demand created by the proposed asphalt plant would require additional facilities and personnel, and/or if the LMUSD was unable to adequately service the proposed facility.

**Impact PUB-4:** The proposed asphalt plant facility could increase the potential demand on school services located within the asphalt plant area.

**Discussion:** Impacts to the LMUSD enrollment capacity are considered to be less than significant because the proposed project would result in only 12 full-time permanent positions. This is a relatively low number in comparison to the overall population of the area. Impacts associated with an increased population would be mitigated through the development impact fees, per Proposition 1A. Furthermore, due to the location of the proposed asphalt plant site, it is likely that some of the future employees and their families may reside within the boundaries of the County of Santa Barbara, outside of the LMUSD boundary.

The Santa Maria Bonita School District, the Santa Maria Joint Union High School District, and the Allan Hancock Joint Community College District operate 15 elementary schools, 4 junior high schools, 4 high schools, and 1 community college within the City limits. Roughly a dozen private and parochial schools also serve the City. Development impact fees are a common method of charging development for service provision. The elementary and high school districts collect the school impact fees before the City issues building permits. The districts also charge a fee for non-residential development on a square foot basis. As of January 2005, development fees for The Santa Maria Bonita School District (K-8) are \$2.95 per square-foot of residential development and \$.25 per square-foot of commercial or industrial development, and The Santa Maria Joint Union High School District development fees are \$1.51 per square-foot of residential and \$.11 per square-foot of commercial and industrial development. Alan Hancock Joint Community College District is not currently considered for development impact fees.

**Impact Category:** ~~Significant but Mitigable~~ Less than significant

**Thresholds of Significance Criteria:** 3

**Mitigation Measure PUB-34:** Prior to construction, the applicant will pay the appropriate school impact fees.

**Solid Wastes.** Solid waste services have been evaluated on the basis of the ability of Nipomo Garbage to provide services to the area. Impacts would be considered significant if the demand created by the proposed asphalt plant would require additional facilities and personnel, and/or if the local garbage collection provider was unable to adequately service the proposed facility.

**Impact PUB-5:** The proposed asphalt plant facility could increase the potential demand on solid waste services located within the asphalt plant area.

**Discussion:** Overall, the proposed asphalt plant would involve the generation of hazardous waste and non-hazardous waste. A discussion on hazardous waste is provided in Section 5.7. Non-hazardous waste from the proposed asphalt plant would be hauled by Nipomo Garbage and disposed of within the Cold Canyon Landfill. The amount of non-hazardous waste would not have a significant impact on the capacity of the landfill or the collection system provided by Nipomo Garbage. It is important to note that the proposed asphalt plant would also be utilizing recyclable items for the generation of Rubberized Asphaltic Concrete (RAC) and Recycled Asphalt Products (RAP). Recyclable items would include ground crumb rubber from recycled tires. The degree to which this would occur would be a direct function of market demand. The incorporation of these recyclable items significantly decreases the impacts on landfills.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 5

**Mitigation Measure:** None required.

### 5.10.2.2 LUO/LUE Amendment Impacts

The project will amend the Land Use Ordinance to change the land use designation of approximately 54 acres within the South County Planning Area to allow for industrial-related land uses. Existing land uses include Residential Suburban and Commercial Service.

**Impact PUB-6:** The LUO/LUE amendment would increase the potential demand on the fire protection services located within the LUO/LUE amendment area.

**Discussion:** Buildout under the proposed Industrial land use category could potentially result in the construction of a Chemical Products Manufacturing facility. Under this scenario, there could be a substantial amount of hazardous chemicals present within the project area. As such, this would increase the demand for fire protection, with an emphasis on the hazardous materials unit of the fire department. Currently, there is no community water system within the LUO/LUE amendment area, such that each future industrial development would have to construct and rely on its own wells, pumps and distribution system.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1

**Mitigation Measure PUB-6:** [Prior to issuance of a building permit, the applicant shall prepare a Water/Fire Suppression Master Plan, to the satisfaction of CAL FIRE, for the 55-acre area re-designated to the Industrial land use category. The scope of the Master Plan shall be prepared in collaboration with CAL FIRE, the New Cuyama Mutual Water](#)



~~Company and the San Luis Obispo County Department of Planning and Building. Should a pro-rata reimbursement agreement be developed, the benefiting property owners, shall contribute their fair-share pursuant to a Reimbursement Agreement. All new development within the LUO/LUE amendment area shall meet the fire flow requirements of the County adopted California Fire Code (CFC). Minimum water storage and hydrant requirements are outlined in Appendix IIIA of the CFC. This requirement is usually met through the establishment of a community water system.~~

**Residual Impacts:**

With the incorporation of mitigation, impacts would be less than significant.

**Impact PUB-7:** The LUO/LUE amendment may cause a minor change in the potential demand on police protection services located within the LUO/LUE amendment area.

**Discussion:** The LUO/LUE amendment would reduce the amount of residential development that could occur within the LUO/LUE amendment area by 9.3 acres, which would reduce the demand on public services. However, additional industrial development may result in more employees moving into the area; therefore, the LUO/LUE may cause a minor increase in the potential demand on police protection services.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 2

**Mitigation Measure:** None required

**Impact PUB-8:** The LUO/LUE amendment may cause a minor change in the potential demand on school services located within the LUO/LUE amendment area.

**Discussion:** The LUO/LUE amendment would reduce the amount of residential development that could occur within the LUO/LUE amendment area by 9.3 acres, which would reduce the demand on school services. However, additional industrial development may result in more employees moving into the area with school age children. Therefore, the LUO/LUE may cause a minor increase in the potential demand on school services.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 2

**Mitigation Measure:** None required

**Impact PUB-9:** The LUO/LUE amendment may result in an increased need for solid waste services located within the LUO/LUE amendment area.

**Discussion:** The LUO/LUE amendment would reduce the amount of residential development that could occur within the LUO/LUE amendment area by 9.3 acres; therefore, there would be a reduction of persons living within the area upon buildout. Residential uses generate substantial amounts of solid waste. However, future industrial development, such as a Chemical Products or Metal Machinery Manufacturing facility, could be constructed within the LUO/LUE amendment area that may generate solid waste. Non-hazardous waste from such industrial development would be hauled by

Nipomo Garbage and disposed of within the Cold Canyon Landfill. The amount of non-hazardous waste would not have a significant impact on the capacity of the landfill or the collection system provided by Nipomo Garbage.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 3

**Mitigation Measure:** None required

### 5.10.2.3 Cumulative Impacts

As discussed in Section 8.2 of this EIR, cumulative projects include Caldwell Minor Use Permit, Loomis Minor Use Permit and Troesh Land Use Ordinance Amendment which would result in the development of two office buildings, a warehouse, and a commercial composting facility. This, in an addition to the proposed asphaltic concrete plant and future industrial development, would place additional demands on public services and utilities. This additional demand would not result in significant impacts to police protection services, school services, or solid waste services. However, significant impacts to fire protection services may occur. As such, as specified in mitigation measure PUB-6, ~~all new development within the LUO/LUE amendment area shall meet the fire flow requirements of the County adopted California Fire Code (CFC). Minimum water storage and hydrant requirements are outlined in Appendix IIIA of the CFC. This requirement is usually met through the establishment of a community water system. A~~ Water/Fire Suppression Master Plan for implementation as the area develops. Implementation of this measure would minimize potentially significant impacts to fire protection services.

## 5.11 RECREATION

### 5.11.1 Setting

San Luis Obispo County is one of California's fastest growing coastal counties. The county population is projected to grow 30% to 323,100 by the year 2010. This anticipated growth will place additional burdens on local government to sustain even current levels of public services, including parks and recreation.

Currently, the County of San Luis Obispo Parks Division (County Parks) operates roughly 18 parks, 3 golf courses, and 10 Special Places which include natural areas, coastal access, and historic facilities. Overall, Urban Regional Parks account for 644 acres, Rural Regional Parks for 11,398 acres, and mini, neighborhood and community parks for 214 acres. However, within the County's unincorporated areas there are very few neighborhood parks; the few neighborhood parks provided are less than 10 acres in size.

Due to the limited availability of funding for parkland acquisition and maintenance, some of the County's community and regional parks serve dual functions. For example, Nipomo Community Park, located within the region of the proposed project, is a community park that provides neighborhood and community recreation. This 140-acre park is the only developed public park in Nipomo and thus must meet a variety of community needs including programs such as the pre-school and before/after school curriculum for school age children, youth and teen activities, and sports events such as the basketball program. In addition, the facility is also available for rental (County of San Luis Obispo, 2003).

Experience has shown that most communities, including San Luis Obispo County, have not been able to consistently meet the standards set forth by the National Recreation and Park Association (NRPA). For example, projected 2005 population for the county would require the immediate acquisition and development of an additional 2,700 acres of local and regional parkland based on traditional park planning standards. However, as the population and the number of tourists continue to grow, so will the need for additional parkland. Because of the historically high population growth rate in the South County area, including Nipomo, and the low number of neighborhood and community parks, recreation is an important issue.

Due to the growing recognition of recreation and parkland demand, the need should be met by a host of providers acting in cooperation; further planning for parkland acquisition should focus on flexible and adaptive strategies. Specifically, the existing Parks and Recreation Element suggests that target parkland acreage established by the National Parks and Recreation Association Standards may not be realistic given many community funding limitations (Jan Di Leo pers. comm., January 13, 2005).

The County Board of Supervisors adopted a Trails Plan in 1991. In accordance with this plan, County Parks has proposed a Santa Maria River Trail which would provide a trail along the north bank of the Santa Maria River between Highway 101 and the ocean. Completion of the trail would provide pedestrian and equestrian access from the community of Nipomo with the ocean (J. Di Leo, pers. comm.).

## 5.11.2 Impact Analysis

### 5.11.2.1 Thresholds of Significance

A significant impact would occur if the proposed project would:

- 1) Increase the use or demand for parks or other recreation opportunities; and/or
- 2) Affect the access to trails, parks or other recreation opportunities.

### 5.11.2.2 Asphalt Plant Impacts

#### Short term impacts

No short term impacts to parks and recreational facilities are anticipated to occur as a result of construction of the proposed asphalt plant facility.

#### Long term impacts

The following are the long term impacts associated with the operation of the proposed asphalt facility:

**Impact REC-1:** Construction of the proposed asphalt plant would not greatly affect the need for parks and recreational facilities.

**Discussion:** Parks and Recreational facilities are currently based on standards outlined by the 1983 National Recreation and Park Association Standards. These standards determine the parks and recreational requirements and are based largely on regional population estimates.

Development impact fees (Quimby fees) have been the major funding source for new or expanded neighborhood and community parks in San Luis Obispo County. In the early 2000s, the County collected roughly \$2 million annually in park development impact fees<sup>14</sup>. Since impact fees are assessed on new development, this source of revenue generation fluctuates with the rate of residential growth. In recent years, development impact fees have made possible the replacement and expansion of playgrounds and restrooms at community parks throughout the County.

Development Impact Fees are intended to provide new facilities which offset the impact of new residential development on existing service levels. These fees are assessed on new residential development only, because commercial and industrial development typically does not result in significant impacts to parks and recreational facilities. Construction and operation of the asphalt plant will not result in significant impacts to parks and recreational facilities.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 1

**Mitigation Measure:** No mitigation required

**Impact REC-2:** The proposed asphalt plant would be built within a parcel of land which is targeted by the County of San Luis Obispo Parks Division as a potential location for the Santa Maria River Trail according to the County Trails Plan.

**Discussion:** According to the County Trails Plan, County Parks is proposing to build a trail system adjacent to the proposed project which would connect the community of Nipomo to the ocean via the floodplains and upland habitat of the Santa Maria River. This trail would be primarily used by equestrians and pedestrians and would require an easement of 25 feet in width. The project site does not currently provide a trail for equestrian use through the project site; however, equestrians and pedestrians have utilized the floodplains of the Santa Maria River for navigation past the project site. These existing pathways are targeted by County Parks for the establishment of the proposed Santa Maria Trail. Secondary impacts to riparian vegetation within the Santa Maria River associated with the 25-foot trail easement are described in Section 5.4 Biological Resources (Impact BIO-8).

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 2

**Mitigation Measure REC-2:** To ensure permanent establishment of the Santa Maria River Trail would take place in accordance with the County's adopted Trails Plan, prior to obtaining building permits for the proposed plant the applicant will grant a permanent easement to the County for the proposed trail corridor (25-foot wide minimum). The location of the trail and the offer to dedicate shall be reviewed and approved by County Parks prior to the applicant receiving a building permit. Based on discussions with County Parks and the applicant, the approximate location of this easement shall be located to the south of the project site, parallel to the Santa Maria River and the southern boundary of the proposed asphalt plant. See Figure 5.11-1 for the proposed location of the trail. Secondary impacts to riparian vegetation associated with the 25-foot trail easement are described in Section 5.4 Biological Resources (Impact BIO-8).

### 5.11.2.3 LUO/LUE Amendment Impacts

The proposed LUO/LUE amendment would result in a land use change from RS and CS to IND. For the purposes of impact analysis, it is assumed that the chemical products manufacturing or metal manufacturing facility land use would be the worst-case scenario under the Industrial category.

**Impact REC-3:** The proposed LUO/LUE amendment would decrease the acreage of land which could be potentially utilized for recreational purposes.

**Discussion:** Because the LUO/LUE amendment project involves changing the land use designation of areas currently designated as RS and CS to IND, it reduces the potential for recreational land uses. The existing RS and CS land use categories within the project area would allow for various recreational uses including: golf driving ranges, outdoor athletic activities, public parks and playgrounds, swim and racquet clubs, and swim and racquet clubs with spectator facilities land uses, indoor amusement and recreational facilities, amusement parks, recreation equipment rental (both motorized and non-motorized), and public assembly and entertainment facilities land uses. None of these recreational uses would be allowed under the proposed Industrial land use category.

Although there is a high demand for recreational facilities in the South County area, it is unlikely that recreational uses would be compatible under the existing land use categories, based on the existing surrounding land uses and proximity to likely users of such facilities. As such, the proposed LUO/LUE amendment would result in impacts that are considered to be less than significant.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 1, 2

**Mitigation Measure:** None required.

**Impact REC-4:** Future development under the LUO/LUE amendment could reduce the availability of land which is suitable for the proposed Santa Maria River Trail Plan.

**Discussion:** The proposed Santa Maria River Trail Plan intends to link the community of Nipomo to the ocean via the northern banks of the Santa Maria River. Current sand mining operations within the southern portion of the project area are incompatible with the proposed Santa Maria River Trail due to hazards associated with current operations in the area. Future development or land use activities (i.e., sand mining) under the existing CS or proposed Industrial category could also limit the availability of land which would be considered suitable for providing a trail easement along the northern banks of the Santa Maria River.

**Impact Category:** Significant but Mitigable

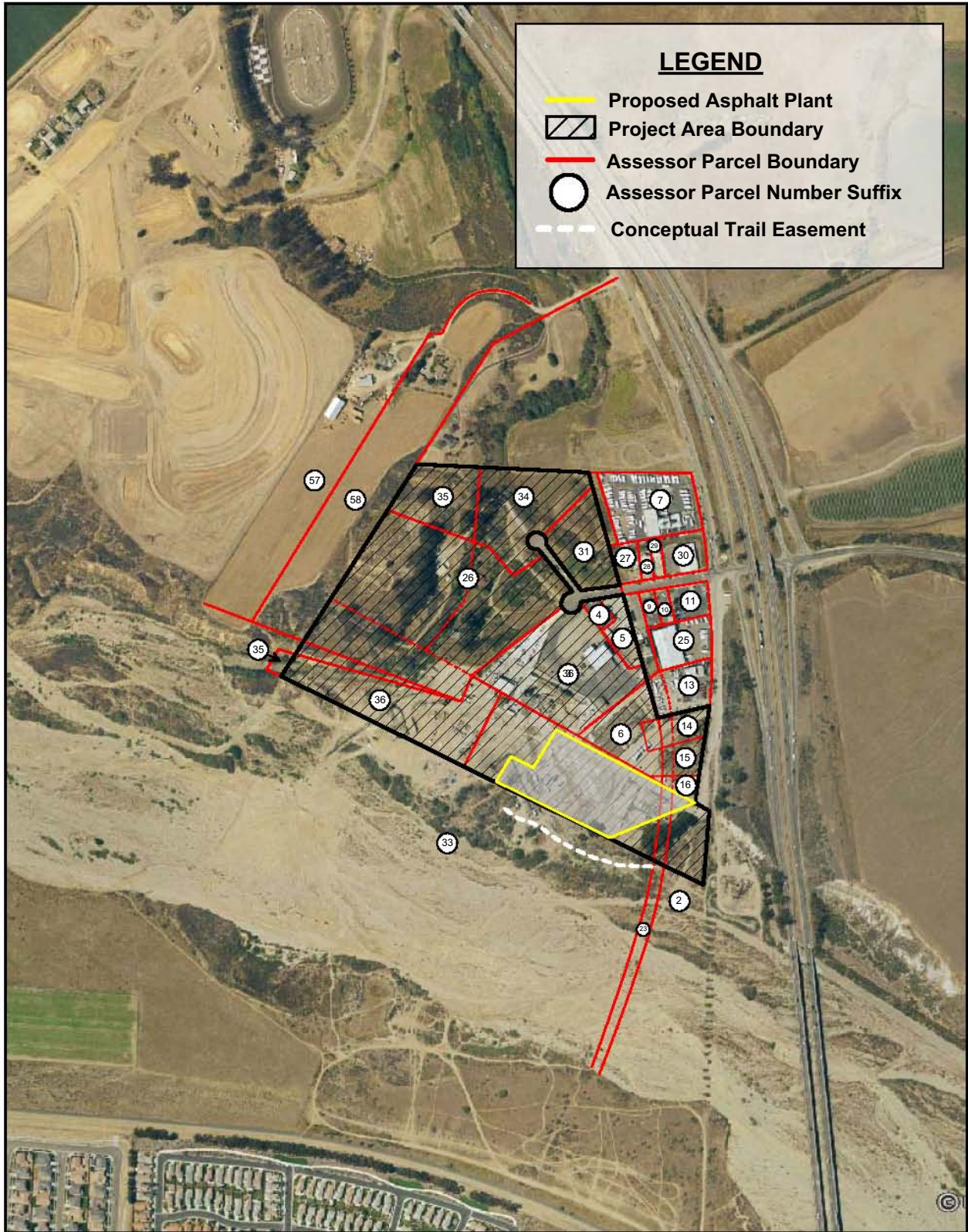
**Thresholds of Significance Criteria:** 2

**Mitigation Measure REC-4:** Future development projects along the southern boundary of the project area that require discretionary permits shall require coordination with the County of San Luis Obispo Parks Division to determine the feasibility of establishing a trail easement through the subject parcel.

### 5.11.1.2 Cumulative Impacts

As discussed in Section 8.2 of this EIR, cumulative projects include the Caldwell Minor Use Permit, Loomis Minor Use Permit, and the Troesch Land Use Ordinance Amendment. The Caldwell Minor Use Permit involves the construction of one office building/warehouse and one warehouse with appurtenant vehicle storage. The Loomis Minor Use Permit involves the construction of a modular office building. The Troesch Land Use Ordinance Amendment involves the development of a commercial composting facility for receiving and processing green material. All three projects occur in previously developed areas and all of the projects have been determined to have no significant effect on recreation, according to review performed by the County of San Luis Obispo. Therefore, the proposed project is not expected to have any significant cumulative impacts on recreation in the area.





Source: County of San Luis Obispo; West Coast Environmental

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## 5.12 TRANSPORTATION AND CIRCULATION

This section addresses potential impacts of the proposed asphaltic concrete plant and LUO/LUE amendment to transportation and circulation. This analysis is based on a revised Traffic Study prepared by Associated Transportation Engineers (ATE), dated December 2, 2004 (see Appendix H), a memorandum from Dan Takacs of Higgins Associates, dated October 26, 2004, and a letter from ATE dated June 6, 2005.

### 5.12.1 Environmental Setting

#### 5.12.1.1 Street Network

The circulation system adjacent to the project site is comprised of U.S. Highway 101, State Route 166 (Cuyama Highway) and Hutton Road which serve as the major arterials for the area, collector and local streets. See Figure 5.12-1. The following text provides a brief discussion of the primary components of the study-area network.

*U.S. Highway 101*, located directly east of the project site, is a multi-lane freeway serving the Pacific Coast between Los Angeles and San Francisco. Primary access to U.S. Highway 101 in the vicinity of the project site is provided via the State Route 166 (Cuyama Highway) interchange. The U.S. Highway 101/State Route 166 interchange is unsignalized at the northbound and southbound ramp intersections. A Project Study Report (PSR) for the widening of the Santa Maria River Bridge has been completed. Widening of the bridge is a Caltrans improvement project that has been considered for many years. The Caltrans Transportation Concept Report was approved on October 19, 2001. The bridge will be widened from 4 to 6 lanes to maintain continuity of Highway 101. The Santa Barbara County Association of Governments and the San Luis Obispo County Council of Governments executed a memorandum of understanding for the Highway 101/Santa Maria River Bride widening project.

*State Route 166 (Cuyama Highway)*, located north of the project site, is an east-west roadway within the study area. State Route 166 extends east from U.S. Highway 101 to the Kern County. In the study area the highway is primarily a 2-lane roadway. The U.S. Highway 101/Cuyama Highway interchange was built to Caltrans standards; truck use was factored into the design of the freeway ramps.

*Hutton Road*, located directly east of the site, is a 2-lane east-west roadway. Hutton Road extends north to the Nipomo area, where it becomes Joshua Road. Hutton Road will provide direct access to the project site. Hutton Road, south of Cuyama Lane, is scheduled to be improved to County urban standards.

*Cuyama Lane*, located directly north of the site, is a 2-lane east-west roadway. Cuyama Lane extends from the U.S. Highway 101 southbound ramps terminating in a cul-de-sac.

*Tefft Street* is approximately 3.5 miles northwest of the asphalt plant site and intersects Highway 101 at an interchange. Because Tefft Street is not a proposed haul route, the asphalt plant will have no effect on that street. In the event local asphalt deliveries are needed for road improvements within the Tefft Street area, those effects would occur with or without the proposed asphalt plant and are effects that should properly be attributed to the road improvement project.

**5.12.1.2 Roadway Operations**

The following section reviews annual average daily traffic (ADT) volumes and roadway operations in the study area. The operational characteristics of the study area roadways are analyzed based on a set of standard roadway design capabilities. In rating a roadway’s operating condition, “Levels of Service” (LOS) A through F are used. LOS A and LOS B represent primarily free-flow operations, LOS C represents stable conditions, LOS D nears unstable operations with restrictions on maneuverability within traffic streams, LOS E represents unstable operations with maneuverability very limited, and LOS F represents breakdown or forced flow conditions. LOS C is considered acceptable for rural County roadways.

Existing annual ADT volumes for the street segments in the vicinity of the project site were obtained from data collected by ATE and Caltrans (2001 Traffic Volumes). Table 5.12-1 lists the existing ADT for study area roadways and summarizes their operations.

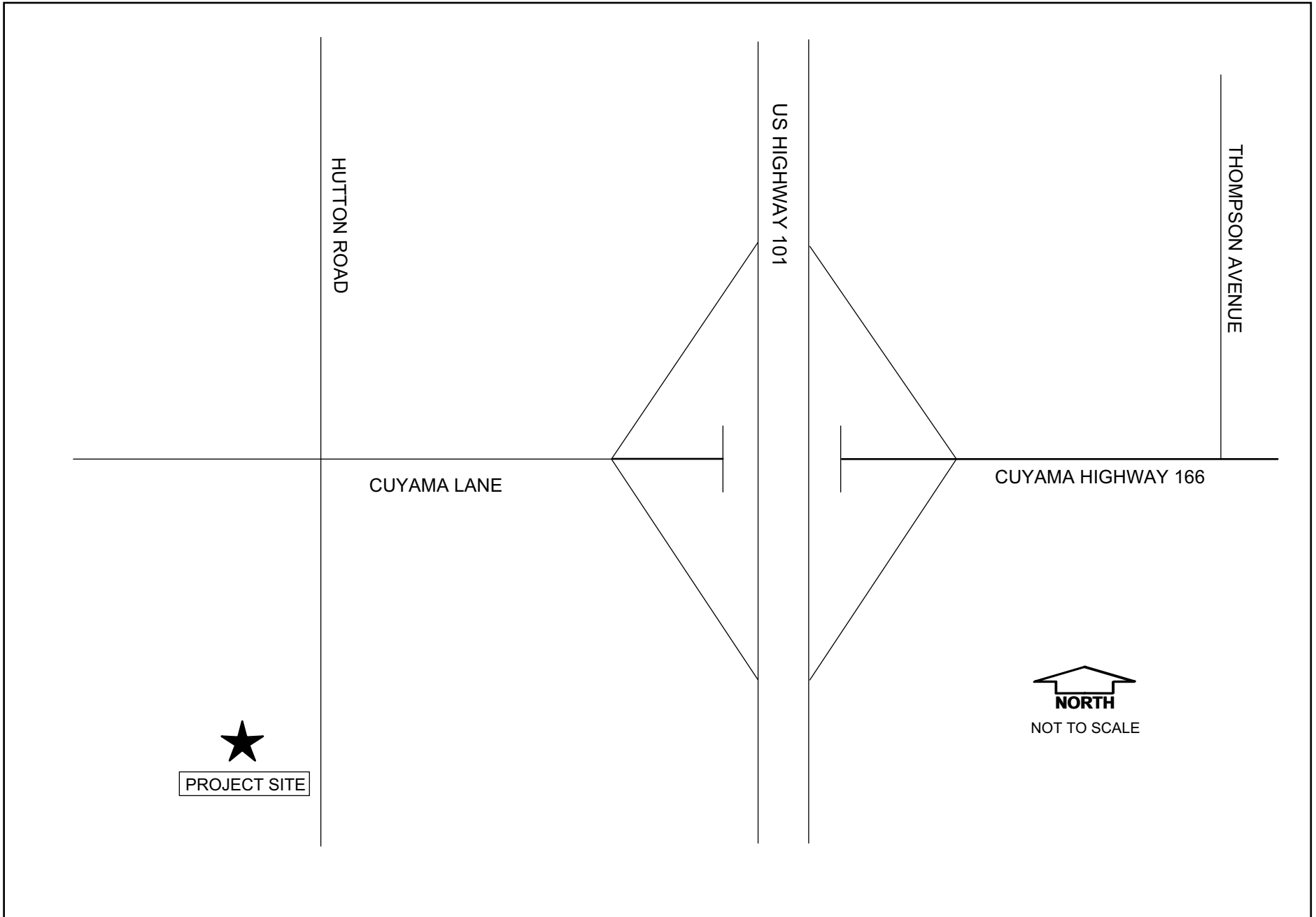
**Table 5.12-1. Existing Roadway Conditions**

Roadway	Roadway Type	ADT	LOS
U.S. Highway 101			
-north of Cuyama Highway	4-Lane Freeway	51,000	LOS C
-south of Cuyama Highway	4-Lane Freeway	62,000	LOS C
Hutton Road			
-north of Cuyama Lane	2-Lane Roadway	8,000	LOS A
-south of Cuyama Lane	2-Lane Roadway	1,200	LOS A
Cuyama Lane			
-east of Hutton Road	2-Lane Roadway	12,300	LOS C
-east of U.S. Highway 101	2-Lane Roadway	2,400	LOS A

The data presented in Table 5.12-11 indicate that the study area roadway segments currently operate in the LOS A-C range based on San Luis Obispo County and Caltrans roadway design capabilities. The freeway segments currently operate in the LOS A-C range based on lane capacity as defined in the Highway Capacity Model.

**5.12.1.3 Intersection Operations**

Existing levels of service for the study area intersection were calculated using the Highway Capacity Manual unsignalized methodology. Table 5.12-2 lists the existing intersection level of service for the three study area intersections. The calculations used the Highway Capacity Manual default values for truck percentage. ATE tested this assumption by changing the percentage to 30% and there were no substantive changes in the result.



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**Table 5.12-2. Existing Intersection Operations**

Intersection	Control	A.M. Peak Hour	P.M. Peak Hour
		Delay-LOS	Delay-LOS
U.S. Highway 101 NB Ramps/Cuyama Highway (S.R. 166) eastbound left-through movement: northbound approach:	STOP-sign	7.8 sec – LOS A 11.1 sec – LOS B	7.7 sec – LOS A 13.2 sec – LOS B
U.S. Highway 101 SB Ramps/Cuyama Highway (S.R. 166) westbound left-through movement: southbound approach:	STOP-sign	8.9 sec – LOS A 16.5 sec – LOS C	8.6 sec – LOS A 18.6 sec – LOS C
Hutton Road/Cuyama Lane eastbound left/through/right movement: westbound left/through/right movement: northbound approach: southbound approach:	STOP-sign	7.6 sec – LOS A 7.3 sec – LOS A 8.8 sec – LOS A 13.9 sec – LOS B	8.0 sec – LOS A 7.3 sec – LOS A 9.0 sec – LOS A 15.6 sec – LOS C

The data presented in Table 5.12-2 indicates that the unsignalized study area intersections currently operate in the LOS A-C range during the A.M. peak hour and P.M. peak hour periods.

**5.12.2 Impact Analysis**

**5.12.2.1 Thresholds of Significance**

San Luis Obispo County policy states that the acceptable level of service is LOS C for rural roadways and intersections. Mitigation measures are required for roadway and intersection facilities which operate at less than LOS C. The freeway threshold is based upon the requirements of the Congestion Management Program, which is LOS E. Traffic safety is according to Caltrans design standards. If a road or intersection were not designed to Caltrans standards, than this would result in a significant traffic safety impact.

**5.12.2.2 Asphalt Plant Impacts**

**Asphaltic Concrete Plant Trip Generation**

For the purposes of estimating the number of trips that would be generated by the asphaltic concrete plant, ATE used operations data with operations occurring in two 10 hour shifts between 6:00 A.M. and 4:00 P.M. and between 7:00 P.M. and 5:00 A.M. Monday through Saturday. Nighttime operations are proposed for a maximum of 80 days per calendar year and will be limited to government public works projects, or projects that result from a natural emergency, such as a flood, earthquake. Truck trips will occur in two shifts (between 7:00 A.M. and 3:00 P.M. and between 8:00 P.M. and 4:00 A.M.) The plant will be operated with 6 employees per shift. The operation level assumed for the asphaltic concrete plant is based upon the following criteria. During a peak operational day, there could be a maximum of up to 240 product delivery truck loads from the asphalt plant, in addition to 216 aggregate delivery truck loads and 14 asphaltic oil delivery truck loads to the asphalt plant. On an average operational day, there could be up to 53 product delivery truck loads from the asphalt plant, in addition to 45 aggregate delivery truck loads and 3 asphaltic oil delivery truck loads to the asphalt plant. The hourly operation is constrained by the plant capacity and would not change on peak operation day. During the typical 7:00 – 9:00 A.M. peak hour commute period the

following represents the maximum truck operations that potentially could occur during both the peak operational day and an average operational day:

- Product Trucks: 14 out and 14 in
- Aggregate Trucks: 12 out and 12 in
- Asphaltic Oil Trucks: 1 out and 1 in
- Employees: 6 per shift – all in place prior to the 7:00 A.M. peak hour

There are no truck trips scheduled during the 4:00 – 6:00 P.M. peak hour commute period. The plant is down during this time which allows for shift changes to be completed. The plant’s peak day and average day trip generation is shown in Table 5.12-3. The peak operation day is attained by higher production during the non-peak hours of the adjacent street system. The data shows that the ADT is the only difference between the average and the peak operation.

**Table 5.12-3. Asphaltic Concrete Plant Trip Generation**

Operations	ADT	A.M. Peak Hour	P.M. Peak Hour				
		Enter	Exit	Total	Enter	Exist	Total
Asphalt Plant (Peak Day)	964	27	27	54	0	6*	6*
Asphalt Plant (Average Day)	226	27	27	54	0	6*	6*

Note: \*denotes employee trips

There would be minor miscellaneous (2-3) trips per week associated with the operation; however, these trips would not be on an every day basis and would generally occur during the non-peak hours. These miscellaneous trips would have little, if any, impact to the study-area roadway and intersections.

**Project Trip Distribution and Assignment**

Trip distribution for the asphaltic concrete plant was developed for the asphalt plant based on the peak hour operational data provided by the applicant and verified by ATE. ATE’s Traffic Study is inherently a worst-case analysis based upon Peak Hourly Production Levels. The asphaltic concrete plant will make and receive deliveries to the north and south via the U.S. Highway 101/State Route 166 interchange. Asphaltic concrete plant-generated traffic was assigned to the study area street system based upon the project description. In addition to the asphaltic concrete deliveries shown in the project description, there are aggregate and asphaltic oil deliveries. These change the overall distribution percentages slightly from those shown for asphaltic concrete delivery percentages contained in the project description.

**Impact TRA-1:** Operation of the proposed asphaltic concrete plant would affect roadways within the project area.

**Discussion:** Roadway volumes for the existing and existing + asphaltic concrete plant peak day scenarios are listed in Table 5.12-4.

**Table 5.12-4. Existing + Asphaltic Concrete Plant Peak Day Roadway Operations**

Roadway Segment	Roadway Type	ADT			
		Existing	Existing + Project	LOS	Impact
U.S. Highway 101					
-north of Cuyama Highway	4-Lane Freeway	51,000	51,192	LOS C	No
-south of Cuyama Highway	4-Lane Freeway	62,000	62,741	LOS C	No
Hutton Road					
-north of Cuyama Lane	2-Lane Roadway	8,000	8,007	LOS A	No
-south of Cuyama Lane	2-Lane Roadway	1,200	2,164	LOS A	No
Cuyama Lane					
-east of Hutton Road	2-Lane Roadway	12,300	13,257	LOS C	No
-east of U.S. Highway 101	2-Lane Roadway	2,400	2,424	LOS A	No

The data in Table 5.12-4 show that the addition of asphaltic concrete plant traffic to U.S. Highway 101 would not significantly change the existing LOS noted in Table 5.12-1 and therefore would not significantly impact the study area freeway and roadway segments based on San Luis Obispo County impact criteria.

From a cumulative perspective, the project will result in additional trips across the Highway 101 Santa Maria bridge, which is close to reaching the end of its expected life span. Caltrans has recognized that the bridge will need replacement in the near future. Caltrans has evaluated the asphalt plant's impacts and determined that a fair-share amount towards this improvement would be \$150,000.

**Impact Category:** Project specific: Insignificant; Cumulative: Significant but mitigable

**Thresholds of Significance Criteria:** 1

**Mitigation Measure TRA-1:** ~~Although no impacts were identified, as a condition of approval, the applicant will be required to pay its fair share contribution to mitigate its incremental impact to the Santa Maria Bridgeroadways. Given that the improvement to the Santa Maria bridge has been previously identified and that a funding arrangement has already been established, there is not nexus to impose a fee contribution toward improvements to the bridge.~~

**Impact TRA-2:** Operation of the proposed asphaltic concrete plant would impact intersections within the project area.

**Discussion:** Access to the asphalt plant would be provided by the U.S. Highway 101/State Route 166 (Cuyama Highway) interchange with direct access via Hutton Road. These facilities currently service large trucks similar to the type used to deliver asphalt and aggregate. The proposed asphaltic concrete plant's traffic pattern is such that inbound and outbound traffic must use the Cuyama Lane/Hutton Road intersection. Approximately 99% of all site traffic would enter and exit via the U.S. Highway 101/State Route 166/Cuyama Highway interchange. Intersection volumes for the existing + asphaltic concrete plant peak day scenario are listed in Tables 5.12-5 and 5.12-6.

**Table 5.12-5. Existing + Asphaltic Concrete Plant Peak Day A.M.  
Peak Hour Intersection Operations**

Intersection	A.M. Peak Hour		Impact
	Existing	Existing + Project	
	Delay-LOS	Delay-LOS	
U.S. Highway 101 NB Ramps/Cuyama Highway (S.R. 166) eastbound left/through movement: northbound approach:	7.8 sec – LOS A 11.1 sec – LOS B	7.8 sec – LOS A 11.6 sec – LOS B	No
U.S. Highway 101 SB Ramps/Cuyama Highway (S.R. 166) westbound left/through movement: southbound approach:	8.9 sec – LOS A 16.5 sec – LOS C	9.0 sec – LOS A 16.5 sec – LOS C	No
Hutton Road/Cuyama Lane eastbound left/through/right movement: westbound left/through/right movement: northbound approach: southbound approach:	7.6 sec – LOS A 7.3 sec – LOS A 8.8 sec – LOS A 13.9 sec – LOS C	7.6 sec – LOS A 7.3 sec – LOS A 8.8 sec – LOS A 17.3 sec – LOS C	No

**Table 5.12-6. Existing + Asphaltic Concrete Plant Peak Day P.M.  
Peak Hour Intersection Operations**

Intersection	P.M. Peak Hour		Impact
	Existing	Existing + Project	
	Delay-LOS	Delay-LOS	
U.S. Highway 101 NB Ramps/Cuyama Highway (S.R. 166) eastbound left/through movement: northbound approach:	7.7 sec – LOS A 13.2 sec – LOS B	7.7 sec – LOS A 13.3 sec – LOS B	No
U.S. Highway 101 SB Ramps/Cuyama Highway (S.R. 166) westbound left/through movement: southbound approach:	8.6 sec – LOS A 18.6 sec – LOS C	8.6 sec – LOS A 18.7 sec – LOS C	No
Hutton Road/Cuyama Lane eastbound left/through/right movement: westbound left/through/right movement: northbound approach: southbound approach:	8.0 sec – LOS A 7.3 sec – LOS A 9.0 sec – LOS A 15.6 sec – LOS C	8.0 sec – LOS A 7.3 sec – LOS A 9.1 sec – LOS A 15.8 sec – LOS C	No

The data in Tables 5.12-5 and 5.12-6 show that the addition of new traffic to the local street network adjacent to the asphaltic concrete plant would not significantly impact the unsignalized study area intersections, as they would continue to operate in the LOS A-C range. The U.S. Highway 101/Cuyama Highway interchange is currently used by large



trucks similar to those used by the asphalt plant. The current configuration of the interchange ramps, which were analyzed and verified by ATE, will not result in a significant traffic safety issue from the type of trucks coming from the asphalt plant. The South County Circulation Study recommends that the U.S. Highway 101/Cuyama Highway interchange ramps and Cuyama Highway/Hutton Road intersection be monitored to determine if warrants are met for the installation of traffic signals.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 1

**Mitigation Measure TRA-2:**

A. ~~Although no significant impacts were identified, as a condition of approval, the~~Prior to issuance of a building permit for the asphalt plant, the applicant, its heirs or assignees, shall enter into an Agreement for Pro-Rata Share of Improvements” with the California Department of Transportation (Caltrans), in which the applicant agrees to deposit \$150,000 towards the Santa Maria River Bridge Widening Project. Applicant, its heirs or assignees, shall provide receipt or other written documentation from Caltrans that the funds have been deposited. applicant shall be required to pay its fair share contribution toward signalization of project area intersections when warrants are met for the installation of traffic signals<sup>4</sup>.

B. Prior to issuance of a building permit for the asphalt plant, evidence shall be provided to the county that a bond has been posted by the applicant, its heirs or assignees, or comparable financial commitment in place that is acceptable to Caltrans, to cover the costs to provide one and one half inch thick asphalt concrete pavement overlay on the four State Route 101/166 on and off ramps. Caltrans shall provide the applicant, its heirs or assignees, with at least ninety days prior written notice to proceed with said paving work. The applicant, its heirs or assignees, shall obtain an encroachment permit from and shall coordinate the paving with Caltrans.

~~B-C.~~ As a condition of approval, the applicant shall implement a truck traffic-monitoring program that includes the following:

- The applicant shall limit the number of truck trips to and from the plan site to an average of 202 one-way trips per operating day, as calculated using a rolling monthly average. Additionally, the applicant shall limit the number of trucks trips to and from the plant site to a daily maximum of 840 one-way trips;
- The applicant shall maintain daily trip records for all one-way truck trips. Monthly, the actual number of Monday through Friday one-way truck trips shall be totaled and then divided by the number of authorized Monday through Friday workdays that month. The resulting Monday through Friday average for the month shall be added to the Monday through Friday averages calculated for the preceding 11 months. This total shall then be averaged to determine the Monday through Friday average for the previous twelve (12) months. In this manner, the

<sup>4</sup>~~Given that the improvement to the Santa Maria bridge has been previously identified and that a funding arrangement has already been established, there is not nexus to impose a fee contribution toward improvements to the bridge.~~

applicant shall develop a “rolling monthly average” reflective of seasonal market variations while at the same time ensuring the facility operates within the overall one-way truck trip limit of 202, Monday through Friday.

- When operating at the Peak Daily Production Level, the applicant shall limit the number of truck trips to and from the asphalt plant site to a maximum of 840 one-way trips per operating day. The applicant shall maintain daily trip records for all one-way truck trips to monitor/document compliance. This shall apply to all product trucks coming to and going from the site (full and empty trucks). Employee vehicles, service and maintenance vehicles do not count against this maximum.

### 5.12.2.3 LUO/LUE Amendment Impacts

**Impact TRA-3:** Increased industrial development associated with the LUO/LUE amendment would not increase the number of traffic during peak hour periods in the LUO/LUE amendment area.

**Discussion:** Existing conditions of the roadways and intersections near the project area operate at LOS ranging from A-C, which is acceptable under County criteria. Currently, 9.3 acres of the LUO/LUE amendment area is RS and the remaining 44.7 is CS. Allowable uses within the CS designation include more uses, such as service stations and fast-food restaurants, which generate significant traffic during peak hour periods. The proposed LUO/LUE amendment would allow for industrial uses, such as a chemical products or metal machinery manufacturing plant, that may have similar or less traffic during peak periods. Therefore, the LUO/LUE amendment would not have a significant impact. However, certain allowed uses may cause unsafe road conditions due to the increase of potentially hazardous materials that may be transported. Furthermore, truck trips associated with the hauling of manufacturing-related materials may degrade the physical condition of roadways.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1

**Mitigation Measure TRA-3:**

For projects generating substantial amounts of traffic or ~~may potentially~~ resulting in unacceptable road service levels, a project-specific traffic study shall be conducted by a qualified transportation engineer at the time an industrial land use is proposed within the LUO/LUE amendment area. The study shall quantify impacts to existing roadways, and specify measures to minimize impacts, as determined by the County Public Works Department and Planning and Building Department. All measures recommended by the traffic study shall be fully implemented. Such measures may include:

- Install signals at surface roads connecting to the Highway 166 and Hutton Road Interchange;
- Install signals to the Highway 166 and Highway 101 northbound on/off ramps;
- Install signals to the Highway 166 and Highway 101 southbound on/off ramps;

- Restrict hauling of hazardous materials to non-peak periods (no hauling 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M.; and,
- Provide funding to mitigate the project’s incremental impact on intersections, LOS, and physical condition of roadways.

**5.12.2.4 Cumulative Impacts**

The following section discusses the cumulative (Near-Term) scenario which includes the traffic generated by the proposed asphalt plant, LUO/LUE amendment, and cumulative projects listed in Chapter 8.0. ATE assumed a 5 percent growth factor for growth on the adjacent surface streets. Historically, Caltrans traffic data for U.S. Highway 101 indicates that the adjacent freeway section has experienced annual growth of less than 2 percent over a five year period. The cumulative scenario represents a worse case near-term growth scenario, not the General Plan buildout scenario.

Levels of service were calculated for the study area roadway and intersection and discussed in the following text. Roadway volumes for the cumulative + asphaltic concrete plant peak day scenario are listed in Table 5.12-7.

**Table 5.12-7. Cumulative + Asphaltic Concrete Plant Day Roadway Operations**

Roadway Segment	Roadway Type	ADT		
		Cumulative + Project	LOS	Impact
U.S. Highway 101				
-north of Cuyama Highway	4-Lane Freeway	51,192	LOS C	No
-south of Cuyama Highway	4-Lane Freeway	62,741	LOS C	No
Hutton Road				
-north of Cuyama Lane	2-Lane Roadway	8,407	LOS A	No
-south of Cuyama Lane	2-Lane Roadway	2,224	LOS A	No
Cuyama Lane				
-east of Hutton Road	2-Lane Roadway	13,626	LOS C	No
-east of U.S. Highway 101	2-Lane Roadway	2,424	LOS A	No

The data in Table 5.12-7 show that the addition of project traffic to the local street network would not change the existing LOS noted in Table 5.12-1 and therefore would not significantly impact the study area freeway and roadway segments based on San Luis Obispo County impact criteria, as they would continue to operate in the LOS A-C range. Intersection volumes for the cumulative + project scenario is listed in Tables 5.12-8 and 5.12-9.

The data in Tables 5.12-8 and 5.12-9 show that the addition of new traffic to the local street network adjacent to the project would not significantly impact the unsignalized study area intersections, as they would continue to operate in the LOS A-C range. As noted previously, no impacts to Tefft Street would occur from either construction or operation of the proposed asphalt plant.

**Table 5.12-8. Cumulative + Asphaltic Concrete Plant Peak  
Day A.M. Peak Hour Intersection Operations**

Intersection	A.M. Peak Hour		Impact
	Cumulative	Cumulative + Project	
	Delay-LOS	Delay-LOS	
U.S. Highway 101 NB Ramps/Cuyama Highway (S.R. 166) eastbound left/through movement: northbound approach:	7.8 sec – LOS A 11.3 sec – LOS B	7.8 sec – LOS A 11.9 sec – LOS B	No
U.S. Highway 101 SB Ramps/Cuyama Highway (S.R. 166) westbound left/through movement: southbound approach:	9.0 sec – LOS A 17.5 sec – LOS C	9.1 sec – LOS A 17.5 sec – LOS C	No
Hutton Road/Cuyama Lane eastbound left/through/right movement: westbound left/through/right movement: northbound approach: southbound approach:	7.6 sec – LOS A 7.3 sec – LOS A 8.8 sec – LOS A 14.6 sec – LOS B	7.6 sec – LOS A 7.3 sec – LOS A 8.8 sec – LOS A 18.4 sec – LOS C	No

**Table 5.12-9 Cumulative + Asphaltic Concrete Plant Peak  
Day P.M. Peak Hour Intersection Operations**

Intersection	A.M. Peak Hour		Impact
	Cumulative	Cumulative + Project	
	Delay-LOS	Delay-LOS	
U.S. Highway 101 NB Ramps/Cuyama Highway (S.R. 166) eastbound left/through movement: northbound approach:	7.7 sec – LOS A 13.9 sec – LOS B	7.7 sec – LOS A 13.9 sec – LOS B	No
U.S. Highway 101 SB Ramps/Cuyama Highway (S.R. 166) westbound left/through movement: southbound approach:	8.7 sec – LOS A 19.8 sec – LOS C	8.7 sec – LOS A 20.0 sec – LOS C	No
Hutton Road/Cuyama Lane eastbound left/through/right movement: westbound left/through/right movement: northbound approach: southbound approach:	8.1 sec – LOS A 7.4 sec – LOS A 9.0 sec – LOS A 16.5 sec – LOS C	8.1 sec – LOS A 7.4 sec – LOS A 9.1 sec – LOS A 16.8 sec – LOS C	No

## **5.13 WASTEWATER**

This section addresses the potential water quality impacts of the septic system proposed to accommodate two shifts of on-site employees for an asphaltic concrete plant. This section also addresses wastewater impacts associated with the LUO/LUE amendment.

### **5.13.1 Setting**

#### **5.13.1.1 Soil conditions**

Soils of the asphalt plant site have been mapped as Mocho Variant fine sandy loam, a deep, well-drained soil of alluvial fans and plains (Ernstrom, 1984). Ernstrom (1984) considers Mocho Variant fine sandy loam as having severe limitations for use as septic tank leach fields due to poor filtering capacity.

Soils of the LUO/LUE Amendment area have been mapped as Mocho Variant fine sandy loam, Xererts-Xerolls-Urban land complex, Xerothents (escarpment) and Riverwash. Xererts-Xerolls-Urban land complex include both poorly drained clay soils (Cropley and Diablo) and well drained alluvial soils. Xerothents (escarpment) soils are mostly well drained and composed of loam, sandy loam and loamy sand. Riverwash occurs within and along the Santa Maria River and is composed of excessively drained sand, loamy sand and sandy loam. In general, Ernstrom (1984) considers these well-drained soils as poor filters for septic leach fields, and areas of poorly drained Xerolls soils should be avoided due to slow percolation.

#### **5.13.1.2 Water Level Data and Trends**

The current groundwater level of the two on-site wells is unknown, but historic data (1942) for an adjacent well (no. 11N/34W-34A002S) indicates water levels may be as close as 25 feet from the ground surface. Long-term water level data is available from a well near Guadalupe (11N/35W-33G1) adjacent to the Santa Maria River, similar to the asphalt plant site. Water levels in this well fluctuated from about 16 to 78 feet below the ground surface over the period of 1930 through 2003 (SBCWA, 2004). Current water levels (1998 through 2003) at this well vary from 20.9 to 27.3 feet below the ground surface.

#### **5.13.1.3 Regulatory Requirements**

The following agencies and code have requirements for the design and installation of septic systems:

- Central Coast Regional Water Quality Control Board
- County of San Luis Obispo
- Uniform Plumbing Code

Applicable requirements for the asphalt plant site include:

- The minimum distance between the bottom of the leach field trench and groundwater is 8 feet for the expected percolation rate of 5 to 29 minutes per inch (5 feet if percolation rates are slower than 30 minutes per inch). This minimum distance may be greater if percolation rates are very fast;
- The septic tank and leach field must be located at least 200 feet from the Nipomo Community Services District well;
- The septic tank must be located at least 50 feet from Nipomo Creek and the Santa Maria River;
- The septic tank must be located at least 10 feet from any large trees, including proposed tree plantings;
- The leach field must be located at least 100 feet from Nipomo Creek and the Santa Maria River;
- The septic tank and leach field must be located at least 5 feet from the asphalt plant site property line;
- Based on a wastewater generation of 420 gallons per day (12 employees @ 35 gallons per employee [Table K-3 of the Uniform Plumbing Code]), the septic tank capacity should be at least 630 gallons (flow \* 1.5)<sup>1</sup>; and,
- The application rate (gallons wastewater per square feet of leach field per day) and absorption area (square feet of leach field) must match percolation rates, 0.6 gallons per square foot per day for percolation rate of less than 30 minutes per inch.

## 5.13.2 Impacts

### 5.13.2.1 Thresholds of Significance

Any project-related exceedance of the water quality objectives of the Central Coast Water Quality Control Plan would be considered a significant impact. Water quality objectives or “thresholds” for groundwater of the Santa Maria Valley subarea that may be exceeded by the operation of septic systems include:

1. Bacteria (median concentration of less than 2.2 colonies per 100 milliliters over seven days);
2. Nitrate (less than 8.0 mg per liter as nitrogen);
3. Chloride (less than 90 mg per liter); and
4. Total dissolved solids (TDS) (less than 1000 mg per liter).

Surface water quality objectives may also be exceeded for these same constituents.

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<sup>1</sup> Operators of trucks that deliver materials to or haul materials from the site would be restricted from using onsite restrooms.

### 5.13.2.2 Asphalt Plant Impacts

**Impact WW-1:** Wastewater from the proposed septic system may contact groundwater or adversely affect surface waters and result in exceedances of water quality objectives.

**Discussion:** Domestic wastewater generated by employees would be discharged to a leach field and percolate to the alluvial aquifer. Leach fields placed adjacent to the Santa Maria River and/or Nipomo Creek may also contaminate surface water. The septic system has not been sited or designed to date. However, septic system designs that do not comply with regulatory requirements listed above may result in elevated coliform bacteria, nitrate, chloride and TDS concentrations in local groundwater, including the Nipomo Community Services District well. Surface water quality objectives may also be exceeded. This potential impact is considered significant.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1, 2, 3, 4

**Mitigation Measure WW-1:** The following measures shall be completed prior to permit issuance to ensure compliance with regulatory requirements and prevent significant water quality impacts:

- A. A Piezometer test to be conducted at the proposed leach field during early spring to identify groundwater levels
- B. A percolation test shall be conducted at the site to determine expected percolation rates; and,
- C. The septic system design shall be submitted to the County for review and approval, demonstrating compliance with County and State septic system requirements regarding location, sizing, installation and maintenance of facilities. The septic system design must be approved by the County prior to permit issuance.

**Residual Impacts:** Implementation of the proposed mitigation measures would reduce the potential for impacts to a less than significant level.

### 5.13.2.3 LUO/LUE Amendment Impacts

**Impact WW-2:** Proposed changes in land use designations may decrease the amount of municipal wastewater generated but may increase the amount of industrial wastewater, which could impact water quality.

**Discussion:** As discussed in Section 5.14, the change in land use designation from RS and CS to IND should result in similar or possibly less water use. If there is a decrease in water use; it would also result in a decrease in municipal wastewater generation. Should the LUO/LUE Amendment area be annexed into the Nipomo

Community Services District, the area may be sewerred. If annexation does not occur, such wastewater would be disposed through septic systems.

Impacts may occur from future industrial development within the LUO/LUE amendment area if wastewater septic systems contact groundwater or adversely affects surface waters and result in exceedances of water quality objectives.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 1, 2, 3, 4

**Mitigation Measures:** To minimize such impacts, future industrial development within the LUO/LUE amendment area shall implement **Mitigation Measures WW-1 (A through C)**.

#### 5.13.2.4 Cumulative Impacts

The cumulative projects (including the Caldwell Minor Use Permit, Loomis Minor Use Permit and Troesh Land Use Ordinance Amendment) may result in wastewater from onsite septic systems contacting groundwater or adversely affecting surface waters and result in exceedances of water quality objectives through storm run-off if septic systems from these projects are improperly designed. Upon buildout of the LUO/LUE amendment area, there may be significant wastewater impacts depending on the allowable industrial uses that develop within the area. It is possible, given that some parcels may be combined so that large industrial facilities, such as a chemical products or metal machinery manufacturing plant, are constructed. These large facilities, in combination with the cumulative projects, may result in long-term impacts. Such impacts may include discharges of nitrates, chloride, or TDS at levels that exceed the Central Coast Water Quality Control Plan (Basin Plan).

The Basin Plan guides activities of the Central Coast Regional Water Quality Control Board and staff by identifying beneficial uses, requiring implementation plans for the protection of beneficial uses, monitoring to ensure protection of beneficial uses, and setting water quality objectives and criteria. To minimize cumulative impacts and prevent conflicts with the objectives and criteria of the Basin Plan, **Mitigation Measures WW-1 (A through C)** shall be implemented.



## 5.14 WATER RESOURCES AND FLOODING

This section addresses potential impacts of the proposed asphalt hot-mix plant and associated LUO/LUE amendment to surface water and groundwater supplies, water quality and flooding. The proposed asphalt plant proposes to utilize an on-site well as its water source; the future industrial uses within the LUO/LUE amendment area would rely on wells as well. The proposed water supply sources rely on withdrawals from the Nipomo Mesa hydrologic sub-basin~~area~~ of the Santa Maria Groundwater Basin (SMGB), which is currently listed as a Level of Severity II of by the 2003 County Annual Resources Summary Report.

This section references a number of recent groundwater studies conducted in the Nipomo Mesa area by private consultants and by State and/or regional resource agencies, which are referenced where applicable. The reports documented below have been completed and were available for review at the time this EIR section was written. Information contained within each of the reports was used in assessing the potential impacts from the proposed project in this EIR. Water resources reports used in preparation of this EIR analysis include:

- *Water Resources of the Arroyo Grande – Nipomo Mesa Area in 2002*: California Department of Water Resources (DWR), October 25, 2002 (hereinafter referred to as the 2002 DWR report).

The 2002 DWR report took ten years to complete, reviewed hundreds of previously published technical reports (including the 1996a, 1997, 1998 Cleath reports), and is based on continual revision and input from hydrologists, geologists, engineers, and planning experts. The 2002 DWR report consolidates the myriad of information concerning groundwater resources within the SMGB, and assesses the state of groundwater resources of the study area.

- *Nipomo Mesa Groundwater Resource Capacity Study, San Luis Obispo County, California*: S.S. Papadopoulos & Associates, Inc., March 2004 (hereinafter referred to as the 2004 Papadopoulos report).

The 2004 Papadopoulos report was prepared under contract to the County of San Luis Obispo as a basis for updating the County's Resource Capacity System (County RCS). This study reviewed information from the 2002 DWR report and other water resource assessments of the Nipomo Mesa and vicinity, and presented an assessment of groundwater resources of the Nipomo Mesa.

- *Final EIR-Summit Station Land Use Ordinance Amendment*: EMC Planning Group Inc., September 2004 (hereinafter referred to as the Summit Station EIR).

The Summit Station EIR was written to specifically assess the potential impacts on water resources in the Nipomo Mesa sub-basin~~area~~ from an increase in residential density that would occur as a result of the LUO Amendment. The Summit Station EIR includes a technical report prepared in 2003 by Cleath & Associates (which is documented below), as well as recognizes the other reports previously referenced.

- *Water and Wastewater Impacts Analysis for the Summit Station Area Land Use Ordinance Amendment*: Cleath & Associates June 2003 (hereinafter referred to as the 2003 Cleath report).

The 2003 Cleath report utilizes existing information on groundwater resources as a basis for evaluating potential effects from the Summit Station LUO Amendment. The 2003 Cleath report relies most significantly on a comprehensive analysis of the water resources in the Nipomo Mesa area in the 2002 DWR report.

There continue to be differing conclusions among various experts concerning the status of the SMGB. The reader is encouraged to refer to the technical reports, which can be found on the County and DWR websites, for more detailed information (<http://www.slocountywater.org>, <http://www.sloplanning.org/environmental>, and [http://www.dpla.water.ca.gov/sd/water\\_quality](http://www.dpla.water.ca.gov/sd/water_quality)).

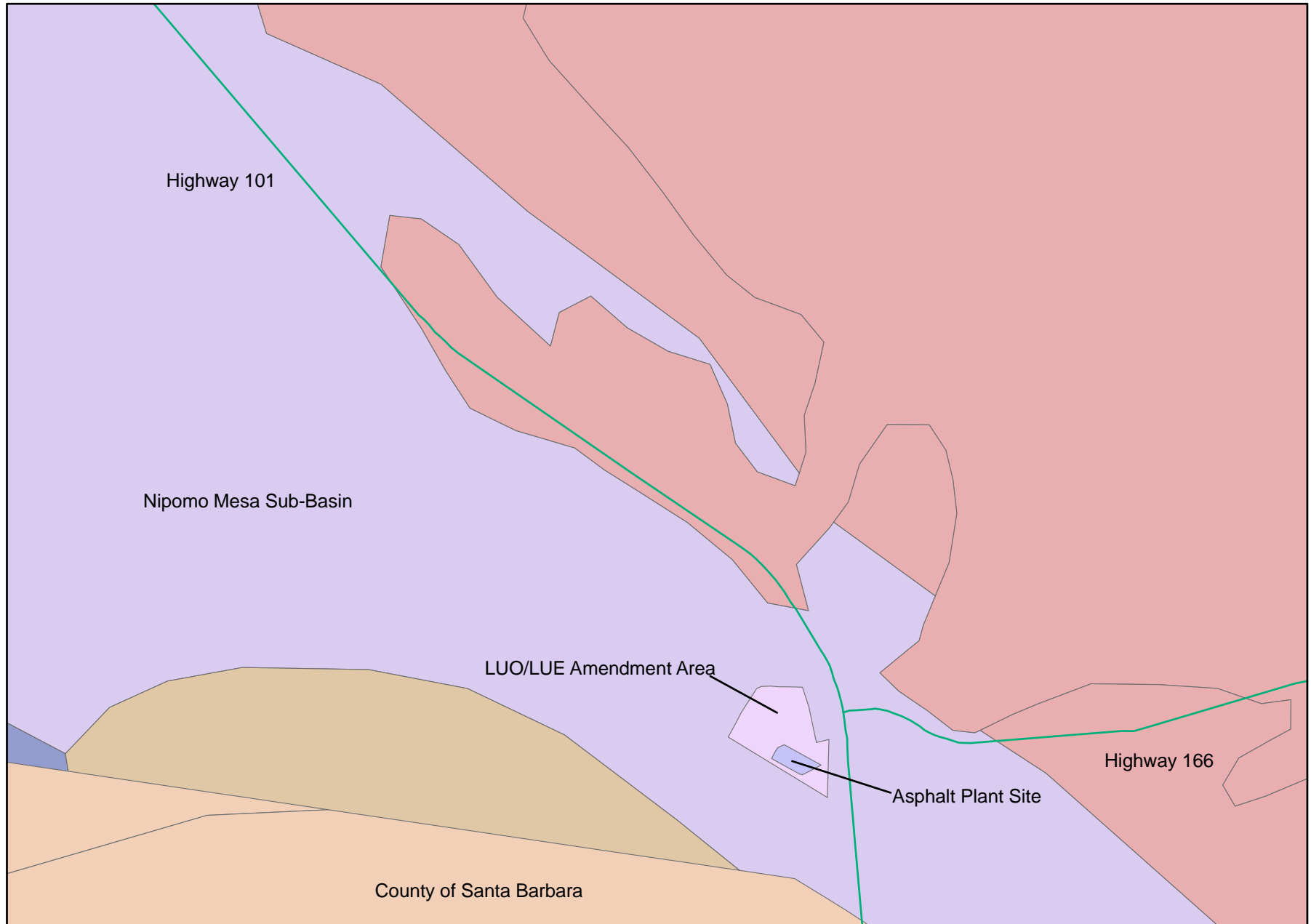
### **5.14.1 Setting**

#### **5.14.1.1 Basin Boundaries and Hydrology**

The proposed project is located in the SMGB, which lies in northwestern Santa Barbara and southwestern San Luis Obispo counties. The SMGB is managed by the Santa Maria Valley Water Conservation District, which occupies approximately 36,000 acres, most of which is in Santa Barbara County. The Basin comprises approximately 280 square miles (181,790 acres), including about 61,220 acres within southern San Luis Obispo County. A portion of the district extends north of the Santa Maria River into San Luis Obispo County, west of U.S. highway 101. Twitchell Reservoir on the Cuyama River (a tributary of the Santa Maria River) is a major groundwater recharged facility within the basin and there are other stormwater retention and recharge basins in the Santa Maria area. The Basin is divided into four sub-areas: the main Basin in Santa Maria Valley, the Arroyo Grande, Pismo Creek, and Nipomo valleys.

The SMGB is bounded on the north by the San Luis and Santa Lucia Ranges, on the east by the San Rafael Mountains, on the south by the Solomon Hills and the San Antonio Creek Valley Groundwater Basin, on the southwest by the Casmalia Hills, and on the west by the Pacific Ocean. Several rivers and creeks drain westward to the Pacific Ocean. The Santa Maria Valley is drained by the Sisquoc, Cuyama, and Santa Maria Rivers and Orcutt Creek. The Tri-Cities Mesa and Arroyo Grande Plain are drained by Arroyo Grande and Pismo Creeks. Nipomo Valley is drained by Nipomo Creek into the Santa Maria River. Annual precipitation ranges from 13 to 17 inches, with an average of 15 inches. The project site is located within the Nipomo Mesa Hydrologic Sub-area of the Basin (see Figure 5.14-1).

There have been multiple water resource studies conducted within the SMGB, many with differences in opinion regarding the status of the basin. The 2002 DWR documents several detailed reports that confirms that there are cyclical periods of drawdown and recharge within the basin as a whole, but over the period of time since World War II to the present, the basin is essentially in steady state. Based on modeling performed in previous reports, the 2002 DWR report states that the dependable yield from the groundwater basin is approximately 124,000 acre-feet per year (AFY). This yield estimate applies to the entire SMGB, most of which is in Santa Barbara County.



Source: County of San Luis Obispo

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The 2002 DWR report suggests that in broad terms, the amount of groundwater within the basin as a whole is in steady state. That is, the rate of withdrawals throughout the basin is approximately equal to the rate of recharge. Since the study period of the 2002 DWR report, deliveries from the State Water Project have started in Santa Maria, and the DWR indicates that the importation of State water has offset much of the theoretical overdraft identified in earlier reports. The 2002 DWR report indicates that overall use and recharge in the SMGB are equal at approximately 120,000 AFY.

**Nipomo Mesa Hydrologic Sub-area.** As previously mentioned, multiple studies have been undertaken to evaluate the extent of groundwater resources within the SMGB and specifically the Nipomo Mesa hydrologic sub-area. While the “equilibrium conclusion” surrounding the entire SMGB is generally accepted by reference in the 2002 DWR and the 2003 Cleath reports, it does not reflect the localized situation in the San Luis Obispo County portion of the SMGB and particularly in the Nipomo Mesa subarea.

The 2002 DWR report estimates that the safe dependable yield of the SMGB within San Luis Obispo County ranges between 19,800 and 24,600 AFY. For the Nipomo Mesa portion, the range is approximately 6,000 AFY.

In some drier years, groundwater withdrawals in Nipomo Mesa have caused localized depressions in the water table. The localized groundwater depressions have reduced the amount of groundwater flowing towards the Pacific Ocean, but have not adversely affected the overall flow of groundwater through the San Luis Obispo County portion of the SMGB. However, experts generally agree that the current withdrawal rates from the Nipomo Mesa sub-[basinarea](#) are at the limit of the groundwater yield that can be safely sustained from the local area.

The 2002 DWR report documents these localized depressions with data from 1975, 1985, and 1995. The figures in the 2002 DWR report show that the depressions enlarged over that time period (1975-1995), and then reduced somewhat by the year 2000. When these localized depressions occur, they require greater pumping energy, and cause the costs for operating nearby wells within the localized depression to go up. The localized groundwater depressions in Nipomo Mesa have not adversely affected the overall flow of groundwater through the SMGB. However, it is clear based on the 2002 DWR and 2004 Papadopulos reports that the current withdrawal rates from the Nipomo Mesa sub-[basinarea](#) are approximately at the limit of the groundwater yield that can be safely sustained from the local area.

The 2002 DWR report states that, *“the projected deficiencies in the water budget in water years 2010 and 2020 for the three portions of the main Santa Maria Basin do not necessarily imply overdraft conditions in those years. Projected extractions are within the range of dependable yield estimates, with the exception of the Nipomo Mesa in 2020.”* For the Nipomo Mesa area, the report states that, *“projected groundwater demand exceeds the estimated dependable yield by approximately 50 percent in 2010 and 80 percent in 2020.”*

Since the Nipomo Mesa sub-[basinarea](#) is connected to the much larger SMGB, this dynamic interconnected groundwater system continually seeks new equilibrium as development increases and more water is extracted to supply domestic demands (Cleath 2003). The 2003

Cleath report states that as more water is extracted from the Nipomo Mesa portion, increased outflow from the Santa Maria portion of the basin into the Nipomo Mesa sub-basin~~area~~ occurs to compensate for the amount withdrawn from the Nipomo Mesa sub-basin~~area~~.

The general consensus amongst experts, including the 2003 Cleath and 2002 DWR reports, is that reductions in subsurface outflow (i.e., less groundwater flowing to the ocean) and changes in of groundwater in storage) in the Nipomo Mesa area. However, the 2002 DWR report concludes that because of the potential for adverse effects to the SMGB, increasing amounts of subsurface flow from the Santa Maria Valley portion of the basin into the Nipomo Mesa portion of the basin to compensate for the groundwater deficit within the Nipomo Mesa area should not be used as a long-term solution to water supply needs in the Nipomo Mesa area.

The 2002 DWR report states, *“the long-term solution to water supply needs will result from good basin management, increased monitoring, cooperative agreements, and provisions for supplemental water that either exist or are being pursued by water purveyors. Basin management should address and mitigate deficiencies in water budgets.”*

Though the 2002 DWR report concludes that SMGB overdraft is not likely through year 2020, it does indicate that projected water demand significantly exceeds dependable safe yield in the Nipomo Mesa sub-basin~~area~~. This conclusion reflects the need for differentiating between local and regional groundwater conditions. The SMGB may not be in overdraft by 2020, but local inflow/outflow deficiencies on the Nipomo Mesa can significantly impact individual well owners throughout the SMGB.

The 2004 Papadopulos report reviewed all applicable reports and findings as part of a Resource Capacity Study triggered by the County Resource Management System. This report’s focus was to address many of the unanswered questions resulting from previous and conflicting water studies. After reviewing the previous reports and analyzing additional information (including pumping records from wells located in the Nipomo Mesa area), the Papadopulos report has concluded that the Nipomo Mesa sub-basin~~area~~ is indeed in overdraft, and the greater SMGB is in “steady decline.”

The 2004 Papadopulos report also goes on to discuss that the 2002 DWR report contains several inconsistencies regarding their conclusions about the state of overdraft in the Nipomo Mesa sub-basin~~area~~. The 2004 Papadopulos report states *“The DWR’s conclusions seem to confuse the assessment of water resource capacity and manifestation of exceeding dependable yield. The DWR analysis, projections and water budget estimates clearly indicate that groundwater pumping in the Nipomo Mesa is in excess of dependable yield and that overdraft conditions have existed and are expected in the future.”* The DWR report declines to state that the Nipomo Mesa sub-basin~~area~~ is in overdraft, even though by their own definition, it is in overdraft condition.

The 2004 Papadopulos report also states *“...the Cleath reports may provide reasonable assessments of additional future impacts from individual projects, but some of the modeling simulations do not provide realistic estimates of future groundwater conditions because they do not contain provisions for increased demands elsewhere in the basin, nor provide for prolonged periods with less than average rainfall. Modeling assumptions and parameters such as*

*transmissivity used appear to be too high, and likely underestimate the water level decline near the coast and the potential for seawater intrusion.”*

**Groundwater Rights.** The amount of groundwater that can be used by an overlying groundwater rights holder is not defined by law. An overlying property owner is entitled to all the water the owner can pump and beneficially use on his property until it adversely affects another neighboring property owners ability to adequately produce water for use on their property. Groundwater can be produced by the applicants for use on their properties on the basis of this right (Summit Station, FEIR 2004). This being the case, the applicants of the proposed project can establish production wells and withdraw groundwater for domestic use so long as it does not have a significant affect on neighboring production wells of the NCSD and other private property owners.

**Groundwater Pumping Depressions.** Drawdown interference occurs when the cone of depression of a pumping well lowers the water level at a nearby or adjacent pumping well. Several factors influence static and dynamic water levels and the intervening drawdown interference. Primarily, pumping rates of the individual wells and the proximity of two competing pumping wells are the main factors. For instance, the closer the wells are to one another, the greater the influence each well would have on the other. If “Well A” pumps twice as much groundwater as “Well B”, Well A’s influence on Well B is twice as great as Well B’s influence on Well A, and vice-versa.

The cone of depression may be a dewatered area in an unconfined aquifer, or an area of lower dynamic head (pressure) in a confined aquifer. In either case, the radius of the cone expands until the amount of water moving toward the well is equal to the amount being pumped out. In some cases, these cones of depression exist only when a well is actively pumping, and then dissipate quickly during recovery (non-pumping) periods. In other cases, these cones of depression are persistent over time and may overlap with the cones of depression from other wells to form extended pumping depressions and potentially longer-term impacts to surrounding wells. The shape of cones of depression from pumping wells under short-term conditions (nonequilibrium) are related to the amount of well production, duration of pumping, and aquifer transmissivity and storativity. The amount of water level drawdown (interference) within the cone is directly proportional to the rate of pumping. If the rate of pumping is increased 10 percent, the drawdown increases 10 percent. Under long-term conditions (equilibrium), only aquifer thickness at a location within the cone and at the pumping well. Not only is the drawdown directly proportional to discharge, the rate of drawdown over time is also proportional. The amount of drawdown in feet (and any increase in drawdown due to increases in production) closest to the edge of the cone will be less than at the center of the cone, but discharge is proportional to drawdown at any particular location (Summit Station FEIR, 2004).

#### **5.14.1.2 Groundwater Quality**

Water quality varies from source to source and is influenced by natural and human factors. Natural influences include the layers of rock and soil surrounding an aquifer or surface conveyance, which determine the types and amount of minerals found in surface water or groundwater. Human impacts on water quality result from such activities as urbanization (stormwater runoff and septic tanks), agricultural irrigation (runoff from irrigated land), direct

disposal of wastewater into waterways, and grazing of livestock.

The California Department of Health Services (DHS) has set Maximum Contaminant Levels (MCLs), which are enforceable, regulatory levels under the Safe Drinking Water Act that must be met by all public drinking water systems to which they apply. Primary MCLs are established for a number of chemical and radioactive contaminants, while Secondary MCLs are set for taste, odor, or appearance of drinking water. Action Levels (ALs) are health-based advisory levels established by DHS for chemicals for which primary MCLs have not been adopted. They are not enforceable standards, but exceedances do prompt requirements for local government notification, recommendations for consumer notice and, at higher levels, recommendations for source removal. In addition, there are a number of unregulated chemicals that are or may be required to be monitored, depending on the vulnerability of drinking water sources.

Water quality comparisons typically focus on Total Dissolved Solids (TDS), chloride, and nitrates. Elevated chloride levels associated with seawater intrusion occur when there are no geological barriers (impermeable bedrock or clay layers) between coastal groundwater basins and the basins under the ocean that are saturated with seawater. The likelihood of seawater intrusion is increased when extensive pumping of groundwater basins adjacent to the ocean affects groundwater flow gradients and seawater is drawn inland. Irrigated agriculture also increases chloride levels in groundwater by introducing problems of poor drainage and increasing evaporation.

Nitrates can accumulate in watersheds due to the use of fertilizers or the presence of poorly maintained septic systems. Nitrogen not taken up by plants can leach through the soil to groundwater and then flow to recharge areas or private wells. Nitrates are of particular concern in drinking water sources because nitrates interfere with the absorption of oxygen into the bloodstream.

High levels of total dissolved solids frequently impair the use of groundwater in California. In Santa Barbara County, several groundwater basins show degradation of water quality due to high TDS levels. Total dissolved solids may be increased through natural dissolution of soluble materials, reduction in recharge from surface waters, and constant cycling and evaporation of irrigation water.

**Characterization.** Groundwater character in this Basin is variable and classified as a mixed-ion type, where there is no dominant cation or anion (DWR 2002). The central part of the Basin in San Luis Obispo County is chiefly calcium-magnesium sulfate; whereas, groundwater in the northwestern part of the Basin is more commonly calcium bicarbonate or calcium sulfate in character (DWR 2002). Total dissolved solids (TDS) concentrations vary throughout the Basin, but tend to increase from east to west (SBCWA 1999; 2001) and increase toward the center of the Basin beneath the cities of Santa Maria and Guadalupe in Santa Barbara County (DWR 1964). TDS concentrations also increase southward, away from the recharge area of the Santa Maria River (SBCWA 1999; 2001). East of Guadalupe, TDS concentrations increased to more than 3,000 mg/L in 1975 (SBCWA 1999; 2001). Water from 78 public supply wells has an average TDS content is 598 mg/L and ranges from 139 to 1,200 mg/L. The water quality objective of the Water Quality Control Plan for the Central Coast Region for TDS is 1,000 milligrams/liter.



The City of Santa Maria holds a 16,200 af per year entitlement to State Water, and has been receiving deliveries since 1997. In 2003, the City obtained 12,317 af from the State Water Project (SBCWA, 2004). Return flows from this higher quality water are expected to improve groundwater quality in the Santa Maria Valley in the long-term.

**Impairments.** Historically, the Santa Maria Valley Groundwater Basin has been subject to high nitrate concentrations, particularly in the vicinity of the City of Santa Maria and in Guadalupe (SBCWA 1999; 2001; DWR 2002). Nitrate concentrations have been recorded as high as 240 mg/L (DWR 2002). Fifteen of 81 public supply wells sampled during 1994 through 2000 show nitrate concentrations that exceed the maximum contaminant level (MCL, 45 mg/l for nitrate). High TDS, sulfate or chloride content impairs groundwater in some parts of the Basin (DWR 2002).

### 5.14.1.3 Surface Water Resources

The project site is located adjacent to the north bank of the Santa Maria River near its confluence with Nipomo Creek. The Santa Maria River begins at the confluence of the Sisquoc and Cuyama rivers about 20 miles from the coast. The Santa Maria portion of the watershed, which includes the Sisquoc and Santa Maria Rivers, covers an area of 453,777 acres. The Cuyama portion of the watershed encompasses approximately 732,147 acres. The Santa Maria River is the major surface water feature in the region, and is a major source of recharge to the aquifers beneath the Santa Maria Valley. The Cuyama River portion of the watershed has been controlled by Twitchell Dam since 1959. Floodwaters impounded by the Dam are released to the Santa Maria River for percolation to aquifers. Measurable surface flow occurs in the Santa Maria River only about 10 days per year (S.S. Papadopoulos, 2004).

Based on stream flow monitoring between 1941 and 1987 at Guadalupe, peak stream flow in the Santa Maria River has varied from not measurable to 27,200 cubic feet per second (1969). Much of the watershed is controlled by the Twitchell Dam, which limits peak flow rates.

Nipomo Creek has a drainage area of about 20 square miles, and extends about nine miles from its headwaters to its confluence with the Santa Maria River. Stream flow is not measured, but average annual run-off is estimated at 800 to 925 af (DWR, 2002).

### 5.14.1.4 Surface Water Quality

The Santa Maria River is considered to support the following beneficial uses (Central Coast Regional Water Quality Control Board, 1994): municipal and domestic supply, agricultural supply, industrial service supply, groundwater recharge, non-water contact recreation, wildlife habitat, cold freshwater habitat, warm freshwater habitat, migratory habitat, rare species habitat, and freshwater replenishment.

Surface water quality data for the Santa Maria River is scant due to the ephemeral nature of the river. Base flow factors affecting water quality include rising water due to percolation of rainfall and releases from Twitchell Reservoir, discharges of treated water, and runoff from agricultural and urban areas. Total Dissolved Solids (TDS) concentrations have ranged from 250 milligrams per liter (mg/l) for stormwater runoff and 1,600 mg/l for low, late season flows. The chemical

character of the water ranges from a magnesium carbonate character during stormwater flows to a calcium-magnesium-sulfate character during low flow (DWR, 2002).

Both the Santa Maria River and Nipomo Creek are considered impaired under the Clean Water Act Section 303(d) list. The term “impaired” refers to the finding that the subject waterbody does not fully support identified beneficial uses. The Santa Maria River is considered impaired for fecal coliform and nitrate, due to inputs from agriculture, pasture grazing and urban run-off. Nipomo Creek is considered impaired due to elevated fecal coliform concentrations associated with inputs from agriculture, urban run-off and natural sources.

**5.14.1.5 Existing Groundwater Wells**

A well was completed in 1988 within the boundaries of the proposed asphalt plant site. This well is currently used to supply the process needs of the existing Portland cement batch plant, and dust control needs of the batch plant and adjacent concrete recycling facility. A second well is located approximately 350 feet east of this well, and is used by the Nipomo Community Services District to provide water to the Nipomo area. Other wells of the Santa Maria Valley sub-area in the vicinity of the on-site well are listed in Table 5.14-1.

Two of these groundwater wells are located within the LUO/LUE Amendment area (11N34W34A001S & 11N34W34A002S). Information regarding the depth, diameter, and completed intervals of the wells is not known. Based on hydrographs reviewed on the Department of Water Resources Website, the wells were drilled in the 1940’s. Given their location adjacent to the Santa Maria River, they are probably completed in alluvial deposits which reach a maximum thickness of about 250 feet.

Wells completed in the alluvial deposits of the Santa Maria Groundwater Basin average about 281 feet in depth (range 16 to 1220 feet), and produce from 13 to 2,300 gallons per minute (gpm), with an average production of 60 gpm (DWR, 2002).

**Table 5.14-1. Nearest Wells in the Santa Maria Valley Sub-area**

Well no.	Distance to On-site well (feet)	Recorded Water Level (year)
Nipomo Community Services District	350	Unknown
11N34W34A001S	500	40.6 (1959)
11N34W34A002S	900	25.0 (1942)
11N34W27P001S	3900	125.8 (1980)
11N34W27P002S	2800	135.9 (1975)
11N34W27E001S	5500	180.9 (1980)
11N34W34J001S	2400	88.5 (1955)
11N34W34J002S	2500	73.5 (1968)

#### 5.14.1.6 Water Demand

**Asphalt Plant Site.** Groundwater production rates of the existing well at the proposed asphalt plant site is unknown.

**LUO/LUE Amendment Area.** Current water use within the LUO/LUE Amendment area is unknown. However, water demand at buildout conditions under existing land use designations would be approximately 8.8 afy. This value was estimated from a water duty factor developed for the City of Santa Maria for commercial land uses (0.06 afy/ac - CS designation) and a projects-specific duty factor for residential uses. See discussion below for more detail:

##### Commercial land uses

- 44.7 acres of CS
- City of Santa Maria water duty factor = 0.06 afy/ac
- Total commercial service water use is 2.68

##### Residential land uses

- 9.3 acres of RS (all on bluff slopes)
- Average slope around 17% = 2 acre minimum parcel size with community water
- Total lots – up to four
- Number of potential residences on each lot – one primary and one secondary on each = 4 primary and 4 secondary residences
- Each primary residence = 1.260 afy; 4 primary residences = 5.04 afy
- Each secondary residence = 0.270 afy; 4 secondary residences = 1.08 afy
- Total residential water usage = 6.12 afy

#### 5.14.1.7 Community Water Purveyors

The LUO/LUE Amendment area is not currently served by a water purveyor and is dependent on local wells. However, the Nipomo Community Services District is currently considering annexation of the LUO/LUE Amendment area as part of a larger sphere of influence study. If annexation occurs, water would likely be supplied by pipeline from the City of Santa Maria (San Luis Obispo Local Agency Formation Commission, 2003).

#### 5.14.1.8 Drainage and Flooding

The asphalt plant site and much of the LUO/LUE amendment area is located within the 100-year floodplain, per the National Flood Insurance Program (NFIP) program managed by the

Federal Emergency Management Agency (FEMA) (see Figure 5.14-2). Drainages that may contribute to flooding at the project site include Nipomo Creek and the Santa Maria River. Flows in the Santa Maria River are mostly regulated by Twitchell Dam, which is located on the Cuyama River upstream of the confluence of the Cuyama and Sisquoc rivers. There are no flood control dams or other structures on the Santa Maria River or Nipomo Creek. Levees in the project area are limited to the south bank of the Santa Maria River, the asphalt plant site is not protected by levees.

The NFIP and County Land Use Ordinance requires that within areas designated as the 100-year floodplain, building floor elevations must be a minimum of 12 inches above the flood water levels. Areas within the designated floodway must be reserved to discharge the 100-year flood while cumulatively increasing the water surface elevation more than one foot. Generally, buildings and structures that would obstruct flood flow or be subject to flood damage are prohibited within the floodway.

It is important to note that although the area is within the designated 100-year floodplain, actual flood stage elevations for the area are not available (pers. comm. Tim Tomlinson, County Public Works 2005). Mitigated Measures recommended in this Chapter include designing and constructed detention basins and berms at elevations a minimum 1-foot above the 100-year flood profile and designed to withstand a 100-year flood event. Because the flood stage elevations for the project area are not available, it is impossible to determine what the actual elevations of the structure will be, nor it is possible to determine what the visual impacts of constructing such structures will be.

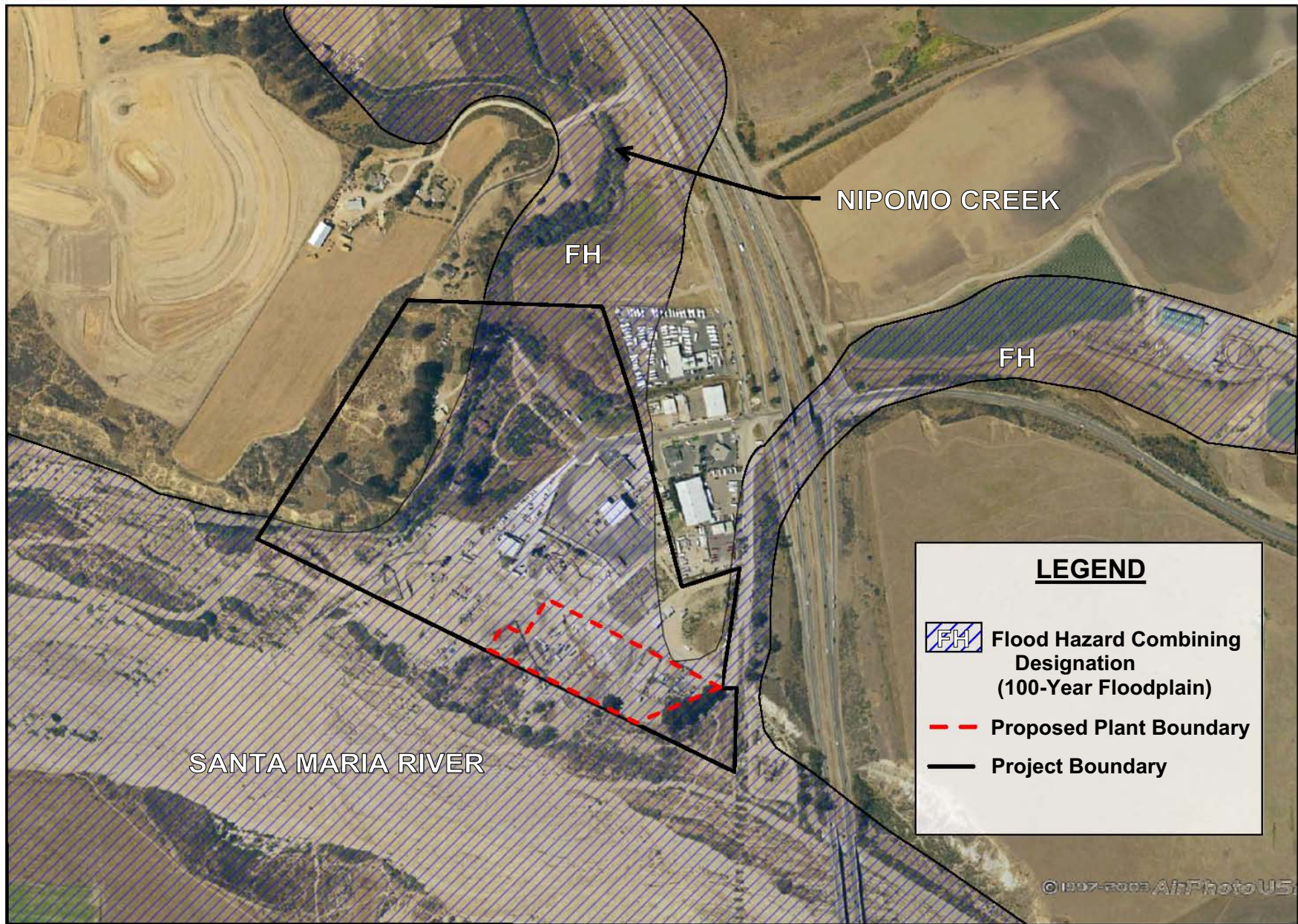
## 5.14.2 Regulatory Setting

### 5.14.2.1 Federal Policies and Regulations

The Safe Drinking Water Act implemented by the U.S. Environmental Protection Agency (EPA) is the primary federal regulation controlling drinking water quality. It was originally implemented in 1974 with significant revisions in 1986. The Act originally set standards for 83 individual constituents, including pesticides, trihalomethanes, arsenic, selenium, radionuclides, nitrates, toxic metals, bacteria, viruses, and pathogens. The 1996 amendment to the Act made some significant changes, most of which resulted in more stringent application of controls. The amended Act also adopted a more rigorous schedule for amending the Disinfectants/Disinfection By-Products Rule and the Enhanced Surface Water Treatment Rule, both of which took effect in 1998.

Federal permits relating to water utilities or infrastructure would be required only if the proposed project resulted in U.S. Army Corps of Engineers involvement or U.S. Fish and Wildlife Service involvement if issues concerning the project resulted in construction of new infrastructure such as pipelines, utility lines, etc. in sensitive habitat areas.





Basemap Source: County of San Luis Obispo

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### **5.14.2.2 State Policies and Regulations**

The establishment and enforcement of water quality standards for the discharge into and maintenance of water throughout California is managed by the State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCB). The SWRCB enforces the federal Clean Water Act on behalf of the EPA. Most of the quantitative objectives are based on the California Code of Regulations (CCR), Title 22 - State Drinking Water Standards. Other considerations include the University of California Agricultural Extension Guidelines for Agricultural Irrigation Use, the Porter-Cologne Water Quality Control Act, and the Water Quality Control Board's Non-degradation Policy. The County of San Luis Obispo lies entirely within Region 3 - Central Coast Regional Water Quality Control Board. The RWQCB is the primary State agency ensuring that the quality of potable water supplies is protected from harmful effects by man.

The California Department of Health Services (DHS) is responsible for overseeing the quality of water once it is in storage and distribution systems. DHS oversees the self-monitoring and reporting program implemented by all water purveyors, performs inspections, and assists with financing water system improvements for the purpose of providing safer and more reliable service.

Section 10910 of the State Water Code requires the County of San Luis Obispo to identify the agency or entity (e.g. NCSO) responsible for providing water service to the area and to request that the agency determine whether the project was included within the current Urban Water Management Plan maintained by that water agency. If no such plan exists, or if the proposed project was not considered, then the agency must prepare a water supply assessment for the project. The assessment shall include a discussion as to whether the public agency or entities total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project. In addition, the agency's existing and planned future uses, including agricultural and manufacturing uses need to be taken into account. There are other specifications regarding the water supply assessment in the Water Code and the County must prepare the assessment if it is unable to identify a water supply agency. The implementation of this requirement is triggered by the County's determination that the project is subject to CEQA and is completed separate from but simultaneously to the CEQA process.

### **5.14.2.3 Local Policies and Regulations**

The County, if the designated water purveyor, allocates water at the time of building permit issuance on a first come, first serve basis. At the time of building permit issuance, the County determines a project's water demand and the availability of water for allocation to the project. County staff then evaluates existing water supply to see if it is sufficient to meet the increase in demand, accounting for adjustment of the adopted growth rate. The County influences the use of water for residential and non-residential purposes by considering the availability of water in the approval of development projects and has measures in place to reduce long-term impacts to water supply. Long-term water supply is analyzed annually as part of the County Resource

### Management System (RMS).

As part of the RMS, and per the request of the Board of Supervisors a Resource Capacity Study was prepared to assess the long-term water supply of the Nipomo Mesa area. The Resource Capacity Study confirms that for the Nipomo Mesa area, demand presently equals or exceeds the dependable yield. The Resources Capacity Study recommended a Level of Severity III for the water resources of the Nipomo Mesa area.

For other portions of the basin, demand may equal or exceed the dependable yield by 2010 before a supplemental water supply can be reasonably expected to be secured. The Resources Capacity Study recommended a Level of Severity II for the balance of the basin within the San Luis Obispo County.

It should be noted that the Board of Supervisors has not voted on the recommended Level of Severity III for the Nipomo Mesa Area for 2005, and the current Level of Severity is designated at II. The Resource Capacity Study includes three "action requirements" for the Board to consider that would accompany a Level of Severity III determination: According to the staff report that accompanied the Resources Capacity Study, if Level III is found to exist, the board shall make formal findings to that effect, citing the basis for the findings, and shall:

1. Institute appropriate measures (including capital programs) to correct the critical resource deficiency, or at least restore Level II so that severe restrictions will be unnecessary.
2. Adopt growth management or other urgency measures to initiate whatever restrictions are necessary to minimize or halt further resource depletion.
3. Enact a moratorium on land development, or other appropriate measures, in the area that is affected by the resource problem until such time that the project provides additional resource capacity to support such development.

The County can initiate measures that involve the land use and building permitting process. However, since the County is not a water purveyor on the Nipomo Mesa area, some of these measures will need to be undertaken by the NCSO, Cal Cities Water Company, and other community water systems, acting separately or as part of a coordinated effort.

Suggested measures to be undertaken by the water purveyors include:

1. Adopt an array of conservation measures that will achieve an overall reduction of 15% by 2010 and 30% by 2020, compared to 2003 consumption. Such conservation measures may include:
  - Mandatory retrofit of toilets, showerheads and faucets with low-water-use fixtures upon change of use, expansion of use or change of ownership of any residential or non-residential structure in the district service area.
  - Provision of incentives for voluntary retrofit.



- Adoption of an effective ascending block rate pricing structure consistent with Pacific Institute recommendations.
  - Adoption of an ordinance prohibiting wasteful outdoor water use.
  - Provision of leak detection assistance to customers.
  - An on-going leak detection program for the delivery system.
  - On-going customer education programs, including provision of water conservation information to applicants for new service, water bills comparing current use to historical use and average use for comparable accounts, advertising using newspapers, television and radio, public school education programs and landscape water-use audits for customers.
  - Provision of incentives for installation of low-water-use appliances such as clothes washers and dishwashers and automatic shut-off devices.
  - Provision of incentives for conversion to low-water-use landscaping.
2. Increase the use of reclaimed water from wastewater treatment plants and other sources.
  3. Secure supplemental water supplies in sufficient quantity, when combined with conservation measures, to meet demand at the 2010, 2020, 2030 and buildout milestones, while limiting non-agricultural groundwater extractions to no more than 3,400 AFY.

### **5.14.3 Impact Analysis**

#### **5.14.3.1 Thresholds of Significance**

CEQA Appendix G (Environmental Checklist) states that a significant water resource impact would occur if the project:

1. Substantially depletes groundwater supplies or interferes substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);
2. Requires or results in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental issues; or,
3. Did not have sufficient water supplies available to serve the project from existing entitlements and resources.

In addition, the County Resource Management System (RMS) has studied and tracked water

supply and delivery systems throughout the County, and provides a more specific set of criteria in its evaluation process.

The RMS defines the two highest levels of severity for water supply as follows:

- Level of Severity II: When projected water demand over the next seven years equals or exceeds the estimated dependable supply.
- Level of Severity III: When the existing water demand equals or exceeds the dependable supply.

For water delivery systems, the levels of severity are similar:

- Level of Severity II: When the water delivery system is projected to reach design capacity within the next five years.
- Level of Severity III: When the water delivery system reaches its design capacity.

The 2001 Annual Resource Summary Report recommended a Level of Severity II for the Nipomo Mesa sub-[basin area](#) of the SMGB. The 2001 report interprets this level as “...the crucial point at which some moderation of the rate of resource use must occur to prevent exceeding the resource capacity.” The 2002 Annual Resource Summary Report withheld any recommendation, pending completion of the 2002 DWR report that was underway at the time. After the 2002 DWR report was published, the 2003 Annual Resources Summary Report continued the County’s recommendation for a Level of Severity II. The 2004 Annual Resources Summary Report certified the Level of Severity II recommendation based on information contained in the *Nipomo Mesa Groundwater Resource Capacity Study, San Luis Obispo County, California: S.S. Papadopoulos & Associates, Inc.* Recently the County evaluated the recommendations suggested in the 2004 Papadopoulos report and declared the basin in overdraft (as is found to be the case 2004 Papadopoulos report), thus issuing a Level of Severity III (which indicates that existing demand equals or exceeds the dependable supply).

For the purpose of the proposed project, significant water supply and infrastructure impacts would occur if the demands placed on the Nipomo Mesa sub-[basin area](#) from the proposed project would exceed the availability of water supply.

In addition, the following are thresholds of significance adopted for the proposed project. Impacts that would exceed these thresholds are considered significant.

4. Per State CEQA Guidelines, if a project were to substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);
5. Any project-related exceedance of the water quality objectives of the Central Coast Water Quality Control Plan;
6. Any project-related effect that would substantially reduce groundwater production of

- wells in the project area;
7. Substantially alter drainage patterns which would result in substantial erosion or siltation;
  8. Substantially increase the rate or amount of surface run-off;
  9. Expose people or structures to significant risk of loss, injury or death involving flooding; and,
  10. Place structures in a 100-year flood hazard zone that would impede or redirect flood flows.

### 5.14.3.2 Asphalt Plant Impacts

#### Short-Term Impacts

**Impact WR-1:** Concrete dust at the asphalt plant site may increase the pH of water percolating to the alluvial aquifer following storm events.

**Discussion:** Concrete rubble is currently stored at the asphalt plant site and would be relocated off-site to provide sufficient area for the asphalt plant. Rainfall contacting this material may be increased in pH, and percolate into the alluvial aquifer, potentially affecting pH of groundwater. However, these conditions currently exist and the proposed project would not increase the storage of concrete rubble in the project area.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 2

**Mitigation Measures:** None required

**Impact WR-2:** Ground disturbance may result in storm water run-off to the Santa Maria River that may exceed water quality objectives.

**Discussion:** Grading and other project-related earth disturbance may cause localized soil erosion, increasing the turbidity of run-off, potentially violating turbidity and suspended solids water quality objectives of surface waters. Spills of hydrocarbon-containing fluids (oil, fuel, hydraulic fluid) by construction equipment may also enter surface waters and cause potential violations of oil and grease water quality objectives.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 8

**Mitigation Measure WR-2:** The following measures should be fully implemented at the asphalt plant site, should any construction activity occur between October 15 and April 15:

- A. Prior to issuance of a Building Permit, the applicant shall conduct a flood analysis to determine the flood stage elevation of the project area. Results of this analysis will be used to determine the required elevation of berms, detentions basins, etc.

- B. Earthen berms shall be constructed around the perimeter of the asphalt plant site to contain storm water within the asphalt plant site. Such berms shall be constructed a minimum 1-foot above the 100-year flood profile and designed to withstand a 100-flood event;
- C. Stormwater detention basins shall be constructed and maintained during the construction period to reduce turbidity and suspended solids of stormwater discharged to surface waters. ~~Such detention basis shall be constructed a minimum 1-foot above the 100-year flood profile and designed to withstand a 100-flood event;~~
- D. All construction-related equipment and vehicles shall be inspected daily and maintained as needed to ensure fluid leaks are minimized;
- E. Sufficient materials (absorbent pads) shall be on-site to facilitate spill clean-up; and,
- F. Materials contaminated by fluid leaks shall be removed from the asphalt plant site to a suitable handling/storage facility.

**Residual Impacts:** Implementation of these mitigation measures would reduce impacts to less than significant levels.

**Impact WR-3:** Construction-related water production from the on-site well may adversely affect existing users of the Nipomo Mesa subarea of the Santa Maria Groundwater Basin.

**Discussion:** Groundwater would be pumped from the on-site well during the construction period to provide adequate water for dust-suppression and soil compaction. Currently, the total current demand on the Nipomo Mesa sub-basin~~area~~, which includes the NCS, Cal Cities, smaller purveyors, and agricultural users, is estimated to be approximately 9,220 afy. Recently the County evaluated the recommendations suggested in the 2004 Papadopoulos report and left it at a Level of Severity II (which indicates projected water demand over the next seven years equals or exceeds the estimated dependable supply). Although a Level of Severity II has been issued, the amount of water to be used for dust-suppression and soil compaction during construction is temporary; therefore, this impact is not significant.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 1

**Mitigation Measures:** None required

### Long-Term Impacts

**Impact WR-4:** Water production from the on-site well may adversely affect existing users of the Nipomo Mesa subarea and possibly the Santa Maria Valley subarea of the Santa Maria Groundwater Basin.

**Discussion:** The proposed project would use water from the on-site well, primarily for dust control and landscape irrigation. Water would be stored in a ~~required~~minimum-sized 480,000 7,500-gallon storage tank for firewater storage (see Section 5.10). A minimum of 5,000 gallons would be dedicated to firewater storage

alone, such that the tank would be set to refill anytime it dips below 5,000 gallons.

Projected water use for the proposed stand-alone asphalt operation is estimated at approximately 1,000 gallons per day (gpd) or 0.9 acre feet per year (afy), with an estimated 1,500 gpd (1.4 afy) for landscaping use for a total water demand for landscaping and plant operations of 2.3 afy. However, the amount of water used for landscaping would decline over time as the plants become established.

It is expected that the on-site well would be operated as needed to fill the proposed ~~480,000~~ 7,500-gallon storage tank. A distance-drawdown analysis was completed to determine the short-term reduction in groundwater levels associated with production of the on-site well. This analysis was based on a 5,000-gallon water storage tank, which is the proposed capacity of the tank as described in the Project Description, as defined in Chapter 3.0.

Substantial reductions in groundwater levels would reduce potential maximum pumping rates and increase pumping costs for adjacent wells. The analysis is based on a specific yield of 12 percent within the previously stated range for the assumed transmissivity<sup>1</sup> value derived using the approximation that transmissivity may be estimated by assuming a value of 2,000 times the well specific capacity, which in this case was assumed to be 2.5 gpm per foot of drawdown. The analysis indicates the groundwater level drawdown would be less than one foot at the closest well, based on a continuous (year-round) 10 gallon per minute pumping rate OR seven days of pumping at a rate of 100 gallons per minute. Overall, the proposed project would have a less than significant impact on groundwater supply.

The draw-down analysis discussed above indicates that surface waters and associated riparian vegetation would not be substantially affected by proposed use of the on-site well.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 1, 3, 4

**Mitigation Measure WR-4:**

A. Although the proposed project would have a less than significant impact on groundwater supply, because the asphalt plant utilize groundwater resources from the Nipomo Mesa sub-~~basin~~ area, the following water conservation measures shall be followed:

- Implement a well-monitoring program for the proposed asphalt plant;
- Undertake and implement a comprehensive water conservation program designed specifically to reduce the overall water demand from the asphalt plant; and,
- Preparation of a landscape irrigation plan that specifies a drip irrigation system with automatic controllers and auto rain shut-off devices for achieving

<sup>1</sup> Transmissivity ~~effects~~ affects the shape of the drawdown. If transmissivity is high, then the drawdown is broad and shallow. If transmissivity is low, then the drawdown is narrow and deep.

low volume, high efficiency irrigation.

~~B. Because the distance drawdown analysis was based on a 5,000-gallon water storage tank, and not an 180,000-gallon tank, as would be required by CDF/County Fire, prior to issuance of a building permit, the applicant shall conduct a distance drawdown analysis for the 180,000-gallon tank. If the findings of the analysis show potentially significant impacts on groundwater supply, the applicant shall implement the above-mentioned water conservation measures.~~

**Impact WR-5:** The project-related increase in impervious surfaces may reduce recharge of the alluvial aquifer through reduced percolation of rainfall.

**Discussion:** The project-related increase in impervious surfaces would be limited to approximately 1.4 acres, associated with paved roads and the proposed maintenance/fueling pad. Although this area is very small in comparison to the Santa Maria Basin (280 square miles), impacts may occur. However, the proposed project includes construction of a detention basin to minimize stormwater runoff. This detention basin would facilitate recharge of the alluvial aquifer; thus, impacts are considered insignificant.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 1

**Mitigation Measures:** None required

**Impact WR-6:** Overflow of the proposed storm water detention basin would concentrate storm run-off and result in erosion.

**Discussion:** The project-related increase in impervious surfaces would be limited to approximately 1.4 acres, associated with paved roads and the proposed maintenance/re-fueling pad. The proposed project includes an earthen swale with a drop inlet to collect run-off from the asphalt plant site, which would be piped to a proposed detention basin. The basin would be designed to accommodate run-off generated at the asphalt plant site by a 10-year storm. The purpose of this facility is to control stormwater runoff. Storm flow in excess of the basin capacity would result in overflow discharge through a 12 to 18-inch diameter pipe to a point located at the southern property boundary. Overall, the proposed project would not increase the flow rate of storm run-off. However, discharge of storm water from the detention basin overflow pipe would be concentrated and result in erosion of the adjacent floodplain of the Santa Maria River.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 7, 8

**Mitigation Measure WR-6:** The detention basin outlet/overflow shall be piped to the bank of the Santa Maria River and provided with an energy dissipation structure to minimize erosion. The detention basin shall be designed to withstand a 100-year flood event. Prior to issuance of a Building permit, the applicant shall submit detailed specifications for review and approval on the design of the detention basin. The

walls of the detention basin shall be designed and constructed a minimum 1-foot above the 100-year flood profile and designed to withstand a 100-flood event.

**Residual Impacts:** Implementation of this mitigation measure would reduce impacts to less than significant levels.

**Impact WR-7:** Rainfall would percolate through lime-treated aggregate and potentially increase pH of groundwater and surface waters.

**Discussion:** Hydrated lime would be used to treat aggregate, which would be stored at the asphalt plant site. Hydrated lime is commercially used to increase the pH of soils and would react similarly when introduced to groundwater and surface water. Rainfall would wash the lime coating from the aggregate, which would accumulate in the detention basin and may percolate into the alluvial aquifer. Discharge from the detention basin may transport high pH storm run-off to the Santa Maria River. The introduction of lime to surface water may result in violation of the 8.5 pH water quality objective of the Central Coast Water Quality Control Plan.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 5

**Mitigation Measure WR-7:** Lime-treated aggregate shall be stored on elevated concrete pads under shelters to prevent direct contact with rainfall, storm run-off and floodwaters. Such pads shall be constructed a minimum 1-foot above the 100-year flood profile and designed to withstand a 100-flood event.

**Residual Impacts:** Implementation of this mitigation measure would reduce impacts to less than significant levels.

**Impact WR-8:** Operation of the proposed asphalt plant may generate contaminated storm water run-off to surface waters and result in exceedances of water quality objectives of the Water Quality Control Plan.

**Discussion:** The proposed asphalt plant would involve the use of asphaltic oil, fueling of diesel-powered trucks and equipment, and the use and storage of motor oil, hydraulic fluid and RHEOMIX (aqueous emulsion of synthetic oils). These materials, if not properly managed, could result in impacts to Nipomo Creek or the Santa Maria River. Asphalt plants are required to obtain and comply with the Industrial Storm Water General Permit issued by the SWRCB (Permit Order 97-03-DWQ). To comply with the general permit, the applicant will be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP is required to include the following elements: 1) Identify the potential sources of storm water pollution at the Project Site; 2) Identify, select, and implement BMPs to reduce the potential for storm water pollution; 3) Train employees in storm water pollution prevention BMPs; and 4) Regularly monitor the effectiveness of the selected BMPs through plan evaluation and annual storm water quality testing. Implementation of a comprehensive SWPPP is expected to prevent significant impacts to surface water quality. However, future compliance with the provisions of the General Storm Water Permit is not ensured, such that mitigation is provided to reduce water quality impacts to a level of less than significant.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance:** 5, 7, 8

**Mitigation Measure WR-8:** Prior to operation, the applicant shall prepare an industrial SWPPP for the proposed asphalt plant and submit a notice of intent to the SWRCB to comply with the General Industrial Storm Water Permit. All measures identified in the SWPPP and conditions of the General Permit shall be fully implemented.

**Residual Impacts:** Implementation of this mitigation measure would reduce impacts to less than significant levels.

**Impact WR-9:** The proposed asphalt plant and other areas of the larger Project Area are located within the 100-year floodplain for Nipomo Creek and the Santa Maria River.

**Discussion:** The project site is located within the 100-year floodplain for Nipomo Creek and the Santa Maria River. The proposed asphalt plant would be flooded during a 100-year flood event. No habitable structures would be constructed within the 100-year floodplain, such that risk of injury and death is considered less than significant. However, proposed structures, and ancillary structures (e.g., berms, sound walls) would displace floodwaters resulting in a small increase in flood elevations.

Flooding of the asphalt plant site may transport hazardous materials (including asphaltic oil, diesel fuel, hydrated lime) to surface waters, resulting in violations of water quality objectives. Erosion impacts may also occur from accumulation of floodwaters adjacent to suggested berms and 8-foot sound walls. This impact is considered significant but mitigable.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance:** 10

**Mitigation Measure WR-9:**

- A. The project shall comply with the County Land Use Ordinance regulations relating to development within floodplains as stipulated in Section 22.14.060. The requirements include proof that the proposed structures will not limit the capacity of the floodway or increase flooding heights downstream; new structures are required to be built with finish floors either one foot above the 100-year flood elevation or a minimum of two feet above surrounding finish grade.
- B. **Mitigation Measures HAZ-3A and HAZ-3B** shall be fully implemented to mitigate potential upsets of hazardous materials/waste storage areas during flood events.

**Residual Impacts:** With implementation of the above-referenced measures, residual impacts would be less than significant.

### 5.14.3.3 LUO/LUE Amendment Impacts

#### Short-Term Impacts



**Impact WR-10:** Ground disturbance associated with future industrial development within the LUO/LUE amendment area may result in storm water run-off to the Santa Maria River that may exceed water quality objectives.

**Discussion:** Grading and other project-related earth disturbance may cause localized soil erosion, increasing the turbidity of run-off, potentially violating turbidity and suspended solids water quality objectives of surface waters. Spills of hydrocarbon-containing fluids (oil, fuel, hydraulic fluid) by construction equipment may also enter surface waters and cause potential violations of oil and grease water quality objectives.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 5, 8

**Mitigation Measure WR-10:**

A. Prior to construction, the applicant(s), In compliance with the Land Use Ordinance, will prepare and implement a Sediment and Erosion Control Plan (SECP) for the proposed project. The SECP will include:

- Slope surface stabilization measures, such as temporary mulching, seeding, and other suitable stabilization measures to protect exposed erodible areas during construction, and installation of earthen or paved interceptors and diversion at the top of cut of fill slopes where there is a potential for erosive surface runoff;
- Erosion control devices, such as energy absorbing structures or devices, will be used, as necessary, to reduce the velocity of runoff water and related erosiveness;
- Sedimentation control measures, such as straw dikes, mulches, vegetative sediment filters, dugout ponds, and other measures that reduce overland flow velocity, reduce run-off volume or entrap sediment;
- Regular maintenance of all drainage devices and basins to ensure in good working order;
- Check during 10-year and greater storm events to verify in good working order and appropriate remedial actions, if necessary;
- Installation of mechanical and/or vegetative final erosion control measures within 30 days after completion of grading;
- Confining land clearing and grading operations to the period between April 15 and October 15 to avoid the rainy season;
- Minimizing the land area disturbed and the period of exposure to the shortest feasible time;

- The SECP will be prepared in accordance with the Land Use Ordinance; and,
  - Install long-term drainage devices for site drainage, including headwalls, basins, culverts with down-drains and energy dissipating devices (riprap or diffusers).
- B. Prior to construction, In compliance with Section 22.52– Grading, the applicant(s) will prepare a grading plan for the project; and,
- C. Prior to initiation of construction activities, the applicant(s) will be required to comply with the Construction Storm Water General Permit, which is required for construction projects which will disturb more than one acre. Compliance with the General Permit includes filing a Notice of Intent with the State Water Resources Control Board to comply with the general permit, and preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP will be required to include provisions for the installation and maintenance of Best Management Practices (BMPs) to reduce the potential for erosion of disturbed soils at the Project Site. Additionally, construction activities associated with the construction of new facilities allowed under the land use designation changes for the larger Project Area will also be required to comply with the Construction Storm Water General Permit if ground disturbance will exceed one acre.

**Residual Impacts:**

With implementation of the above-referenced measures, residual impacts would be less than significant.

**Long-Term Impacts**

**Impact WR-11:** Water demand of the LUO/LUE Amendment area may affect existing users of the Nipomo Mesa subarea and possibly the Santa Maria Valley subarea of the Santa Maria Groundwater Basin.

**Discussion:** The project-related change in land use designation from commercial and residential to industrial land uses would reduce potential water demand from 8.8 to 4.3 afy, based on a water duty factor developed for the City of Santa Maria for industrial land uses (0.08 afy/ac) and a project-specific water duty factor for residential uses. The proposed project would reduce water demand of the LUO/LUE amendment area, which is considered a less than significant impact.

**Impact Category:** Insignificant

**Thresholds of Significance Criteria:** 1, 3, 4

**Mitigation Measure WR-11:** Although the proposed LUO/LUE amendment would result in a reduction in water use, future development would utilize groundwater resources from the Nipomo Mesa sub-basin~~area~~, which is currently considered to be in overdraft by several experts and in adjudication. As such, all future industrial development with the LUO/LUE amendment area must adhere to the following water

conservation measures:

- Implement a well-monitoring program for the proposed industrial development;
- Undertake a comprehensive water quality assessment and develop a water quality-monitoring program for the proposed industrial development\;
- Undertake and implement a comprehensive water conservation program designed specifically to reduce the overall water demand from the industrial development; and,
- Require landscape plans that include low water plant landscaping materials and drip irrigation systems with automatic controllers and auto rain shut-off devices. Landscape plans shall include the location and extent of permeable and impervious landscape materials, plant materials selected from the County's approved plant list, and an irrigation plan indicating the method for achieving low volume, high efficiency irrigation.

**Impact WR-12.** Potential land uses allowed under the proposed industrial land use designation may involve wastewater discharges that may result in exceedances of the water quality objectives of the Central Coast Water Quality Control Plan.

**Discussion:** Organic or inorganic compounds, or other materials used or produced by industrial processes may be discharged to the Santa Maria River in wastewater. Discharges from industrial facilities are regulated under the National Pollutant Discharge Elimination System (NPDES), which would ensure any discharges do not violate water quality objectives. However, obtaining and complying with the provisions of a future NPDES Permit is not ensured, such that mitigation is provided to reduce water quality impacts to a level of less than significant.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance:** 2

**Mitigation Measure WR-12:** Prior to operation, the applicant shall obtain an NPDES permit from the RWQCB. The requirements of the Permit shall be fully implemented including waste discharge limitations, and monitoring and reporting requirements.

**Residual Impacts:** Implementation of this mitigation measure would reduce impacts to less than significant levels.

#### 5.14.3.4 Cumulative Impacts

The cumulative projects (including the Caldwell Minor Use Permit, Loomis Minor Use Permit and Troesh Land Use Ordinance Amendment may adversely affect surface water quality through storm run-off. The incremental contribution of the proposed project to these cumulative impacts is considered significant. **Mitigation Measures WR-10** and **WR-12** would reduce the project's contribution to less than significant levels by requiring construction-related measures to control storm-water runoff and by requiring NPDES permits to be obtained by the RWQCB.

Because the cumulative projects and future industrial development would utilize groundwater resources from the Nipomo Mesa sub-basin~~area~~, which is currently considered to be in overdraft by several experts and being considered for adjudication, significant impacts to groundwater resources may occur. **Mitigation Measure WR-11** would reduce the project's contribution to less than significant levels.

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## **CHAPTER 6.0 PROJECT ALTERNATIVES**

The California Environmental Quality Act (CEQA) requires that EIRs review a range of alternatives that might reduce or avoid the significant impacts of a proposed project. This chapter reviews the range of alternatives that were considered in developing this EIR. Some alternatives were rejected from analysis because they did not reduce environmental effects, were infeasible, or did not meet the project goals.

Alternatives are considered in an EIR to assist the public and decision-makers in considering the environmental consequences of a proposed project. The purpose of the alternatives analysis is to consider reasonable feasible options to reduce or avoid the significant impact of a proposed project. The range of alternatives to the proposed project is governed by the rule of reason. CEQA Guidelines, Section 15126.6(a) states: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Further, Section 15126.6(b) states: "...the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

The CEQA Guidelines Section 15126.6(c) states that "The range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic objectives of the proposed project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination." Factors to be used to discard alternatives are "(i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The "feasibility" of an alternative is evaluated by taking into account various factors, such as site suitability, economic viability, availability of infrastructure, consistency with government-approved plans and regulatory limitations, jurisdictional boundaries, and by assessing whether the alternative, if it is at another location, is on land that can be reasonably acquired. The range of alternatives that must be studied in detail in an EIR includes a reasonable range of options that are both "feasible" and result in less adverse environmental impacts than the proposed project.

### **6.1 ALTERNATIVES ANALYZED**

Seven alternatives were analyzed in lieu of the proposed project (asphalt plant project, LUO/LUE amendment, and asphalt plant and LUO/LUE amendment). These include: (1) No Asphalt Plant Action Alternative, (2) Reduced Processing Rate Project Alternative, (3) Fully Mitigated Asphalt Plant Alternative, (4) No LUO/LUE Amendment Action Alternative, (5) Modified LUO/LUE Amendment Alternative, (6) Fully Mitigated LUO/LUE Amendment Alternative, and (7) Fully Mitigated Asphalt Plant and LUO/LUE Amendment Alternative. Table

6-1 provides a qualitative comparison of the asphalt plant alternatives with respect to each issue area analyzed in Chapter 5.0, and 6-2 provides such a comparison for the LUO/LUE alternatives. 6-2 also provides a comparison of the asphalt plant and LUO/LUE combined alternatives.

### **6.1.1 Alternative 1 – No Asphalt Plant Action Alternative**

Consideration of the No Project Alternative is required under CEQA Guidelines Section 15126(d)(3). The No Project Alternative must include consideration of what could be expected to occur in the reasonably foreseeable future, given the existing zoning and General Plan designations for the site. The current land use designations would remain. A metal fabrication facility has been used as a worst case used allowed under the CS land use designation. The No Asphalt Plant Action Alternative would not involve construction of the asphalt plant. Demand for asphaltic concrete would continue and impacts would be incurred either from an existing plant, or from a new plant that may be built elsewhere. The No Action alternative would not achieve the project objectives.

#### **6.1.1.1 Land Use**

Under this alternative, there would be no construction and operation of the asphaltic concrete plant and no changes to the land use designation. The worst-case land use for the 14.5-acre CS area would be a metal fabricating facility. When these uses are compared, they are similar in many respects; therefore, there would be minimal potential differences or conflicts with the surrounding uses. As such, impacts to land use would be similar or somewhat less under this alternative than the proposed project.

#### **6.1.1.2 Aesthetics**

Impacts to aesthetics would be similar under this alternative because the proposed asphaltic concrete plant would have similar visual impacts as the existing concrete batch plant and related facility as well as compared to a metal fabricating facility that is currently allowed. Similar impacts exist from exterior lighting, structure design, and outdoor storage as seen from the key public viewing areas. Therefore, impacts to aesthetics would be similar or slightly less under this alternative.

#### **6.1.1.3 Air Quality**

Impacts to air quality would be less under this alternative than the proposed project. No emissions would occur due to either construction or operation of the asphalt plant. When a metal fabrication facility is considered, emissions from this would be considered less than for an asphalt plant; therefore, impacts to air quality would be similar or less under this alternative.

**Table 6-1. Qualitative Comparison of Asphalt Plant Project Alternatives**

Alternative	Issue Area														
	LandUse	Aesthetics	Agricultural Resources	AirQuality	Biological Resources	Cultural Resources	Geology & Soils	Hazards/ Hazardous Materials	Noise	Population/ Housing	Public Services/ Utilities	Recreation	Transportation/ Circulation	Wastewater	Waster Resources
Proposed Project (Asphalt Plant Only)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1 – No Asphalt Plant Action	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
2 – Reduced Processing Rate	2	2	2	3	2	2	2	2	3	2	3	2	3	2	2
3 – Fully Mitigated Asphalt Plant	3	3	3	2	3	3	3	3	2	3	2	3	2	3	3

Note: 1 = Greatest Impact, 4 = Lowest Impact



**Table 6-2. Qualitative Comparison of LUO/LUE Amendment Project Alternatives**

Alternative	Issue Area														
	LandUse	Aesthetics	Agricultural Resources	AirQuality	Biological Resources	Cultural Resources	Geology & Soils	Hazards/ Hazardous Materials	Noise	Population/ Housing	Public Services/ Utilities	Recreation	Transportation/ Circulation	Wastewater	Waster Resources
Proposed Project (LUO/LUE Amendment Only)	1	1	1	1	1	1	1	1	1	1	1	1	1	2	1
4 – No LUO/LUE Amendment Action	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
5 – Modified LUO/LUE Amendment	2	3	2	3	2	2	2	2	2	2	2	2	2	2	2
6 – Fully Mitigated LUO/LUE Amendment	3	2	3	2	3	3	3	3	3	3	3	3	3	3	3
Proposed Project (Asphalt Plant and LUO/LUE Amendment)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
7 – Fully Mitigated Asphalt Plant and LUO/LUE Amendment	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2

Note: 1 = Greatest Impact, 5 = Lowest Impact

#### **6.1.1.4 Biological Resources**

Under this alternative, impacts to biological resources would be slightly reduced in comparison to the proposed project as no new development would encroach closer to sensitive vegetation or disrupt wildlife. However, when construction of a metal fabrication facility is considered impacts would be considered similar. Therefore, the No Project Alternative would result in reduced impacts to biological resources overall.

#### **6.1.1.5 Cultural Resources**

Under this alternative, there would be no impacts to cultural resources. While no resources were found from surface surveys, a slight potential may exist for encountering resources during grading. Therefore, no development would result in slighting reduced impacts. When a metal fabrication facility is considered, impacts would be similar.

#### **6.1.1.6 Geology and Soils**

Impacts to geology and soils would be less under this alternative than the proposed project. No construction and operation of the asphaltic concrete plant would occur; therefore, there would be no exposure of occupants to liquefaction, severe ground shaking, and land subsidence during an earthquake. When a metal fabrication facility is considered, impacts would be slightly greater due to exposure of more employees than an asphalt plant.

#### **6.1.1.7 Hazards and Hazardous Materials**

Under this alternative, impacts to hazards and hazardous materials would be less than the proposed project. Because there would no be construction of the proposed asphalt plant, installation of asphaltic oil aboveground storage tanks (ASTs) that could potentially impact the project site and potentially the Santa Maria River if ruptured during an upset condition, would not take place. Furthermore, there would no use of diesel fuel or other petroleum hydrocarbon-containing liquids to coat the beds of trucks hauling asphalt from the proposed facility that could result in the contamination of soil, storm water, and groundwater. In addition, there would no release of hazardous materials during a storm event from either the asphalt plant. When a metal fabrication facility is considered, similar impacts from hazardous materials or conditions may exist when compared to the asphalt plant.

#### **6.1.1.8 Noise**

Both short-term and long-term noise impacts would be less under this alterantive than the proposed project. Construction activities and asphalt plant operations that would result in noise impacts to nearby residences would not occur. However, if a metal fabrication facility is considered, noise impacts would be similar or slightly greater when compared to the asphalt plant.

#### **6.1.1.9 Population and Housing**

Under this alternative, population and housing impacts would be reduced in comparison with the proposed project. Specifically, without the construction of the proposed asphalt plant, there would be the reduction in potential job opportunities within the area. Because job opportunities have a direct effect on the local population, there would also be less demand on housing. When a metal fabrication facility is considered, population and housing impacts would be slightly greater due to the likelihood of more employees.

#### **6.1.1.10 Public Services and Utilities**

Impacts to fire protection and other public services would be less under this alternative than the proposed project because there would be no construction of the asphaltic concrete plant. However, when a metal fabrication facility is considered, the types and frequencies of incidents and new employee-generated impacts would be similar to or slightly greater than an asphalt plant.

#### **6.1.1.11 Recreation**

Under this alternative (no development), the demand for recreational facilities would be reduced because there would not be any additional job opportunities within the project site which would otherwise result in an increased local population. However, in regards to the Santa Maria River Trail, a portion of the required trail easement would not be acquired. Equestrians and pedestrians would continue to utilize undeveloped pathways within the floodplains of the Santa Maria River for recreational purposes. Under the No Project alternative, certain recreational uses are allowed under the existing land use category that are not allowed under the Industrial category. Under this premise, impacts to recreation would be less under the No Project alternative. However, if a metal fabrication facility is considered, impacts to recreation would be considered similar to the asphalt plant.

#### **6.1.1.12 Transportation and Circulation**

Impacts to transportation and circulation under this alternative would be less than the proposed project. There would be no impacts to local roadways or intersections associated with haul trips generated from operations of the plant, since the trips will not occur. Furthermore, there would be no impacts to the physical conditions of roadways associated with truck trips hauling manufacturing-related materials. However, when a metal fabrication facility is considered, transportation impacts would be considered similar to an asphalt plant.

#### **6.1.1.13 Wastewater**

Under this alternative alternative, wastewater impacts would be less as no additional effluent would be generated. However, if a metal fabrication facility is considered, impacts would be similar or somewhat greater, depending on the increase of employees when compared to an asphalt plant.

### 6.1.1.14 Water Resources

Impacts to water resources would be less under this alternative than the proposed project. No potential stormwater run-off to the Santa Maria River would occur, nor would groundwater pumping from the onsite well, increases in pervious surfaces, overflow of the proposed detention basin, percolation of rainfall through lime-treated aggregate, generation of contaminated stormwater runoff, and construction of the plant in the 100-year floodplain. However, if the metal fabrication facility is considered, impacts would be similar when compared to the asphalt plant.

### 6.1.2 Alternative 2 - Reduced Processing Rate Project Alternative

For comparative analysis, it is assumed that a Reduced Processing Rate Project Alternative would allow for the change to Industrial for the asphalt plant site (14.5 acres) and reduce the annual processing rate of the proposed project by 50 percent. The Applicant requests a CUP to produce a maximum of 400,000 tons of asphaltic concrete per year. Essentially, under this alternative, the processing rate would be reduced to 200,000 tons of asphaltic concrete per year. Table 6-3 summarizes the modified asphalt production capacity for the site. This alternative would require the same work area, tanks, stockpiles, etc., except the processing rate would be reduced by 50 percent. This alternative was chosen because this alternative may still be economically feasible and because some of the impacts, including air quality, may be reduced from significant to less than significant.

**Table 6-3. Expected Asphalt Production Capacity**

Scenario	Units	Production (Outbound)
Maximum Annual	tons/yr	200,000
Peak Daily	tons/day	3,000
Average Daily	tons/day	660
Peak Hourly	tons/hr	175
Average Hourly	tons/hr	33

Project related traffic at a reduced processing rate would be reduced 50 percent as well, as shown in Table 6-3.

**Table 6-4. Traffic - Reduced Processing Rate Alternative**

Scenario	Units	Employees	Raw Materials	Asphaltic Oil	Asphalt Deliveries
Peak Daily	ADT (one-way trips)	24	108	14	120
Average Daily	ADT (one-way trips)	24	22	2	26

### **6.1.2.1 Land Use**

Under this alternative, the same size plant would be constructed as the proposed project; however, it would be operated at 50% of the proposed annual processing rate. Therefore, there would be the same short-term impacts; however, there would be less long-term traffic, and air quality than the proposed project. To the extent that the reduction of such impacts would provide for increased consistency of the project with relevant plans and policies and would reduce adverse effects on community character, this alternative would result in less impacts relating to land use than the proposed project.

### **6.1.2.2 Aesthetics**

Under this alternative, the same size plant would be constructed as the proposed project; however, it would be operated at 50% of the proposed annual processing rate. Therefore, there would be the same short-term and long-term impacts to aesthetics under this alternative as the proposed project.

### **6.1.2.3 Air Quality**

Under the Reduced Impact Alternative, impacts to air quality would be less than the proposed project. Although short-term impacts associated with construction would remain unchanged, there would be less long-term impacts because the plant would be operated at 50% of the proposed annual processing rate. A 50% reduction in the annual processing rate would equate to a 50% reduction in operating emissions and mobile source emissions. There may also be less human health risks associated with this alternative. However, there may be an increase in vehicle emissions from vehicles carrying finished product for longer distance from other asphalt plants.

### **6.1.2.4 Biological Resources**

Under the Reduced Impact Alternative, impacts to biological resources would be similar in comparison with the proposed project. Because the development of the asphalt plant would occur under this alternative, the same potential impacts associated with the construction and operation of the asphalt plant would occur. Therefore, the Reduced Impact Alternative would result in similar impacts to biological resources when compared to the proposed "full production" asphalt plant.

### **6.1.2.5 Cultural Resources**

Under this alternative, the physical impacts to potential cultural resources would be the same as the full project.

### **6.1.2.6 Geology and Soils**

Impacts to geology and soils would be similar under this alternative in comparison to the proposed project. Construction related impacts associated with both the asphaltic concrete plant would be the same. The potential exposure of occupants of asphalt plant to liquefaction, severe ground shaking, and land subsidence during an earthquake would

be slightly less given employees on-site would average 50 percent less, reducing potential exposure.

#### **6.1.2.7 Hazards and Hazardous Materials**

Impacts to hazards and hazardous materials under this alternative would be the same as the proposed project. Construction of the proposed asphalt plant and installation of asphaltic oil aboveground storage tanks (ASTs), which could potentially impact the project site and potentially the Santa Maria River if ruptured during an upset condition, would occur. In addition, the potential release of hazardous materials during a storm event from the asphalt plant would remain the same.

#### **6.1.2.8 Noise**

Short-term noise impacts associated with construction of the asphaltic concrete plant would be the same as the proposed project. Long-term noise impacts may be less under the reduced processing rate alternative if nighttime operations are less.

#### **6.1.2.9 Population and Housing**

Under the Reduced Impact Alternative, population and housing impacts would not be slightly reduced in comparison with the proposed project. Because the development of the asphalt plant would occur under this alternative, the same amount of temporary employees would be needed in comparison to the proposed project. The number of permanent employees would likely be reduced by half, thereby reducing housing demands.

#### **6.1.2.10 Public Services and Utilities**

Under this alternative, the same size plant would be constructed as the proposed project; however, it would be operated at 50% of the proposed annual processing rate. Impacts to solid waste, police protection, and fire protection services may be less under this alternative than the proposed project. There would be less solid waste generated that would have to be disposed at the Cold Canyon Landfill, reduced use of hazardous materials, and possibly reduced nighttime operations, which may lower the need for police protection services.

#### **6.1.2.11 Recreation**

Under this alternative, the processing rate of the plant would be reduced by 50%. This reduction in production would result in similar impacts to recreation as those under the proposed project. Therefore, there would be no change in impacts to recreation.

#### **6.1.2.12 Transportation and Circulation**

Impacts to transportation and circulation under this alternative would be less than the proposed project. As shown in Table 6-3, the number of truck trips associated with operations would be approximately 50% of those of the proposed project, which would reduce the impacts to local roadways or intersections associated.

#### **6.1.2.13 Wastewater**

Impacts to wastewater would be similar under this alternative as the proposed project. Although there might be less generation of wastewater due to reduced operations, this is considered negligible.

#### **6.1.2.14 Water Resources**

Impacts to water resources would be less under this alternative than the proposed project. Because the processing rate would be less, the amount of groundwater pumping from the onsite well would be less, which could result in reduced impacts.

### **6.1.3 Alternative 3 - Fully Mitigated Asphalt Plant Alternative**

The Fully Mitigated Asphalt Plant Alternative is an alternative whereby the mitigation measures identified in Chapter 5.0 to reduce significant or potentially significant impacts associated with construction and operation of the asphalt plant to less than significant levels are factored into the project. With the mitigation measures included in the asphalt plant project as proposed, the asphalt plant project becomes an entity that is defined differently than originally proposed.

#### **6.1.3.1 Land Use**

Under this alternative, all mitigation measures proposed to minimize land use impacts associated with construction and operation of the proposed asphalt plant would be incorporated into the proposed asphalt plant project. Thus, impacts to land use would be less than the proposed asphalt plant project.

#### **6.1.3.2 Aesthetics**

Under this alternative, all mitigation measures proposed to minimize visual impacts associated with construction and operation of the proposed asphalt plant would be incorporated into the proposed asphalt plant project. Thus, impacts to aesthetics would be less than the proposed asphalt plant project.

#### **6.1.3.3 Air Quality**

Impacts to air quality would be less under this alternative than the proposed asphalt plant project because potential impacts to air quality associated with construction and operation of the asphalt plant would be mitigated.

#### **6.1.3.4 Biological Resources**

Under this alternative, all mitigation measures proposed to minimize impacts to biological resources associated with construction and operation of the proposed asphalt plant would be incorporated into the asphalt plant proposed project. Thus, impacts to land use would be less than the asphalt plant proposed project.

#### **6.1.3.5 Cultural Resources**

While no resources were found from surface surveys, a slight potential may exist for encountering resources during grading. A mitigation measure has been proposed to minimize impacts to cultural resources in the event such resources are identified during construction. Therefore, the fully mitigated asphalt plant alternative would have less

impacts to cultural resources than the proposed asphalt plant project in the event cultural resources were identified during construction.

#### **6.1.3.6 Geology and Soils**

Under this alternative, all mitigation measures proposed to minimize impacts associated with construction and operation of the proposed asphalt plant would be incorporated into the proposed asphalt plant project. Thus, impacts to geology and soils would be less than the proposed asphalt plant project.

#### **6.1.3.7 Hazards and Hazardous Materials**

Under this alternative, all mitigation measures proposed to minimize impacts associated with construction and operation of the asphalt plant would be incorporated into the proposed asphalt plant project. Thus, impacts to hazards and hazardous materials would be less than the proposed asphalt plant project.

#### **6.1.3.8 Noise**

Under this alternative, all mitigation measures proposed to minimize impacts associated with construction and operation of the asphalt plant would be incorporated into the proposed asphalt plant project. Thus, impacts to noise would be less than the proposed asphalt plant project.

#### **6.1.3.9 Population and Housing**

Because there are no mitigation measures necessary to minimize impacts to population and housing population, the Fully Mitigated Project Alternative would result in the same impacts as the proposed project.

#### **6.1.3.10 Public Services and Utilities**

Under this alternative, all mitigation measures proposed to minimize impacts associated with construction and operation of the asphalt plant would be incorporated into the proposed asphalt project. Thus, impacts to public services would be less than the asphalt plant proposed project.

#### **6.1.3.11 Recreation**

Under this alternative, all mitigation measures proposed to minimize impacts associated with construction and operation of the asphalt plant would be incorporated into the proposed asphalt plant project. Thus, impacts to recreation would be less than the proposed asphalt plant project.

#### **6.1.3.12 Transportation and Circulation**

Under this alternative, all mitigation measures proposed to minimize transportation and circulation impacts associated with construction and operation of the asphalt plant would be incorporated into the proposed asphalt project. Thus, impacts to would be less than the proposed asphalt plant project.



### **6.1.3.13 Wastewater**

Under this alternative, all mitigation measures proposed to minimize wastewater impacts associated with construction and operation of the asphalt plant would be incorporated into the proposed asphalt plant project. Thus, impacts to wastewater would be less than the proposed asphalt plant project.

### **6.1.3.14 Water Resources**

Under this alternative, all mitigation measures proposed to minimize water resources impacts associated with construction and operation of the asphalt plant would be incorporated into the proposed asphalt plant project. Thus, impacts to water resources would be less than the asphalt plant proposed project.

## **6.1.4 Alternative 4 – No LUO/LUE Amendment Action Alternative**

Under this alternative, the current land use designations would remain (44.5 acres of CS and 9.3 acres of RS). A metal fabrication facility has been used as a worst case used allowed under the CS land use designation and a residential care facility for RS. The No LUO/LUE Amendment Alternative would not involve changing the land use designation of the amendment area, which would prevent future industrial development adjacent to the asphalt plant. This alternative would not achieve the following project objectives:

1. Industrial-related land uses to take place within the approximately 44.7-acre area currently zoned as Commercial Service;
2. Allow for industrial-related land uses to take place within the approximately 9.3-acre area currently zoned as Residential Suburban; and,
3. Encourage better consistency of land use within the area below the bluff top edge, based on existing uses within the area.

### **6.1.4.1 Land Use**

Under this alternative, there would be no changes to the land use designations. The worst-case land use for the 44.5-acre CS area would be a metal fabricating facility and for the 9.3-acres residential suburban area it would be a residential day care facility. When these uses are compared, impacts to land use would be less under this alternative than the proposed project because future industrial development may be less consistent with existing plans and policies. However, if the asphalt plant were to be constructed, impacts to future residential development occur; thus, causing land use consistency impacts.

### **6.1.4.2 Aesthetics**

Impacts to aesthetics would be less under this alternative because future industrial development may have greater visual impacts than a metal fabricating facility and a residential care facility that is currently allowed. Greater impacts from exterior lighting, structure design, and outdoor storage as seen from the key public viewing areas may occur from either a chemical products of metal machinery manufacturing facility as

opposed to a metal fabrication facility or residential care facility. Therefore, impacts to aesthetics would be less under this alternative.

#### **6.1.4.3 Air Quality**

Impacts to air quality would be less under this alternative than the proposed project. Greater emissions may occur from either a chemical products or metal machinery manufacturing facility as opposed to a metal fabrication facility or residential care facility. Therefore, impacts to air quality would be less under this alternative.

#### **6.1.4.4 Biological Resources**

When construction of a metal fabrication facility or residential care facility is considered impacts would be considered similar as either a chemical products or metal machinery manufacturing facility. Therefore, this alternative would result in similar impacts to biological resources overall.

#### **6.1.4.5 Cultural Resources**

No resources were found from surface surveys; however, a slight potential may exist for encountering resources during grading. When a metal fabrication facility is considered, impacts would be similar to either a chemical products or metal machinery manufacturing facility. Therefore, impacts would be similar under this alternative.

#### **6.1.4.6 Geology and Soils**

There may be a greater number of employees with a residential care facility than either a chemical products or metal machinery manufacturing facility; therefore, there would be greater exposure of occupants to liquefaction, severe ground shaking, and land subsidence during an earthquake. Under this alternative, impacts would be slightly greater due to exposure of more employees.

#### **6.1.4.7 Hazards and Hazardous Materials**

A chemical products or metal machinery manufacturing facility would have greater impacts due to the likely increase in use and storage of hazardous materials as compared to a metal fabrication facility or a residential care facility. Therefore, impacts would be less under this alternative.

#### **6.1.4.8 Noise**

Short-term noise impacts would be similar for a metal fabrication facility or a residential care facility in comparison to either a chemical products or metal machinery manufacturing facility. However, long-term noise impacts may more extensive for the latter. Therefore, noise impacts would be less under this alternative.

#### **6.1.4.9 Population and Housing**

Under this alternative, population and housing impacts would be greater in comparison with the proposed LUO/LUE amendment. A metal fabrication facility would likely have a similar number of employees as either a chemical products or metal machinery

manufacturing facility; however, a residential care facility may have more. Therefore, population and housing impacts would be slightly greater under this alternative due to the likelihood of more employees.

#### **6.1.4.10 Public Services and Utilities**

Impacts to fire protection and other public services would be less under this alternative than the proposed LUO/LUE amendment. The types and frequencies of incidents and new employee-generated impacts would be greater with either a chemical products or metal machinery manufacturing facility than a metal fabrication facility or a residential care facility. Therefore, impacts would be less under this alternative.

#### **6.1.4.11 Recreation**

In comparison of either a chemical products or metal machinery manufacturing facility to a metal fabrication facility or residential care facility, impacts to recreation would be considered similar. Therefore, impacts under this alternative would be less than the proposed LUO/LUE amendment.

#### **6.1.4.12 Transportation and Circulation**

Impacts to transportation and circulation under this alternative would be less than the proposed LUO/LUE amendment. A metal fabrication facility would have similar transportation/circulation impacts as either a chemical products or metal machinery manufacturing facility; however, a residential care facility would have less. Therefore, impacts would be less under this alternative.

#### **6.1.4.13 Wastewater**

A metal fabrication facility would produce a similar amount of industrial wastewater as either a chemical products or metal machinery manufacturing facility, a residential care facility would produce less. However, a residential care facility may produce more municipal wastewater. Therefore, impacts under this alternative would be similar to the proposed LUO/LUE amendment.

#### **6.1.4.14 Water Resources**

Impacts to water resources would be similar under this alternative than the proposed LUO/LUE amendment. Similar to either a chemical products or metal machinery manufacturing facility, a metal fabrication facility would cause stormwater run-off to the Santa Maria River would occur, would cause groundwater pumping, increases in pervious surfaces, generation of contaminated stormwater runoff, and construction of facilities in the 100-year floodplain. The residential care facility may result in greater groundwater pumping, but less stormwater run-off or water contamination. Therefore, impacts under this alternative would be similar as the proposed LUO/LUE amendment.

### **6.1.5 Alternative 5 – Modified Land Use Ordinance Amendment Alternative**

The Project has two components, including: 1) LUO/LUE Amendment; and 2) concurrent Conditional Use Permit (CUP) request. The amendment involves amending the South County Area Plan of the Land Use Element to change the land use category of approximately 9.3 acres from RS to IND and 44.7 acres from Commercial Service CS to IND. The CUP is for development of a 14.5-acre portion of the area to allow construction and operation of a portable stand-alone asphaltic concrete plant and ancillary facilities to allow production of a maximum of 400,000 tons of asphaltic concrete per year.

Under this alternative, the CUP request would remain as described in Chapter 3.0; however, the LUO/LUE Amendment would be modified. Specifically, the LUO/LUE Amendment would not include the following two parcels: (1) 090-302-034 and (2) 090-302-035 [Excluded Area]. Parcel 090-302-034 is 4.59 acres and is currently zoned Commercial Service and the other parcel is 2.5 acres and is currently zoned Residential Suburban. See Figure 6-1.

#### **6.1.5.1 Land Use**

Under this alternative, the Excluded Area would reduce the potential for industrial land uses, such as a metal machinery manufacturing or a chemical products manufacturing facility to be constructed. This would result in a 2.5-acre parcel designated as RS that would be surrounded by non-compatible industrial uses, which would result in substantially more land use conflicts than the proposed project. Therefore, land use impacts under this alternative would be greater than the proposed project.

#### **6.1.5.2 Aesthetics**

Under this alternative, the total square-footage of machinery manufacturing uses would be less; however, allowed CS uses can be equally as visible; therefore, impacts to aesthetics would be similar under this alternative. Regarding the RS parcel and given the constraints of building on the bluff for residences or commercial, and existing CS development in the foreground, impacts are considered similar.

#### **6.1.5.3 Air Quality**

This alternative would result in a net reduction of possible future industrial development by 7.09 acres. This reduction could lower the amount of manufacturing-related air quality emissions associated within industrial uses (e.g., chemical products or metal machinery manufacturing plant), which could reduce the potential adverse effect to local and regional air quality and possible human health risks. However, certain uses allowed within the CS category could result in similar air quality impacts. As such, impacts to air quality would be similar to slightly less under this alternative than the proposed project.

#### **6.1.5.4 Biological Resources**

Under the Modified LUO/LUE Amendment Alternative, impacts to biological resources would be slightly reduced in comparison to the proposed project. Specifically, because the parcel of Residential Suburban would not be changed to Industrial, there would potentially be less non-permeable surfaces within the parcel and a potential for more vegetation cover availability for wildlife species. In regards to the other parcel which

would remain Commercial Service, it is expected that this parcel would have a similar impact in comparison to the proposed Industrial land use, thus resulting in no additional impacts to biological resources.

#### **6.1.5.5 Cultural Resources**

Because the Excluded Area was not included in the archaeological study, it is unknown whether there would be any change in impacts to cultural resources. Even if these parcels were not included in the LUO/LUE, an archaeological survey would need to be completed prior to construction on these parcels.

#### **6.1.5.6 Geology and Soils**

Impacts associated with construction and operation of the asphaltic concrete plant would be the same as the proposed project. Under this alternative, the potential exposure of occupants of the asphalt plant to liquefaction, severe ground shaking, and land subsidence during an earthquake would be the same as the proposed project. Potential impacts associated with future industrial development within the LUO/LUE amendment area would be similar under this alternative. While there would be fewer potential employees exposed to potential geologic risk under this alternative, there would be an increase of sensitive receptors from retaining the RS category, Therefore potential impacts related to geology and soils would be considered similar.

#### **6.1.5.7 Hazards and Hazardous Materials**

Impacts to hazards and hazardous materials under this alternative would be similar to the proposed project. Construction of the proposed asphalt plant and installation of asphaltic oil aboveground storage tanks (ASTs), which could potentially impact the project site and potentially the Santa Maria River if ruptured during an upset condition, would still occur. Furthermore, there would be use of diesel fuel or other petroleum hydrocarbon-containing liquids to coat the beds of trucks hauling asphalt from the proposed facility that could result in the contamination of soil, storm water, and groundwater. Also, there could be a release of hazardous materials during a storm event from either the asphalt plant or from future industrial development within the LUO/LUE amendment area. Since there would be slightly less area available for uses that may involve hazardous materials, there may be a slightly less impacts to hazards and hazardous materials with this alternative.

#### **6.1.5.8 Noise**

Both short-term and long-term noise impacts associated with the asphalt plant would be similar to or somewhat greater under this alternative as the proposed project. Construction activities and asphalt plant operations would result in similar noise impacts to nearby residences. There may be a slightly less potential noise impacts to noise-sensitive receptors when the heavier industrial uses are compared to the CS uses, which would be allowed over a smaller area. However, a portion of the area proposed for industrial would remain as residential use, which would not be able to take advantage of the sound deflecting topography of the bluff face that is afforded the RS properties on top of the mesa.





Basemap Source: County of San Luis Obispo



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#### **6.1.5.9 Population and Housing**

Under the Modified LUO/LUE Amendment Alternative, population and housing impacts would result in slightly reduced impacts in comparison to the proposed project. Specifically, because the RS parcel would not be changed to IND, there would continue to be opportunities to construct housing with the parcel. In regards to the other parcel which would remain CS, it is expected that this parcel would have an equal density in comparison to an IND land use, thus resulting in no additional impacts to population and housing.

#### **6.1.5.10 Public Services and Utilities**

With this alternative, there would be less industrial development and greater residential development. As such, impacts to fire protection may be less, but impacts to schools and police protection would be greater.

#### **6.1.5.11 Recreation**

Under the modified LUO/LUE Amendment Alternative, the proposed asphalt plant would not be modified. As such, this alternative would not result in a change in impacts to recreation associated with the asphalt plant. Additionally, this alternative would not have an impact on the proposed Santa Maria River Trail. The exclusion of the two parcels under this alternative would allow these parcels to be available for potential future recreational land uses which would otherwise be excluded under the IND land use category. As a result, this alternative would have reduced impacts to recreation than the proposed project.

#### **6.1.5.12 Transportation and Circulation**

Impacts to transportation and circulation under this alternative could be slightly less than the proposed project. Impacts to roadways and intersections associated with the asphalt plant would be the same as the proposed project; however, impacts associated with the LUO/LUE amendment may be less. This would be due primarily to the smaller amount of potential truck trips expected from the RS designation proposed to be retained.

#### **6.1.5.13 Wastewater**

Impacts to wastewater may be less under this alternative than the proposed project due to a reduction in the total area that would be designated IND; therefore, the corresponding decrease in water use and resulting decrease in municipal wastewater generation would be less than the proposed project.

#### **6.1.5.14 Water Resources**

Impacts to water resources associated within construction and operation of the asphalt plant would be the same as the proposed project. However, impacts to water resources associated with the LUO/LUE amendment may be less. Because there would be less impermeable development associated with this alternative when compared to residences



in the RS category, stormwater run-off to the Santa Maria River from development may be reduced.

### **6.1.6 Alternative 6 - Fully Mitigated LUO/LUE Amendment Alternative**

The Fully Mitigated LUO/LUE Amendment Alternative is an alternative whereby the mitigation measures identified in Chapter 5.0 to reduce significant or potentially significant impacts associated with the LUO/LUE to less than significant levels are factored into the project. With the mitigation measures included in the LUO/LUE Amendment as proposed, the LUO/LUE Amendment becomes an entity that is defined differently than originally proposed.

#### **6.1.6.1 Land Use**

Under this alternative, all mitigation measures proposed to minimize land use impacts associated with the LUO/LUE amendment would be incorporated into the proposed amendment. Thus, impacts to land use would be less than the proposed amendment.

#### **6.1.6.2 Aesthetics**

Under this alternative, all mitigation measures proposed to minimize visual impacts associated with the LUO/LUE amendment would be incorporated into the proposed amendment. Thus, impacts to aesthetics would be less than the proposed amendment.

#### **6.1.6.3 Air Quality**

Impacts to air quality would be less under this alternative than the proposed LUO/LUE amendment because potential impacts to air quality associated with the proposed amendment would be mitigated.

#### **6.1.6.4 Biological Resources**

Under this alternative, all mitigation measures proposed to minimize impacts to biological resources associated with the LUO/LUE amendment would be incorporated into the amendment. Thus, impacts to biological resources would be less than the proposed amendment.

#### **6.1.6.5 Cultural Resources**

A mitigation measure has been proposed to minimize impacts to historic resources. Therefore, the Fully Mitigated LUO/LUE Amendment Alternative would have less impacts to cultural resources than the proposed amendment.

#### **6.1.6.6 Geology and Soils**

Under this alternative, all mitigation measures proposed to minimize impacts to geology and soils associated with the LUO/LUE amendment would be incorporated into the amendment. Thus, impacts to geology and soils would be less than the proposed amendment.

#### **6.1.6.7 Hazards and Hazardous Materials**

Under this alternative, all mitigation measures proposed to minimize impacts to hazards and hazardous materials associated with the LUO/LUE amendment would be

incorporated into the amendment. Therefore, impacts to hazards and hazardous materials would be less than the proposed amendment.

#### **6.1.6.8 Noise**

Impacts to noise would be less under this alternative than the proposed LUO/LUE amendment because potential impacts to noise associated with the proposed amendment would be mitigated.

#### **6.1.6.9 Population and Housing**

Because there are no mitigation measures necessary to minimize impacts to population and housing population, the Fully Mitigated LUO/LUE Amendment Alternative would result in the same impacts as the proposed amendment.

#### **6.1.6.10 Public Services and Utilities**

Impacts to public services and utilities would be less under this alternative than the proposed LUO/LUE amendment because potential impacts to public services and utilities associated with the proposed amendment would be mitigated.

#### **6.1.6.11 Recreation**

Impacts to recreation would be less under this alternative than the proposed LUO/LUE amendment because potential impacts to recreation associated with the proposed amendment would be mitigated.

#### **6.1.6.12 Transportation and Circulation**

Impacts to transportation and circulation would be less under this alternative than the proposed LUO/LUE amendment because potential impacts to transportation and circulation associated with the proposed amendment would be mitigated.

#### **6.1.6.13 Wastewater**

Impacts to wastewater would be less under this alternative than the proposed LUO/LUE amendment because potential impacts to wastewater associated with the proposed amendment would be mitigated.

#### **6.1.6.14 Water Resources**

Impacts to water resources would be less under this alternative than the proposed LUO/LUE amendment because potential impacts to water resources associated with the proposed amendment would be mitigated.

### **6.1.7 Alternative 7 - Fully Mitigated Asphalt Plant and LUO/LUE Amendment Alternative**

The Fully Mitigated Asphalt Plant and Fully Mitigated LUO/LUE Amendment Alternative is an alternative whereby the mitigation measures identified in Chapter 5.0 to reduce significant or potentially significant impacts associated with construction and operation of the asphalt plant and the LUO/LUE Amendment to less than significant levels are factored into the project. With

the mitigation measures included in the asphalt plant project as proposed and the LUO/LUE Amendment, the asphalt plant project and the LUO/LUE Amendment becomes an entity that is defined differently than originally proposed.

#### **6.1.7.1 Land Use**

Under this alternative, all mitigation measures proposed to minimize land use impacts would be incorporated into the proposed project. Thus, impacts to land use would be less than the proposed project.

#### **6.1.7.2 Aesthetics**

Under this alternative, all mitigation measures proposed to minimize visual impacts would be incorporated into the proposed project. Thus, impacts to aesthetics would be less than the proposed project.

#### **6.1.7.3 Air Quality**

Impacts to air quality would be less under this alternative than the proposed project because potential impacts to air quality associated with construction and operation of the asphalt plant or future industrial development within the LUO/LUE amendment area would be mitigated.

#### **6.1.7.4 Biological Resources**

Under this alternative, all mitigation measures proposed to minimize impacts to biological resources would be incorporated into the proposed project. Thus, impacts to land use would be less than the proposed project.

#### **6.1.7.5 Cultural Resources**

Impacts to cultural resources would be less under this alternative than the proposed project because potential impacts to the historic structure would be mitigated and any unforeseen impacts associated with future industrial development within the LUO/LUE amendment area would be mitigated.

#### **6.1.7.6 Geology and Soils**

Under this alternative, all mitigation measures proposed to minimize impacts would be incorporated into the proposed project. Thus, impacts to geology and soils would be less than the proposed project.

#### **6.1.7.7 Hazards and Hazardous Materials**

Under this alternative, all mitigation measures proposed to minimize impacts would be incorporated into the proposed project. Thus, impacts to hazards and hazardous materials would be less than the proposed project.

#### **6.1.7.8 Noise**

Under this alternative, all mitigation measures proposed to minimize impacts would be incorporated into the proposed project. Thus, impacts to noise would be less than the proposed project.

#### **6.1.7.9 Population and Housing**

Because there are no mitigation measures necessary to minimize impacts to population and housing population, the Fully Mitigated Project Alternative would result in the same impacts as the proposed project.

#### **6.1.7.10 Public Services and Utilities**

Under this alternative, all mitigation measures proposed to minimize impacts would be incorporated into the proposed project. Thus, impacts to public services would be less than the proposed project.

#### **6.1.7.11 Recreation**

Under this alternative, all mitigation measures proposed to minimize impacts would be incorporated into the proposed project. Thus, impacts to recreation would be less than the proposed project.

#### **6.1.7.12 Transportation and Circulation**

Under this alternative, all mitigation measures proposed to minimize transportation and circulation impacts would be incorporated into the proposed project. Thus, impacts would be less than the proposed project.

#### **6.1.7.13 Wastewater**

Under this alternative, all mitigation measures proposed to minimize wastewater impacts would be incorporated into the proposed project. Thus, impacts to wastewater would be less than the proposed project.

#### **6.1.7.14 Water Resources**

Under this alternative, all mitigation measures proposed to minimize water resources impacts would be incorporated into the proposed project. Thus, impacts to water resources would be less than the proposed project.

### **6.1.8 Environmentally Superior Alternative**

CEQA Guidelines (Section 15126.6(a) and (e)(2)) require that an EIR's analysis of alternatives identify the "environmentally superior alternative" among all of those considered. In addition, if the No Project Alternative is identified as environmentally superior, then the EIR also must identify the environmentally superior alternative among the other alternatives.

Under CEQA, the goal of identifying the Environmentally Superior Alternative is to assist decision-makers in considering project approval. CEQA does not, however, require an agency to select the environmentally superior alternative (CEQA Guidelines Sections 15042-15043).

In the comparison presented in Table 6-1, it is apparent that Alternatives 1, 2 and 3 would generally have fewer impacts than the proposed asphalt plant project and neither of them would have greater impacts on any resource than the proposed project. The same County air quality

significance threshold that would be exceeded by the proposed project would be exceeded (albeit somewhat less) with the reduced project alternative.

The modified LUO/LUE amendment alternative would have slightly less impacts to biological resources because the parcel of RS would not be changed to IND; therefore, would potentially be less non-permeable surfaces within the parcel and a potential for more vegetation cover availability for wildlife species. Generally, alternatives 4, 5, and 6 would have less impacts than the LUO/LUE amendment.

As shown in Table 6-1, the fully mitigated asphalt plant alternative is identified as the Environmentally Superior Alternative for construction of the asphalt plant because it would meet all of the project objectives identified in the Project Description for the asphalt plant while minimizing environmental impacts. The no asphalt plant action alternative would not meet any of the asphalt plant project objectives, such as production and delivery of asphaltic concrete, and alternative 2 would meet these objectives, except that the high quality asphaltic concrete would not be supplied to the community at as competitive of a price due to the reduced processing rate. Therefore, the fully mitigated asphalt plant alternative that includes all mitigation measures factored into the asphalt plant project is the Environmentally Superior Alternative.

As shown in Table 6-2, the fully mitigated LUO/LUE amendment alternative is the identified as the Environmentally Superior Alternative for amendment to the LUO/LUE because it would meet all of the objectives of the LUO/LUE amendment while minimizing environmental impacts. In general, the Fully Mitigated LUO/LUE amendment alternative would have less impacts than the modified LUO/LUE amendment alternative. Therefore, this alternative is the Environmentally Superior Alternative for the LUO/LUE amendment.

For comparative purposes, Alternative 7, which includes the fully mitigated asphalt plant and the fully mitigated LUO/LUE amendment, is environmentally superior over the proposed asphalt plant and LUO/LUE amendment.

## **CHAPTER 7.0 GROWTH INDUCEMENT AND SIGNIFICANT IRREVERSIBLE IMPACTS**

### **7.1 GROWTH-INDUCING IMPACTS**

Section 2100(b)(5) of the California Environmental Quality Act (CEQA) requires a discussion of the ways in which a project may induce growth in an area. Growth-Inducement, as defined by the CEQA Guidelines, are those consequences of a proposed project that "...could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth..." Population growth, in turn, can tax community facilities and may require construction of new infrastructure that could cause significant environmental effects at a later time. However, growth should not be assumed to be necessarily beneficial, detrimental, or of little significance to the environment.

Typically, the growth-inducing potential of a project would have a significant impact if it either fostered growth or created a capacity to accommodate growth above and beyond levels expected in the absence of the project, where resources are known to be limited or constrained. Of particular concern are those projects that, when constructed, serve to remove an existing barrier to growth, such as a major upgrade to a wastewater treatment facility, construction of a new road in an undeveloped area, or the provision of sewer, water, or other utility lines with excess capacity that could accommodate substantial local development. However, the creation of growth-inducing potential does not automatically lead to growth, because growth at the local level is controlled by a variety of different influences, including economic market forces, local politics, and existing development conditions.

As discussed in Chapter 3.0 Project Description, the proposed project includes a LUO/LUE Amendment to change the land use designation of 9.3 acres from RS to IND and 44.7 acres from CS to IND, and a concurrent CUP for the construction of an asphalt plant on a 14.5-acre parcel. Existing uses on this 14.5-acre site include a concrete batch plant and asphalt recycling facility, a ready-mixed concrete plant, and a sand and gravel mine. Existing uses for the remaining area range from residences to heavy commercial/light industrial.

#### **7.1.1 Asphalt Plant Impacts**

The proposed asphalt plant is consistent with the existing concrete batch plant and asphalt recycling facility, ready-mixed concrete plant, and the sand and gravel mine. The employment generated by the project would not induce significant growth in the community.

Construction is anticipated to take approximately 9 months to complete and will occur during four-day work weeks with 10-hr days from 7:00 A.M. to 5:00 P.M. Temporary employees may be needed during construction; however, this will only be short-term in nature.

Operations will involve two 10-hour shifts per day, between 6:00 AM and 4:00 PM, and between 7:00 PM and 5:00 AM, Monday through Saturday. Nine (9) holidays per year are scheduled and the Project will operate 303 days/year. Truck traffic will normally occur in two 8-hour shifts, between 7:00 AM and 3:00 PM, and between 8:00 PM and 4:00 AM. Each shift will employ six

people. There will be no operations on Sunday, except for occasional maintenance and repair activities. The workers needed during the construction phase would be drawn from the San Luis Obispo area and would not result in a significant increase in employment within the area. The project would not create additional infrastructure, such as public roads, and would not expand existing utility lines, including water and sewer.

Two objectives of the project are to provide a centrally-located facility to meet the local demand for asphaltic concrete, and supply the community with high quality asphaltic concrete at a competitive price. The project will satisfy existing demand for asphalt concrete and will not result in growth-inducing impacts.

### **7.1.2 LUO/LUE Amendment Impacts**

The LUO/LUE amendment involves changing the land use designation of 9.3 acres from RS to IND and 44.7 acres from CS to IND. Of the 44.7 acres, 14.5 of it will be for the proposed asphaltic concrete plant.

The LUO/LUE amendment would not result in any significant direct or indirect population growth because there would be a slight reduction of potential housing stock with the elimination of 9.3 acres of RS. Regarding indirect effects of population increase through increasing employment opportunities, it is anticipated that the change from CS to IND would not increase the potential employment base when allowed uses in each category are compared. Therefore, creating additional areas available for industrial development would not foster growth or create a capacity to accommodate growth above and beyond levels expected in the absence of the LUO/LUE amendment.

## **7.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL IMPACTS**

Section 21100(b)(5) of the CEQA Guidelines requires a discussion of irreversible environmental changes that would occur as a result of project implementation. According to Section 15126.2(c) of the CEQA Guidelines, "...uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such consumption is justified."

### **7.2.1 Asphalt Plant Impacts**

The proposed project would result in the following irreversible environmental changes:

- Use of nonrenewable resources in the construction of the proposed facilities; and,
- Greater long-term use of nonrenewable resources through the asphalt production operations.

The following sections describe both the direct and indirect irreversible changes that would result from project implementation, as well as the justification for the approval of such changes at this time.

## **7.3 USE OF NATURAL RESOURCES BY THE PROJECT**

### **Asphalt Plant**

Project implementation would consume non-renewable resources for three main purposes:

- The mobilization of equipment, supplies, and manpower at construction sites;
- The use of natural resources as construction material for the project components; and,
- The consumption of resources (i.e., oil, sand, gravel, lime) in the course of long-term project operations and maintenance; and,

Although the project would consume non-renewable resources, such use would be partially offset by use of recycled materials.

### **LUO/LUE Amendment**

The LUO/LUE amendment would replace existing uses allowed un CS and RS with industrial uses permissible under the IND land use category. Allowed uses, such as a chemical products or metal manufacturing facility, may use natural resources that would otherwise not be used. As such, there is the potential for the LUO/LUE amendment to cause an increase in the use of natural resources.

#### **7.2.1 IRREVERSIBLE COMMITMENT OF THE LAND**

### **Asphalt Plant**

The proposed project would not involve the additional irreversible commitment of land for construction of the proposed project beyond that which has previously been committed. The proposed project would be situated on an existing concrete storage area. The existing concrete plant will not be removed. Instead, the stockpiles of recyclable asphalt and concrete associated with the recycling plant operated by the Troesh Ready Mix, Inc. will be moved to a new location within their existing permit boundary.

### **LUO/LUE Amendment**

The LUO/LUE amendment area is currently designated for CS and RS. Changing the land use designation to IND will not result in the irreversible commitment of land, because such land can already be substantially developed.

#### **7.2.2 INCREASED USE OF NON-RENEWABLE RESOURCES**

### **Asphalt Plant**

The proposed project involves the production of asphalt, which uses petroleum products in its production. The asphalt plant, however, would be producing recycled asphalt as well as rubberized asphalt, which use recycled asphalt and tires to offset some of the project's use of non-recyclable resources. This would help supply the local demand for asphalt, as well as divert recyclable materials from local sanitary landfills, including used asphalt, concrete, rubble, and recycled rubber (e.g. tires), thereby extending the Cold Canyon landfill capacity and longevity, and reducing the amount of landfill related truck trips.



### **LUO/LUE Amendment**

The LUO/LUE amendment would replace existing uses allowed under CS and RS with uses permissible under the IND land use category. Allowed uses, such as a chemical products or metal machinery manufacturing facility, may use non-renewable resources that may not otherwise be used. As such, there is the potential for the LUO/LUE amendment to cause an increase in the use of non-renewable resources.

The amendment involving the change to IND would influence surrounding land uses, such as more industrial land uses may displace existing non-industrial uses that do not use as much non-renewable resources. However, existing physical constraints of the site, including the bluff to the west and north, Santa Maria River to the south, and Highway 101 to the east would limit any subsequent expansion or intensification of industrial uses.

## CHAPTER 8.0 CUMULATIVE ANALYSIS

### 8.1 INTRODUCTION

CEQA Guidelines (Bass, pp. 99-102) refer to cumulative impacts as "...two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."

- a. The individual effects may be changes resulting from a single project or a number of separate projects.
- b. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other costly related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (CEQA Guidelines Section 15355).

The Guidelines require a discussion of significant cumulative impacts, the severity of the impacts, and the likelihood of occurrence; however, the discussion need not provide as great of detail as is provided on the effects attributable to the project alone. The discussion of cumulative impacts should be guided by "standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact. The cumulative analysis must include the following:

- a. A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or
- b. A summary of projects contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.

### 8.2 DISCUSSION

The project area is within south San Luis Obispo County and is covered by the South County Area Plan (Inland). Based on this plan, the South County area will reach an estimated 25,562 persons by the year 2020. In addition, the Nipomo Urban Area, which is just north of the project area, is projected at build-out (2010+) to have 7,678 dwelling units and 24,032 persons.

The cumulative analysis of this EIR is based on a list of 3 projects that are located near the project area, and are in various stages of project planning or development. The list was compiled on the basis of the environmental resources that could potentially be affected by each project, the type of project, and the location of the impact relative to the proposed project. These projects are summarized below:

#### 8.2.1 Caldwell Minor Use Permit

This project involves the construction of one office building/warehouse of 11,866 square feet and a 6,250 square foot warehouse with appurtenant vehicle storage. See Figures 8-1 and 8-2.

The project is located at 2116 Hutton Road, approximately 500 feet northwest of the Highway 166/Highway 101 interchange, south of the community of Nipomo in the South County (Rural) planning area.

The Environmental Coordinator, after completion of the initial study, found that there was no substantial evidence that the project would have a significant effect on the environment. The preparation of an EIR was deemed unnecessary, and a Mitigated Negative Declaration (MND) was prepared. Mitigation measures were proposed to address Aesthetics, Geology and Soils, Noise, Public Services and Utilities, Transportation, and Wastewater. These were included as conditions of approval.

This project has been approved and is currently under construction.

### **8.2.2 Loomis Minor Use Permit**

This project involves a tank storage yard with a 960 square foot modular office building. The project is located on Hutton Road, approximately 800 feet northwest of the Highway 166/Highway 101 interchange in the South County (Rural) Area Plan. See Figure 8-3.

The Environmental Coordinator, after completion of the initial study, found that there was no substantial evidence that the project would have a significant effect on the environment. The preparation of an EIR was deemed unnecessary, and an MND was prepared. Mitigation measures were proposed to address Aesthetics, Geology and Soils and Noise, and are included as conditions of approval.

Approval for this project has been granted.

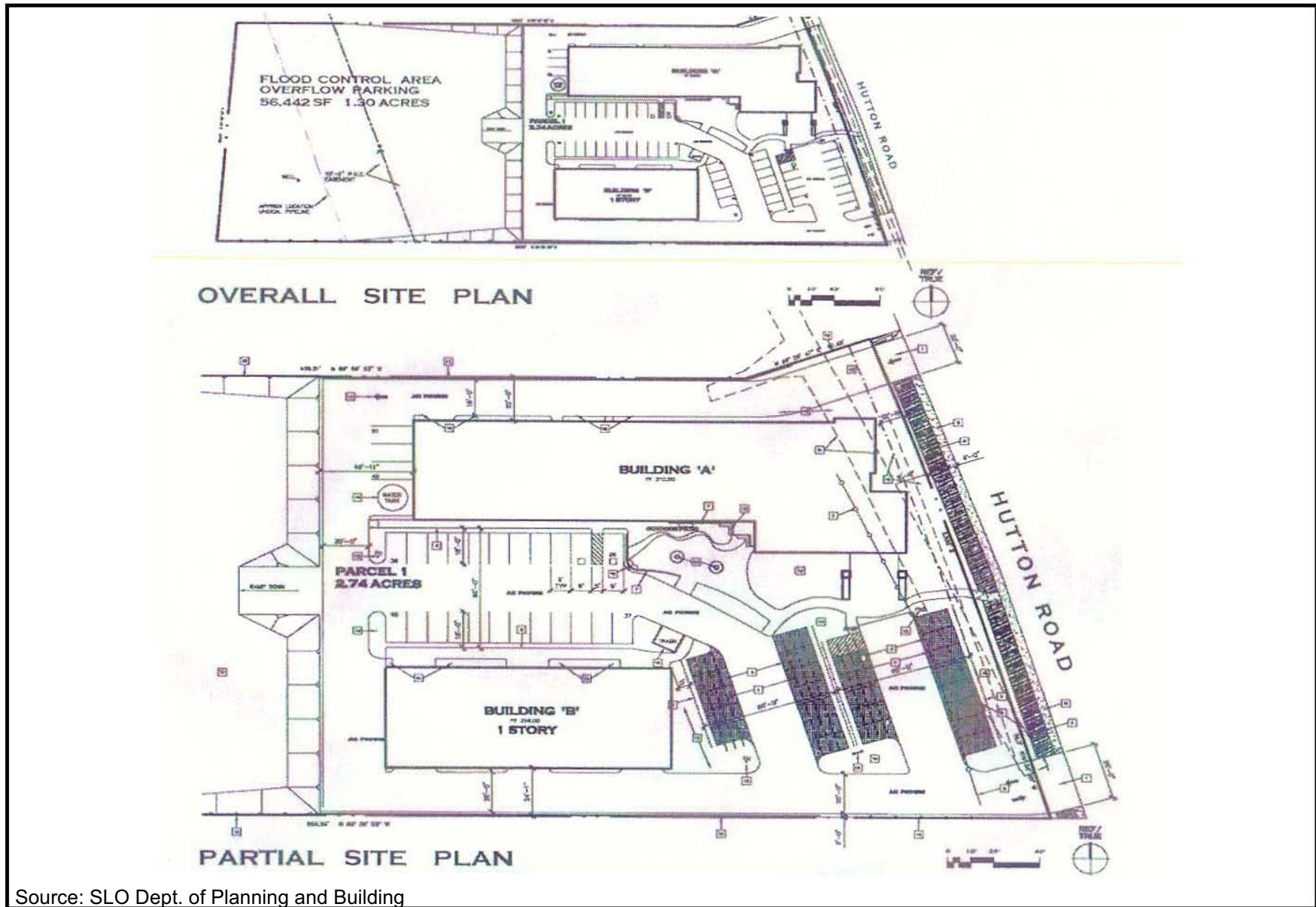
### **8.2.3 Troesh Land Use Ordinance Amendment**

This project involves the development of a commercial composting facility for the receiving and processing of green material, other than that produced on-site. The site is located at 2290 Hutton Road, approximately 500 feet southwest of the intersection of Highway 166 and Highway 101. See Figure 8-4.

The property owner has obtained approval for development of a wholesale and retail landscape materials sales and storage lot on the project site and has proposed to add a wood-chipping component to the project in order to serve residents and businesses around southern San Luis Obispo and northern Santa Barbara Counties who need to dispose of tree trimming wood waste. The Air Pollution Control District (APCD) has been phasing out backyard burning of green waste material and has been aggressively involved with developing feasible green waste management alternatives. The APCD indicated that the proposed wood chipping facility is a critical element for providing adequate green waste management options to the South County community.

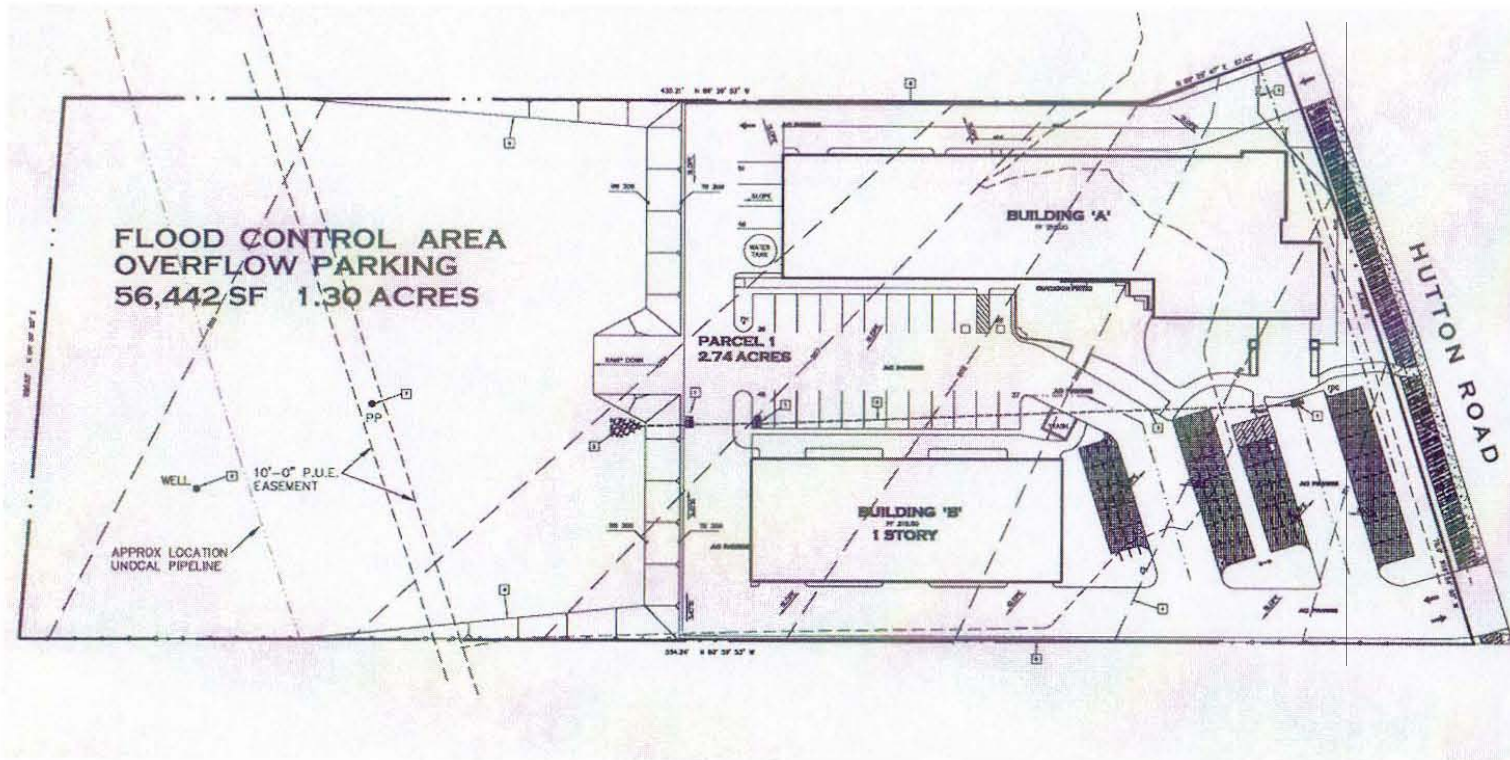
The Environmental Coordinator, after completion of the initial study, found that there was no substantial evidence that the project would have a significant effect on the environment. The preparation of an EIR was deemed unnecessary, and an MND was prepared. Mitigation measures were proposed to address air quality, public services, noise, transportation, and water. Future development will be subject to these mitigation measures.

This project has been approved by the County of San Luis Obispo Planning Commission.



Source: SLO Dept. of Planning and Building

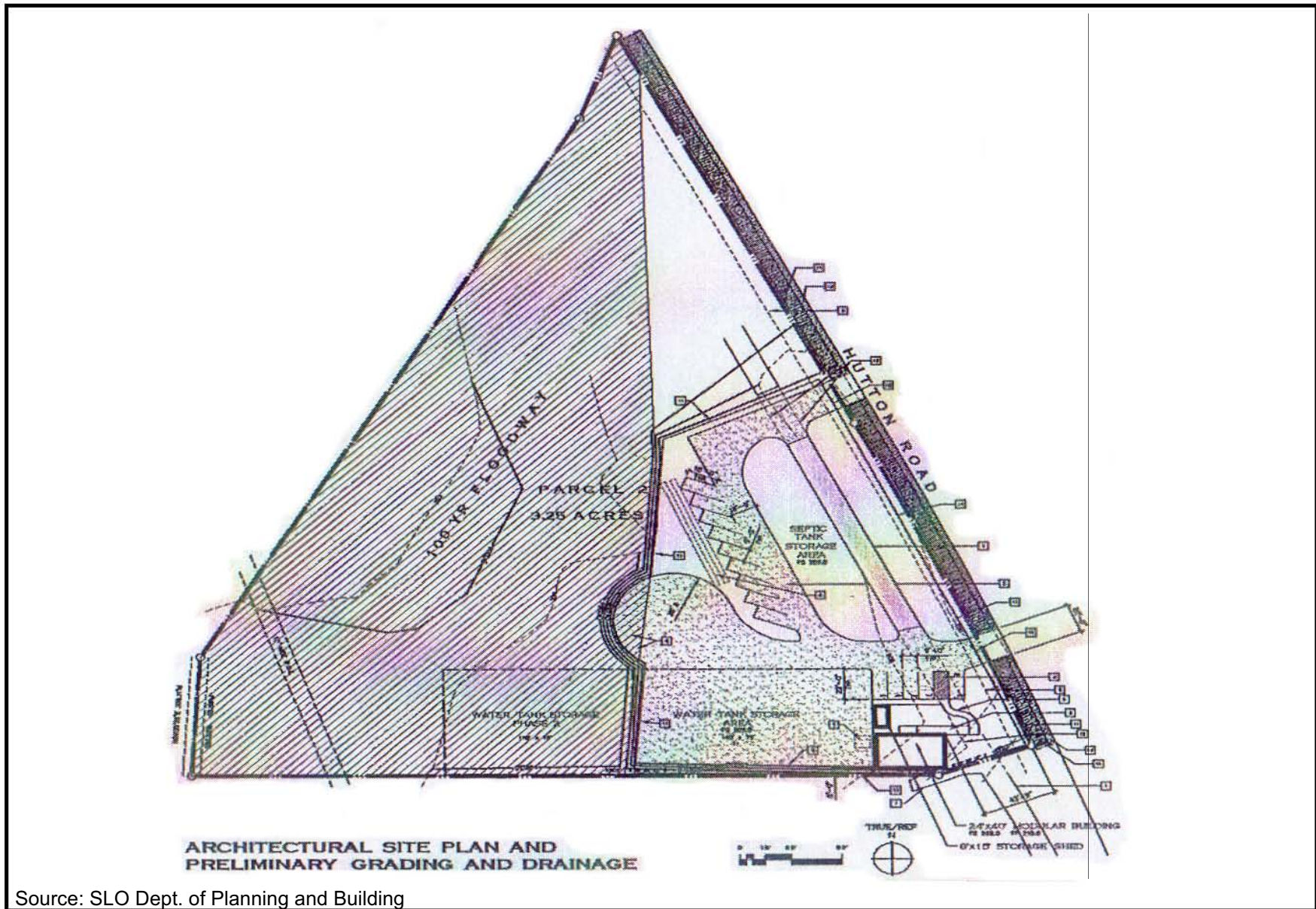
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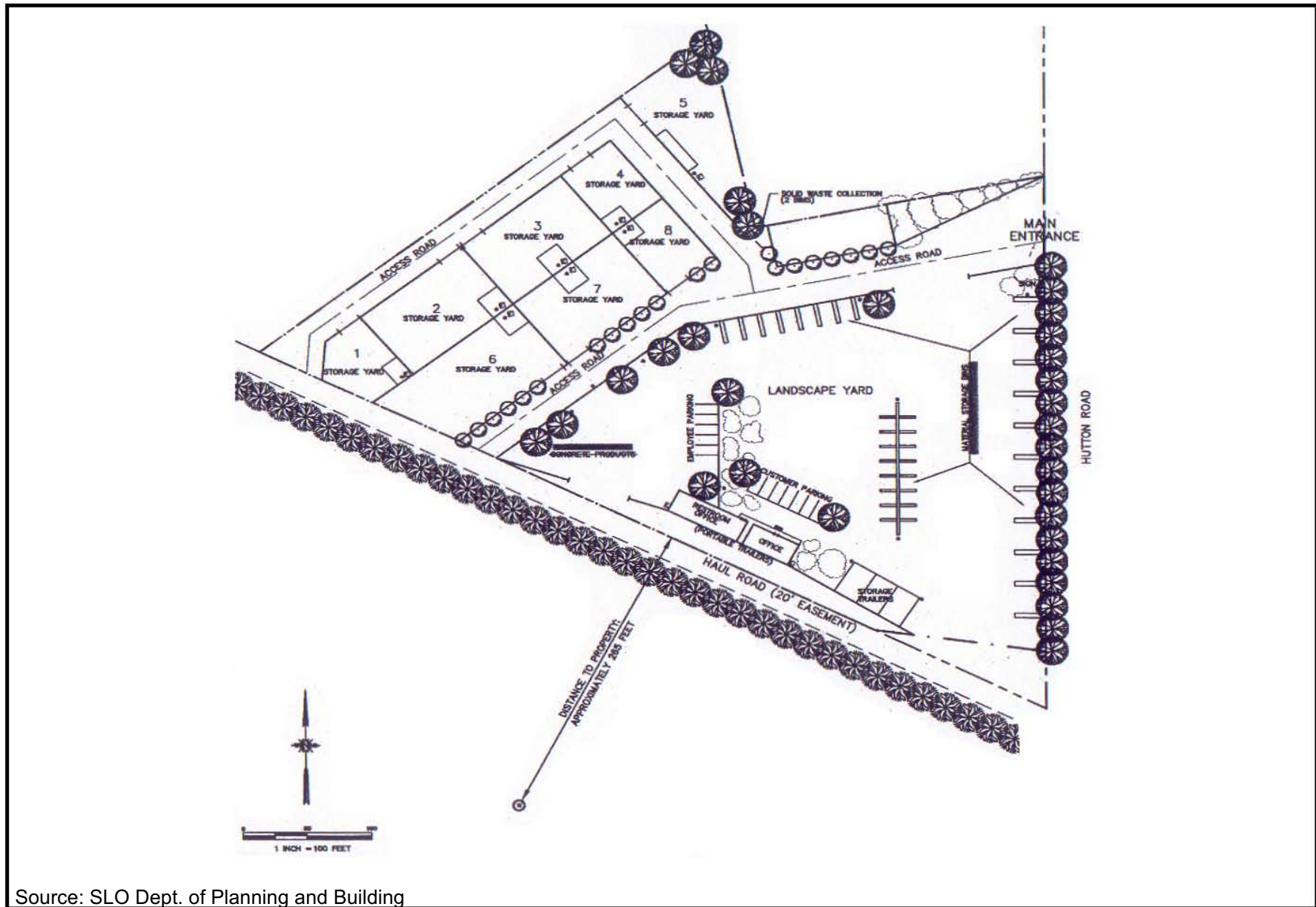




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## **CHAPTER 9.0 PUBLIC COMMENTS AND RESPONSES TO COMMENTS**

Comments from the following individuals, organizations and governmental agencies listed below were received on the Draft EIR. Copies of the letters with individual numbered comments are included along with responses to these comments following each letter. Where indicated, changes in the text of the Final EIR have been made.

### **Individuals**

- A. Jim and Mary Ann Burch

### **Organizations**

- B. Richard D. Jackson, President, A.J. Diani Construction Co., Inc., which includes letter from Scott Cohen, P.E., West Coast Environmental and Engineering
- C. Richard D. Jackson, A.J. Diani Construction Co., Inc., which includes letter from Ingrid Elsel, West Coast Environmental and Engineering
- D. Richard D. Jackson, A.J. Diani Construction Co., Inc., which includes letter from Rob Dal Farra, P.E., West Coast Environmental and Engineering
- E. John Snyder, Koch California Ltd.
- F. Bonnie Eisner, Nipomo Community Advisory Council
- G. Andrew Christie, Sierra Club
- P. Ms. Carol Florence, Oasis Associates

### **Governmental Agencies**

- H. James Kilmer, California Department of Transportation
- I. Larry J. Lavagnino, City of Santa Maria
- J. Bill Shipsey, City of Sacramento
- K. Melissa Guise, San Luis Obispo Air Pollution Control District
- L. Jan Di Leo, San Luis Obispo County Parks
- M. Vijaya Jammalamadaka, AICP, Santa Barbara County Air Pollution Control District
- N. David Murray, California Department of Transportation
- O. Melissa Guise, San Luis Obispo Air Pollution Control District

## **RESPONSES TO COMMENTS FROM MR. JIM BURCH**

September 20, 2005

- A1. Comment noted. No text revisions made.
- A2. San Luis Obispo County Air Pollution Control District has reviewed and approved an Addendum to Health Risk Assessment for the Biorn Asphalt Plant (West Coast Environmental and dated January 17, 2007, which analyzed the impact of plant emissions and additional mitigation measures have been included in the EIR to reduce impacts as needed to less than significant levels.
- A3. Additional air quality measures have been included to reduce the impacts of plant emissions on down-wind receptors to less than significant levels.

## **RESPONSES TO COMMENTS FROM MR. RICHARD D. JACKSON, PRESIDENT, A.J. DIANI CONSTRUCTION COMPANY, WHICH INCLUDES LETTER FROM SCOTT COHEN, P.E., WEST COAST ENVIRONMENTAL AND ENGINEERING**

September 26, 2005

- B1. Comment noted. No text revisions made.
- B2. Comment noted.
- B3. Reported noise values are accurate, measured early morning noise (4 a.m.) was higher than daytime, due to activity at surrounding industrial land uses.
- B4. Construction noise was estimated using the same reference values as for operation (EPA, 1971).
- B5. The 1971 U.S. EPA document remains the best source of noise reference values for construction equipment. Construction equipment has not changed substantially since 1971, and most equipment in use is at least 10 years old. Limited noise monitoring during construction by Padre Associates indicates these noise reference values are adequate. The project description is based on the use of two loaders in operation, as reflected in the Air Quality Assessment prepared by West Coast Environmental.  
  
The Caltrans SOUND2000 model is still used for smaller roadway projects, and is accepted by Caltrans as an approved method. Mandated use of the Traffic Noise Model has not been finalized to date.
- B6. The EIR acknowledges the highly complex existing and proposed noise environment. The methods used in the EIR provide sufficient accuracy to determine significance.
- B7. The complex existing noise environment, multiple proposed noise sources, variable operating schedules and differing noise thresholds (Leq and CNEL) make it very difficult to predict the full effect of the noise wall. Mitigation Measure NOI-2 has been revised to clarify the proposed noise monitoring to determine whether the project would cause a significant noise impact.

**RESPONSES TO COMMENTS FROM MR. RICHARD D. JACKSON, PRESIDENT, A.J. DIANI CONSTRUCTION COMPANY, WHICH INCLUDES LETTER FROM INGRID ELSEL, WEST COAST ENVIRONMENTAL AND ENGINEERING**

September 26, 2005

- C1. Comment noted. The EIR adequately separates the impacts and mitigation discussion between the proposed Conditional Use Permit and the Land Use Ordinance/Land Use Element (LUO/LUE) Amendment. As described on page 5-1 of the EIR, for each issue area, "The Impacts and Mitigation Measures subsection contains two parts: (1) Asphalt Plant Impacts; and (2) Impacts associated with the proposed land use category changes. The former discusses potential impacts to the environment resulting from construction and operation of the proposed asphalt plant, whereas the latter identifies potential impacts due to changing the land use category of 9.3 acres from Residential Suburban (RS) to Industrial (IND) and 44.7 acres from Commercial Service (CS) to IND." There is sufficient information in the EIR so that a distinction can be made and understood by the general public and the decision making bodies. Nevertheless, per comment #C2, the following has been added to Chapter 1: "

*For the purposes of describing the two components, "plant site" refers specifically to the area affected by the CUP (the proposed asphalt facility), and "LUO/LUE area" refers to the entire area that will be affect by the LUO/LUE amendment (including the asphalt facility site).*

- C2. See response to Comment #C1.
- C3. Comment noted. No text revisions made.
- C4. The 14.5 acre area included in the EIR refers to the area to be changed to the Industrial land use category. The actual plant area is approximately 6.15 acres.
- C5. Section 3.5.3 Structures has been revised to reflect a 5 to 6 foot concrete block wall.
- C6. Text on page 4-14 has been changed accordingly.
- C7. Comment noted. No text revisions made.
- C8. Comment noted. No text revisions made.
- C9. Impact AES-2 refers to visual impacts associated with the proposed asphaltic concrete plant being visible to motorists traveling along U.S. Highway 101 and some residences. The finding is that considering the various vantage points, there would collectively be a Significant but Mitigable impact.
- C10. See response to comment #C9.
- C11. Comment noted. No text revisions made.
- C12. Comment noted. No text revisions made.
- C13. Comment noted. No text revisions made.

- C14. Cumulative impacts are defined as “...two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Highway 101 may be considered a sensitive viewing location; the proposed project in conjunction with future industrial development in the area, may result in significant cumulative impacts.
- C15. Detention basins are routinely constructed in the 100-year floodplain. Given that the project site is adjacent to the Santa Maria, detention basins constructed above the 100-year floodplain would not be feasible. Mitigation WR-2 has been amended accordingly.
- C16. Comment noted. No text revisions made.
- C17. Mitigation measure BIO-2B has been modified to specify that the pre-construction nesting bird surveys shall be completed two weeks prior to the initiation of construction activities conducted between February 15 and September 15.
- C18. Cross-referencing of mitigation measures is a standard practice in EIRs.
- C19. Pre-construction botanical surveys timed to occur immediately before construction would be the appropriate time to identify the Blochman’s ragwort population noted. Because the presence of the Blochman’s ragwort population is outside of the proposed area of disturbance, it has not been presented on the plant community map in Section 5.4.
- C20. See response to comment #C18.
- C21. See response to comment #C18.
- C22. See response to comment #C18. There is no need to create a sub-section “Related Mitigation Measures.”
- C23. Comment noted.
- C24. The secondary containment would serve to protect the Santa Maria River area from a potential release of asphaltic oil from the proposed facility. Measure HAZ-1(B) has been revised to refer to the current threshold per the 2002 SPCC regulations. The measure has also been revised to refer to “oil”.
- C25. Comment noted.
- C26. Impact POP-1 has been changed accordingly.
- C27. Mitigation measures included to reduce the impact of the project on fire protection services address fire protection systems and includes the payment of countywide public services facilities fees, but do not address fire protection personnel funding. This impact is significant and unmitigatable.
- C28. The condition for the 180,000 gallon water tank has been eliminated and replaced with the requirement for a 5,000 gallon water tank and an assessment to the need for fire sprinklers at the proposed asphalt plant. Refer to revised mitigation measure PUB-2.
- C29. The impact category for impact PUB-3 has been modified to be consistent with the text. This impact is considered less than significant.
- C30. Mitigation Measure PUB-3 has been re-numbered to PUB-4.

- C31. Rubber tires would not be disposed in landfills located in San Luis Obispo County; therefore, the impact has been appropriately classified.
- C32. Comment noted. No text revisions made.
- C33. The EIR text has been modified to reflect the results of meetings with CAL FIRE representatives to address fire water needs for the asphalt plant and the LUE/LUO amendments. Future development within the LUE/LUO amendment area will be required to pay public facilities fees for police and fire protection as required on all development per Board of Supervisors policy.

**RESPONSES TO COMMENTS FROM MR. RICHARD D. JACKSON, PRESIDENT, A.J. DIANI CONSTRUCTION COMPANY, WHICH INCLUDES LETTER FROM ROB DAL FARRA, VICE PRESIDENT, WEST COAST ENVIRONMENTAL AND ENGINEERING**

September 26, 2005

- D1. Comment noted.
- D2. Thresholds used in the EIR were taken from Table 2-1 of the APCD's CEQA Air Quality Handbook. As stated on page 2 of the Handbook, Table 2-1 is used to determine the significance of the total emissions from project operations. CEQA requires the assessment of the impacts of the entire project, as the public would be exposed to both stationary sources of emissions (permitted by the APCD) and mobile sources (not permitted). A health risk assessment was completed to determine the significance of air toxic emissions, as the threshold is based on risk values and not source emissions.
- D3. CARB Mail-out 99-32 provides input data to the OFFROAD model, an inventory model developed specifically to produce a Statewide inventory and not to estimate project emissions. The OFFROAD model is not available to the public, and cannot be used to estimate project emissions. Mail-out 99-32 provides only three uncontrolled emission factors for the entire population of off-road engines, including stationary and mobile. EPA's 1991 Non-road Engine and Vehicle Emission Study provides specific emission factors for each type of construction equipment, which allows for the preparation of project-specific emissions estimates for construction. This data is not out of data, as most construction equipment is over 10 years old.
- D4. The APCD's fugitive dust screening factor (0.75 tons/acre-month) was not used as a more detailed approach was considered necessary. Use of this factor would result in the project construction emissions exceeding the PM10 significance threshold (2.5 tons/quarter).

Emission factors used to estimate fugitive dust from project construction were taken from Table 13.2.3-1 (Recommended Emission Factors for Construction Operations) of *Compilation of Air Pollutant Emission Factors* developed by U.S. EPA. Table 13.2.3-1 was last updated in 1995. Therefore, the emission factors used are appropriate. However, the unpaved road emissions factors referenced in Table 13.2.3-1 are found in Section 13.2.2 which was revised in 2003. The primary change was the deletion of vehicle speed as a factor in estimating fugitive dust from unpaved roads. Table 5.3-3 of the EIR has been revised to reflect the 2003 unpaved road emission factors.



The fugitive dust emissions analysis assumed a peak quarter would include removal of existing concrete rubble and other materials at the project site and require full time use (65 days) of vehicles. The actual number of miles traveled by trucks per day on unpaved roads was estimated at 10 miles, which reflects 20 round trips (40 one way trips) with 0.25 miles on unpaved surfaces per one-way trip. Emission factors from Table 13.2.3-1 and other U.S EPA sources does not account for wind erosion of exposed soil, which may be a substantial source of dust based on extensive construction monitoring experience of the consultant. Therefore, the South Coast AQMD graded surface factor was used to estimate wind erosion. It is the consultants understanding that this factor accounts for emissions from a graded surface, and not the grading process. In any case, PM10 emissions from construction would exceed the 2.5 tons per quarter threshold even if wind erosion was ignored.

- D5. Comment noted.
- D6. See discussion above for construction off road emissions. The transcription error in Tables 5.3-6 and 5.3-8 has been corrected.
- D7. The unpaved road fugitive dust emissions were calculated based on 13,300 miles per year total loader travel, which includes two loaders and a backhoe. The average daily miles would be 44 (13,000 miles/303 days), similar to the value suggested in the comment. Peak day miles per day would be greater. The fugitive dust emissions estimates have been revised in the EIR, using the most recent emission factors in Section 13.2.2 of Compilation of Air Pollutant Emission Factors. Annual unpaved road dust emissions are estimated as 38.8 tons per year, similar to the value (37.9) reported in the Draft EIR.
- D8. Thresholds used in the EIR were taken from Table 2-1 of the APCD's CEQA Air Quality Handbook. As stated on page 2 of the Handbook, Table 2-1 is used to determine the significance of the total emissions from project operations. CEQA requires the assessment of the impacts of the entire project, as the public would be exposed to both stationary sources of emissions (permitted by the APCD) and mobile sources (not permitted). The EIR used the most appropriate emission factors available to estimate asphalt plant emissions. In fact, the Air Quality Assessment prepared for the project by West Coast Environmental used the same source of emission factors (Section 11.1 of AP-42).
- D9. The construction PM10 emissions would exceed 2.5 tons per quarter such that Mitigation Measure AQ-1 is warranted. Operational PM10 emissions would exceed 25 tons per year such that Mitigation Measures AQ-2A, 2B and 2C are warranted. Mitigation Measure AQ-2D has been revised to allow alternative technologies to reduce CO emissions as determined by the APCD. A more comprehensive health risk assessment was prepared following the Draft EIR public comment period. This assessment meets the intent of Mitigation Measure AQ-3.

**RESPONSES TO COMMENTS FROM MR. JOHN SNYDER, VICE PRESIDENT, KOCH CALIFORNIA LTD.**

September 30, 2005

- E1. The DEIR incorrectly identified the Nipomo Mesa Hydrologic sub-area as the “Nipomo Mesa Hydrologic sub-basin.” As shown in Figure 14-1, the project site is within the Nipomo Mesa Hydrologic sub-area, which is a sub-area of the Santa Maria Groundwater Basin. Impacts to water resources have been adequately analyzed and appropriate mitigation proposed.
- E2. Comment noted. The EIR identifies a less than significant impact on groundwater supply, but recommends water conservation measures because the asphalt plant would utilize groundwater resources from the Nipomo Mesa Hydrologic sub-area.

**RESPONSES TO COMMENTS FROM MS. BONNIE EISNER, NIPOMO COMMUNITY ADVISORY COUNCIL.**

September 30, 2005

- F1. Short-term visual impacts due to construction are identified as insignificant; however, long-term visual impacts are identified as Significant but Mitigable and Mitigation Measure AES-2 is proposed. Mitigation Measure AES-2 will require the applicant to prepare and submit for approval a revised landscape plan and landscape maintenance plan to the County of San Luis Obsipo prior to construction.
- F2. Impact AES-1 identifies short-term impacts due to actual construction activities. The presence of the proposed asphaltic concrete plant is considered a long-term visual impact. Impact AES-1 and AES-2 are not in conflict.
- F3. US Highway 101 is not a State Scenic Highway, but is eligible for consideration within San Luis Obsipo County. Mitigation Measure AES-4 is proposed, requiring the applicant to prepare a visual analysis if sound walls will be constructed and to amend the landscape plan identified in Mitigation Measure AES-2 (A).
- F4. Noise impacts were identified based on the County’s land Use Ordinance. Engine braking could occur at the U.S. 101 off-ramp, but would not be located near any residences.
- F5. The condition for the 180,000 gallon water tank has been eliminated and replaced with the requirement for a 5,000 gallon water tank and an assessment to the need for fire sprinklers at the proposed asphalt plant. Refer to revised mitigation measure PUB-2.
- F6. Section 5.14 Water Resources proposes Mitigation Measure WR-12, which would require the applicant to obtain an NPDES permit from the RWQCB. The requirements of the Permit shall be fully implemented including waste discharge limitations, and monitoring and reporting requirements.
- F7. Water use associated with the proposed asphaltic concrete plant has been analyzed in the DEIR. Total water demand for the project is 2.3 acre-feet per year, with the amount used for landscaping declining over time as the plants become established. Mitigation Measure WR-4 has been proposed to minimize the insignificant impact on water resources that would result from the proposed plant.
- F8. The proposed asphalt plant will not generate 3.02 million gallons of wastewater per year. It will use approximately 3.02 million gallons of water per year to produce asphalt. The project will generate approximately 420 gallons per day (12 employees @ 35 gallons per

- employee [Table K-3 of the Uniform Plumbing Code]) of wastewater, which would be handled by a proposed septic tank. Mitigation Measure WW-1 is proposed to minimize water quality impacts.
- F9. The need for an air monitoring station was determined to be not necessary for this project. Mitigation measures have been revised per the results of the Addendum to the Health Risk Assessment to reduce the air quality impacts to less than significant levels.
- F10. The asphalt plant has been designed to minimize asphalt-related odors. Regarding health hazards, a health risk assessment has been conducted and the findings included in the EIR. Mitigation measures have been included to reduce the potential air quality impacts to less than significant levels.
- F11. All potential long-term effects that the industrial operations may have on flora and fauna in the area have been identified. Appropriate mitigation measures to mitigate potential impacts to special-status species have been developed.
- F12. Parcels 090-302-034 and 090-302-035 were not surveyed because no site access was granted. To the extent feasible, the baseline conditions of these two parcels were ascertained based on written document and surveys via binoculars. The general habitat classifications for these parcels were documented and pre-construction surveys have been recommended. No construction associated with the asphalt plant would occur on these parcels. All appropriate measures have been incorporated into the EIR to protect wildlife, plants, and water resources and to safeguard other environmental concerns that may be present on or around the site. Any future industrial development that would take on these two parcels would require subsequent environmental review pursuant to CEQA.
- F13. Comments noted. No changes necessary.
- F14. The traffic trips are considered worst-case scenario for the purposes of CEQA. The number of peak day truck trips was used for the determination of significance and the need for mitigation. Mitigation measures for traffic impacts have been added to the Traffic and Circulation section following meetings with Caltrans.
- F15. Following discussions with Caltrans, mitigation measure TRA-2A has been added to include for a contribution of the project's pro-rata share of the costs for the Santa Maria River bridge improvement project. New measure TRA-2B provides for the completion of asphalt pavement resurfacing for on and off ramps at the Highway 101/166 interchange.
- F16. Refer to response to comment F15.
- F17. Refer to response to comment F15.
- F18. The correct distance is approximately 800 feet north of the proposed asphalt plant site. This correction has been made to the EIR.
- F19. The total LPG stored onsite would range from 1,000 to 1,500 gallons. Impacts were analyzed based on 1,500 gallons stored onsite.
- F20. The 8,000 gallon portable tank always would be onsite.

- F21. Mitigation Measures HAZ-1 and HAZ-3 present measures to prevent the release of hazardous materials in the event of flooding at the proposed asphalt plant site
- F22. The project was found to have a less than significant impact on police protection services, therefore no mitigation is required. The project was identified with a significant and unavoidable impact on fire protection staffing requirements. Mitigation measures have been added to reduce potential fire hazards under measures PUB-2 and PUB-6.
- F23. The timing of biological surveys is adequate for purposes of impacts under CEQA.
- F24. Comment noted.
- F25. Impacts to wildlife from the construction and operation of the proposed asphalt plant are address under impacts BIO-1 through BIO-3. Mitigation measures have been included to reduce those impacts to less than significant levels.
- F26. The Nipomo Creek Watershed Plan has been reviewed. Impacts to Nipomo Creek under either the Biorn asphalt plant or projects under the LUE/LUO would be required to provide mitigation for wetland and riparian habitat. Project considered under the Nipomo Creek Watershed Plan may be required to provide funding for off-site mitigation to compensate for those impacts.
- F27. Potential impacts to groundwater, air quality, and land use have been identified and mitigation measures developed to minimize impacts. The proposed asphalt plant would have a less than significant impact to groundwater from constructive activities; therefore, no mitigation is required. Adequate measures have been developed to mitigate all potential impacts to Nipomo Creek and the Santa Maria River to a level of less than significant. During construction, a third-party monitor would ensure that all mitigation measures are implemented to minimize short-term impacts. County staff would monitor the project on a long-term basis to ensure that all mitigation measures are carried out to mitigate long-term impacts.

**RESPONSES TO COMMENTS FROM MS. ANDREW CHRISTIE, CHAPTER COORDINATOR,  
SIERRA CLUB, SANTA LUCIA CHAPTER**

September 30, 2005

- G1. The County of San Luis Obispo, as the CEQA Lead Agency, is responsible for ensuring that all mitigation measures contained in the EIR to mitigate impacts to less than significant, are carried out pursuant to CEQA. The County would ensure that such measures are implemented pursuant to CEQA.
- G2. The EIR objectively analyzed the potential impacts associated with the LUO/LUE Amendment and CUP for construction and operation of the proposed asphalt plant. All feasible mitigation measures have been development to avoid, minimize, or compensate for potentially significant impacts.
- G3. Mitigation Measure AG-2 recommends measures that are already being implemented for future development with San Luis Obispo County. The measures identified in AG-2 fall under the responsibility of the County of San Luis Obispo Planning and Building Department, the County's Agricultural Commissioner's Office, and the San Luis Obispo Air Pollution Control District. This measure is designed to mitigate potential direct and

- indirect impacts to agricultural resources. Potential impacts to surrounding habitats and wildlife species are addressed under Section 5.4 Biological Resources.
- G4. Page 5.3-13 of the EIR acknowledges that Measures AQ-2A through AQ-D would not reduce emissions below the level of significance. No additional measures are available to reduce project emissions; therefore, off-site mitigation is proposed. About \$13,600 per ton of project emissions would be paid by the applicant to the APCD for use in regional emissions reductions. Therefore, project-related emissions would be offset by off-site emission reductions, resulting in less than significant residual impacts. As discussed under Impact AQ-4, violation of APCD Rule 402 is not expected due to the blue smoke controls to be used at the asphalt plant.
- G5. Mitigation Measure REC-2 is not intended to mitigate impacts to habitat and wildlife, but to mitigate recreational impacts. Secondary impacts to biological resources resulting from implementation of Mitigation Measure REC-2 are described in Impact BIO-6; Mitigation Measure BIO-8 would minimize indirect impacts to biological resources.
- G6. See response to comment #F12 from Ms. Bonnie Eisner, Nipomo Community Advisory Council.
- G7. Biological surveys have been conducted of the LUO/LUE amendment area, except for parcels 090-302-034 and 090-302-035 were not surveyed because no site access was granted. Protocol-level biological surveys for special-status wildlife species and for plants, such as the Black-flowered figwort, are only valid for a specific period of time. Considering that the timing of future industrial development within the LUO/LUE amendment area is unknown, Mitigation Measure BIO-9 is appropriate and adequate pursuant to CEQA.
- G8. Pursuant to CEQA, potential impacts associated with the proposed LUO/LUE amendment were based on a "worst-case permissible land use", which is intended to analyze the potentially most significant impacts that could occur if the land designation of the LUO/LUE amendment area were to be changed to industrial. The worst-case land use is not based on the probability of the land use occurring, but rather the intensity of the use and the intensity or severity of its potential impacts. No significant impacts to groundwater from construction have been identified; therefore, not mitigation is proposed. All potential impacts associated with the proposed LUO/LUE amendment and the construction and operation of the asphalt plant have been disclosed. Furthermore, all feasible mitigation measures to mitigate impacts to a level of less than significant have been developed.

## **RESPONSES TO COMMENTS FROM MR. JAMES KILMER, CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 5**

September 28, 2005

- H1. A revised Traffic Impact Study was not prepared in response to Caltrans concerns. Instead, the applicant, the County, and Caltrans met on several occasions to negotiate a mutually acceptable mitigation package, which is included in response to comments N1 and N2. The mitigation measures are included as measures TRA-2A through 2C.
- H2. See response to H1.

- H3. See response to H1.
- H4. See response to H1.
- H5. Comment noted. Revised mitigation measure TRA-2A has been included in response to comment N1 below.
- H6. Comment noted.
- H7. Comment noted. Revised mitigation measure TRA-2B includes the requirement for approval of an encroachment permit to complete the required asphalt pavement overlay on the Highway 101/166 on and off-ramps.

**RESPONSES TO COMMENTS FROM MR. LARRY J. LAVAGNINO, MAYOR, CITY OF SANTA MARIA**

September 30, 2005

- I1. A comprehensive health risk assessment has been prepared and the findings included in the Final EIR. Residential receptors in the City of Santa Maria were included in the analysis and the project will be conditioned to prevent exceedances of the health risk thresholds in the City. Please see response to comment #K16. Potential impacts associated with odors have also been addressed; see response to comments #K17. Lastly, noise impacts have also been addressed. See response to comment #B6.

**RESPONSES TO COMMENTS FROM MR. BILL SHIPSEY, PLANNER III, COMMUNITY DEVELOPMENT DEPARTMENT, CITY OF SANTA MARIA**

October 3, 2005

- J1. The EIR has been revised to include an assessment of project impacts relative to the City of Santa Maria noise standards.
- J2. Mitigation Measure AES-2 will require the applicant to submit for approval a revised landscape plan that utilizes a minimum 75 percent fast/tall-growing evergreen tree species. The plan specifies use of well-drained soils and tree species that are non-invasive to riparian vegetation. Language has been added requiring, where feasible, the use of species and varieties that are low or non-emitters of Biogenic Volatile Organic Compounds (BVOCs).

**RESPONSES TO COMMENTS FROM MS. MELISSA GUISE, AIR QUALITY SPECIALIST, SAN LUIS OBISPO AIR POLLUTION CONTROL DISTRICT**

September 29, 2005

- K1. The reference on Page 3-13 is in error, it should reference Table 3-3 and not 3-4. This error has been corrected in the Final EIR.
- K2. Comment noted.
- K3. Concrete rubble currently at the plant site would be relocated to an adjacent area. This rubble may contain small amounts of asbestos, and handling may result in this material becoming airborne. The EIR has been revised to include mitigation measure AQ-2B to require proper handling and disposal, if asbestos is found.

- K4. Mitigation measure AQ-2B has been included to address potential asbestos containing materials in on-site structures and utilities.
- K5. The 2003 version of the APCD CEQA Air Quality Handbook was used as noted on page 5.3-7. The 1997 date on page 5.3-6 is in error and has been corrected in the Final EIR.
- K6. The 550 lb/day CO threshold from the APCD CEQA Air Quality Handbook was used as noted in Table 5.3-8. The 50 lb/day CO value on page 5.3-6 is in error and has been corrected in the Final EIR.
- K7. A Clean Air Plan consistency analysis has been added to the Final EIR.
- K8. As stated in Section 3.5.2 of the Draft EIR, a water truck would be on-site during construction to apply water for dust control. The referenced statement was meant to clarify that fugitive dust would be produced until facilities were constructed. The construction period is not phased such that interim dust control measures, such as vegetation planting or application of soil stabilizers is not feasible.
- K9. The referenced dust control measures have been added to the EIR. A discussion of the potential for naturally-occurring asbestos to become airborne during construction has been added to the EIR, including mitigation measures.
- K10. The recommended measures have been added to Mitigation Measure HAZ-4.
- K11. Comment noted.
- K12. Comment noted. VEE certification would be helpful, but not essential in detecting excessive dust emissions.
- K13. As indicated in the project description under "Water Source and Use," water would be used for dust control. The EIR has been revised to clearly indicate a water truck would be on-site during operation to apply water for dust control.
- K14. Comment noted.
- K15. Comment noted.
- K16. Table 5.3-6 has been corrected in the EIR. All feasible mitigation measures have been applied to the project. The Health Risk Assessment (HRA) included an evaluation of diesel PM emissions from project operation, see the response below concerning the HRA.
- K17. As stated in the EIR, the project includes odor control measures and residences are not located nearby. However, a discussion has been added to the EIR addressing the potential for a nuisance based on complaints to the APCD.
- K18. A Clean Air Plan consistency analysis has been added to the Final EIR.
- K19. The HRA has been revised based on coordination with APCD staff. The findings of the revised HRA have been added to the EIR. Mitigation measures to reduce mobile source diesel PM emissions have also been added. The recommended measures for diesel particulate emissions have been added.

## **RESPONSES TO COMMENTS FROM MS. JAN DILEO, COUNTY OF SAN LUIS OBISPO PARKS**

September 1, 2005

L1. Comment noted.

## **RESPONSES TO COMMENTS FROM MS. VIJAYA JAMMALAMADAKA, AICP, AIR QUALITY SPECIALIST III, SANTA BARBARA COUNTY AIR POLLUTION CONTROL DISTRICT**

September 30, 2005

M1. The San Luis Obispo Air Pollution Control District requested that the following be included in a revised HRA:

- Use of a 70-year risk rather than a 20-year risk;
- Include emergency generators;
- Perform chronic and acute risk analyses;
- Include sensitive receptors;
- Include maps with 1e-6 cancer risk, 1e-5 cancer risk, and 1.0 HI isopleths, if they exist;
- Include the point of maximum impact (acute receptor), the maximum exposed worker (worker cancer receptor), and the maximum exposed resident (residential cancer receptor);
- Use worst-case meteorological data from three years;
- Include elevations in the model; and,
- Include electronic model input and output files.

The Addendum to the HRA satisfies all of these requirements.

M2. See response to comment #M1

M3. The revised HRA calculated emissions based on the maximum operating schedule.

M4. The revised HRA used toxic pollutants listed in AP-42 and Ventura County APCD AB 2588 Combustion Emission Factors.

M5. The revised HRA included the diesel particulate matter emissions from testing and maintenance.

M6. The revised HRA evaluated the risk at both residential receptors and business receptors.

M7. An electronic copy of the HARP input and output files have been made available to both the San Luis Obsipo APCD and the Santa Barbara County APCD.



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**RESPONSES TO COMMENTS FROM MR. DAVID MURRAY, CHIEF OF OFFICE OF REGIONAL PLANNING AND DEVELOPMENT REVIEW, CALIFORNIA DEPARTMENT OF TRANSPORTATION**

March 28, 2007

- N1. The Caltrans requirement for an Agreement for Pro-Rata Share for Improvements has been included as mitigation measure TRA-2A.
- N2. The Caltrans requirement for provision of asphalt concrete pavement overlay on the State Route 101/166 on/off ramps has been included as mitigation measure TRA-2B.

**RESPONSES TO COMMENTS FROM MELISSA GUISE, AIR QUALITY SPECIALIST, SAN LUIS OBISPO COUNTY AIR POLLUTION CONTROL DISTRICT**

May 3, 2007

- O1. Comment noted. Please see responses to comments K1 through K19.
- O2. Per APCD comments and the results of the an addendum to the Health Risk Assessment prepared for the project, three mitigation measures have been added to the Air Quality section under AQ-3A through 3D.

April 11, 2007

- O3. This letter states that the San Luis Obispo County Air Pollution Control District has approved the Addendum to the Health Risk Assessment dated January 17, 2007.

**RESPONSES TO COMMENTS FROM CAROL FLORENCE, AICP, OASIS LANDSCAPE ARCHITECTURE AND PLANNING**

July 25, 2007

- P1. The proposed mitigation measure has been approved by the County Fire Marshal, Mr. Rick Swan, and has been included in mitigation measure PUB-2.
- P2. The proposed mitigation measure has been approved by the County Fire Marshal, Mr. Rick Swan, and has been included in mitigation measure PUB-6.



Jim Burch  
<jimburch@intergate.com>

To: jdmckenzie@co.slo.ca.us  
cc:  
Subject: Proposed asphalt plant disaster

09/20/2005 04:53 PM  
Please respond to  
jimburch

9/20/05

To: **John McKenzie**  
SLO County Planner  
e-mail: jdmckenzie@co.slo.ca.us  
Phone: 781-5452

From: Jim Burch  
504 Poplar Street  
Santa Maria, CA 93458  
Phone: 925-4707  
E-mail: jimburch@intergate.com

Dear John,

The Santa Maria Times had your e-mail wrong. I am sure that you would have gotten a lot of mail otherwise regarding the unwise location of the proposed asphalt plant.

A-1

I read with alarm the story in the Santa Maria Times regarding the asphalt plant being proposed across from our fair city. I live on the south side of the Santa Maria riverbed and can throw a rock into it. Here are my thoughts on that dastardly proposal.

#### **ANOTHER CATASTROPHE IS SHAPING UP**

Unlike hurricane Katrina this one is a slow poisoning of the air we breathe, massive pollution, noise, a stench in the air for all time, and dust that chokes the lungs of those who live in North Santa Maria and Santa Maria proper. On August 21st and September 3rd the Santa Maria Times published articles about the possibility of an "Asphalt Plant" being built on, and adjacent to, the North side of the Santa Maria river bed ( just West of the highway 101/166 interchange ) by A.J. Diani Construction Co. **It will produce 400,000 TONS of asphalt per year and**

A-2

**will operate 24 hours a day. It will also generate carbon monoxide, a known deadly poison.**

A-2

As the proposed location is the southernmost end of San Luis Obispo County it will affect the Nipomo residents, but more so we here in Santa Maria, as the prevailing winds blow, most of the time, from Northwest by North towards the Southeast by South which is exactly in the direction of Santa Maria. Therefore Northern most Santa Maria, only about 440 yards away, and Santa Maria overall will be directly in the path of this poison and pollution from the asphalt plant. The communities immediately adjacent to the South side of the river bed will not only bear the brunt of this disaster, but also see a drop in their property values. This includes River Oaks, Hidden Pines Estates, Willow Ridge, etc. **The SLO County Board of Supervisors and the Nipomo Community Advisory Council (NCAC) are urged NOT to approve of this proposed Asphalt plant location.**

A-3

When the winds blow this massive pollution towards Nipomo, I predict a really serious response from the people who live there.

Sincerely,  
Jim and Mary Ann Burch



**A.J. DIANI CONSTRUCTION CO., INC.**  
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PLANNING/BUILDING  
DEPT

2005 SEP 30 PM 3:34

September 26, 2005

Mr. John McKenzie, EIR Project Manager  
San Luis Obispo County  
Department of Planning and Building  
County Government Center, Room 310  
San Luis Obispo, CA 93408-2040

Re: Response to Biorn Draft EIR  
Noise Section

Dear Mr. McKenzie,

A. J. Diani Construction Co., Inc. ("Diani") requested its consultant, West Coast Environmental and Engineering ("WCE"), to review and provide comment on the subject Draft Environmental Impact Report ("DEIR"). Upon comprehensive review, WCE has concluded that there are major discrepancies between our evaluation and the DEIR regarding noise measurements, the subsequent evaluation of that data and the resulting recommended mitigation measures. Accordingly, Diani has attached its comments via WCE correspondence of September 23, 2005 (the "WCE Noise Section Analysis").

There are many inconsistencies identified in the WCE Noise Section Analysis, but, of particular concern is Mitigation Measure NOS-2 requiring installation of an eight foot high masonry wall for a potential noise barrier. This is an unwarranted and extreme Mitigation Measure due to not only the failure of the DEIR to utilize current, readily available information regarding operational noise, but also the DEIR use of an inappropriate method of calculating and interpreting projected ambient noise levels given current conditions. In addition to Diani's concerns, it is quite apparent that the author is uncomfortable imposing this dubious Mitigation Measure based upon the written comments.

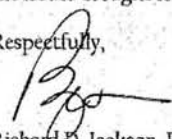
B-1

Diani suggest that the reference to the block wall be eliminated and the reference to monitoring remain so that appropriate and effective site specific mitigation measures, if necessary, may properly be developed and unwarranted, wasteful measures not be required. Furthermore, Diani requests the DEIR noise analysis utilize directly relevant and current information regarding operational noise in order to properly estimate noise impacts.

In addition to the above issues Diani respectfully request your comprehensive review and comment on all the issues brought forth in the WCE Noise Section Analysis.

B-2

Respectfully,

  
Richard D. Jackson, President

Attachment: WCE Noise Section Analysis dated September 23, 2005

cc: Jim Diani (with attachment)  
Timothy J. Carmel (with attachment)



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www.diani.com



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AND ENGINEERING

1838 Eastman Ave., Ste 200  
Ventura, CA 93003-5753  
Phone 805/644-7976 Fax 805/644-5929

444 South Flower Street, 42nd Floor  
Los Angeles, CA 90071-2901  
Phone 213/229-0075 Fax 213/229-0088

[www.wcenenviro.com](http://www.wcenenviro.com)

September 23, 2005

Mr. Jim Diani  
A.J. Diani Construction Co., Inc.  
295 N. Blosser Road  
Santa Maria, CA 93456-0636

**Subject:** Comments on the Noise Section of the Biorn DEIR

**AJD140**

Dear Mr. Diani:

Discussion of CNEL and Ldn noise measurements is not necessary because this Project is a noise source. Noise sources are evaluated based on units of Leq-1hr.

#### 1.0 AMBIENT NOISE

The Noise Section prepared for the Draft Environmental Report (DEIR) monitored noise using the same monitoring duration (15 - 30 minutes) that WCE used. The results were slightly different as shown in Table 1.

**Table 1. Comparison of Ambient Noise Assumptions**

	WCE	Padre
Daytime	58.1	57.1
Nighttime	53.1	58.1

Note: WCE nighttime ambient level assumes a 5 dB decrease between day and nighttime noise levels at the receptor(s). Padre nighttime ambient level was measured between 4:15 and 4:35 AM.

The DEIR Noise Section made two (2) daytime ambient noise measurements for the receptor in the LUO/LUE Amendment Area and found ambient noise levels to be 50.1 dBA and 63.1 dBA. The large discrepancy was explained in the DEIR as follows, "The large range of noise levels measured within the LUO/LUE amendment area (50.1 to 63.1 dBA Leq) appear to be the result of large variation in activity at the existing concrete batch plant."

The DEIR section made one (1) nighttime ambient noise measurement which, based on their analysis, shows that nighttime ambient noise is louder than daytime noise at the receptor. Clearly, this does not reflect reality.

B-3

Mr. James Diani  
Comments on Noise Section

September 23, 2005

A better method of monitoring would be to measure ambient noise levels over the period of a day and base ambient noise assumptions on average noise levels observed during Project operating hours. Nevertheless, a 15-minute measurement meets the minimum standards for measuring ambient noise.

B-3

Ambient noise exceeds 50 dBA, significance thresholds are calculated to be ambient noise plus 1 dBA. However, significance thresholds are based on ambient measurements that do not appear to represent conditions at the sensitive receptor (i.e. nighttime noise exceeds daytime noise).

## 2.0 CONSTRUCTION PHASE

The DEIR Noise Section estimated peak construction noise during grading to be 62.4 dBA at the receptors in the LUO/LUE amendment area. No calculations or identification of source noise levels is provided. Therefore, calculations could not be confirmed. Although it is quite likely that construction noise impacts are less than those calculated, mitigations (NOS-1) required during this phase of the Project are acceptable and include:

B-4

- A. No construction between 9 PM and 7 AM weekdays and 5 PM and 8 AM weekends.
- B. Equipment engine covers shall be in place and mufflers shall be in good condition.
- C. Adjacent residents and the County of SLO will be given advanced written notification of proposed construction activities, scheduling and hours of construction, and noise compliant procedures to minimize potential annoyance related to construction activities.

## 3.0 OPERATION PHASE

### 3.1 Sources

Stationary equipment noise is based on ALmix data but the DEIR does not state what noise level was assumed for that equipment based on the contoured plot provided. WCE assumes that a sound pressure level at some reference distance from the equipment would have been used in the calculations.

Mobile equipment noise (two wheeled loaders and one backhoe) was estimated using noise reference values from EPA (1971). WCE would suggest that a 35 year old reference is too old and that update reference data should be used in the analysis. Based on discussions with Jim Barr of Quinn Caterpillar (805.485.2171), late model construction equipment has lower noise emissions than models that would have been tested for the 1971 EPA report. In addition, Boston's Big Dig project has a recent list of noise from construction equipment. Moreover, as discussed in the Project Description and Air Quality Sections, only one loader will be operating at any one time. The second loader is present in case the first loader needs to be taken out of service for repair. Lastly, WCE assumes that a sound pressure level at some reference distance from the equipment would have been used in the calculations. No such data was provided in the DEIR.

B-5

Motor vehicle noise was estimated using the Caltrans SOUND2000 model and included modeling the access road from U.S. 101/S.R. 166 interchange to the site and internal roadways. According to Caltrans, SOUND2000 model should not be used for any new projects. Caltrans requires all new project noise studies beginning after January 15, 2005 to use the Federal



Mr. James Diani  
Comments on Noise Section

September 23, 2005

Highway Administration (FHWA) Traffic Noise Model (TNM) version 2.5 or later for acoustic modeling of traffic noise. Nevertheless, no SOUND2000 input or output files were provided in the DEIR.

B-5

### 3.2 Impact

Ambient noise exceeds 50 dBA, significance thresholds are calculated to be ambient noise plus 1 dBA. However, significance thresholds are based on ambient measurements that do not appear to represent conditions at the sensitive receptor (i.e. nighttime noise exceeds daytime noise).

The DEIR added ambient noise to Project noise before comparing the value to significance thresholds. Based on review of the County Noise Ordinance, this method seems appropriate. Based on review of the Noise Element of the County General Plan, this method may or may not be appropriate. Methods are not clearly defined in the Ordinance or Noise Element.

B-6

Although addition of existing ambient noise to source noise may be appropriate based on applicable ordinances, WCE does not believe that the method will yield an accurate prediction at the receptor because several industrial noise sources (e.g. concrete batch plant, recycle asphalt crushing plant, aggregate processing plant) and sound barriers (i.e. stockpiles) are located in the space between the Project and the receptor(s). Intervening sources will "cover" Project noise with their own noise. For instance, if Project noise is 65 dBA at the concrete batch plant (located directly in the line of sight between the Project and the receptor(s)) and the batch plant has noise emissions exceeding 75 dBA, then a receptor on the far side of the batch plant will only hear noise from the batch plant.

### 3.3 Mitigation

Operation phase Mitigation NOS-2 reads:

*NOS-2 - An 8-foot high concrete or masonry block wall (noise barrier) shall be constructed and maintained along the northern and western boundaries or the asphalt plant site. The noise barrier shall be placed between the plant and associated internal access roads and land uses north of the site. The noise barrier would reduce noise levels at the nearest residential receptor by approximately 4 dBA Leq (see barrier insertion loss in Harris, 1991). However, many components of the asphalt plant extend greater than 8 feet above the ground and noise generated by these components would not be reduced by the noise barrier. Therefore, the noise barrier may not reduce ambient noise levels generated by the proposed asphalt plant by 4 dBA Leq. Due to the complexity involved with modeling the magnitude, location, operating hours, and frequency of the numerous noise sources proposed (vehicles, mobile equipment, and stationary equipment), it is unclear if an 8-foot noise barrier would reduce the project noise impact to a level of less than significant. A taller wall may be proposed, but would likely have significant aesthetics impacts. Therefore, noise monitoring at the two nearest residences shall be conducted immediately following project implementation to determine if noise levels are significant (greater than 58.1 dBA Leq, or 1 dBA above existing, without the asphalt plant operating). If noise monitoring indicates noise levels are significant, noise walls*

B-7

Mr. James Diani  
Comments on Noise Section

September 23, 2005

*adjacent to the affected residences shall be provided to reduce noise levels at these two residences below the significance threshold. Alternatively, the applicant may purchase and demolish the two affected residences.*

Clearly, the author is confused and doesn't really know if installation of a sound wall will result in the desired effect at the receptor(s). Accordingly, it seems inappropriate to suggest such a mitigation. Furthermore, in order to engineer a sound barrier, one needs to take into account the following parameters which the author has not made known:

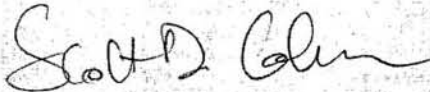
- Elevations of the source, receptor, and top of the wall; and
- Distances separating source, receptor, and the wall.

Nevertheless, monitoring ambient noise at the receptor with and without the Project operating is an acceptable way to determine if the Project causes a significant impact. If such an impact is found, then options for mitigation should be researched and proposed by the Applicant. Options may include but should not be limited to the following:

- Sound barrier (e.g. wall, berm, or stockpile);
- Retrofit receptor homes with noise attenuating building materials (e.g. windows or insulation); and
- Purchase homes in order to remove receptor.

If you have any questions, please feel free to call me at (805) 644-7976.

Sincerely,



Scott Cohen, P.E.  
Project Manager  
**West Coast Environmental and Engineering**

B-7





**A.J. DIANI CONSTRUCTION CO., INC.**  
GENEAL BUILDING • GENEAL ENGINEERING • ENVIRONMENTAL SERVICES

September 26, 2005

Mr. John McKenzie, EIR Project Manager  
San Luis Obispo County  
Department of Planning and Building  
County Government Center, Room 310  
San Luis Obispo, CA 93408-2040

Re: Response to Biorn Draft EIR  
General Comments

Dear Mr. McKenzie,

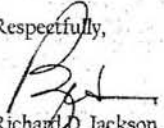
A. J. Diani Construction Co., Inc. (Diani) requested its consultant West Coast Environmental and Engineering (WCE) review the subject Draft Environmental Impact Report (DEIR) and present to Diani their comments and conclusions. Diani is submitting general comments via the attached WCE correspondence of September 23, 2005 (the "WCE Biorn DEIR General Comments").

We are particularly disappointed that even though the project description addressed the clear separation between the Diani/Biorn Conditional Use Permit application component ("CUP application") and the additional 35 acres of the County's proposed Land Use Ordinance/Land Use Element Amendment component ("LUO/LUE Amendment"), it is quite clear that the substantive DEIR analysis does not. We are disturbed that the CUP application is being severely impacted by this separate project component without the DEIR presentation making it possible for the CUP application to be clearly distinguished as a stand alone project and be judged accordingly. Diani is requesting representative language be included in the DEIR so that such a distinction can be made and understood by the general public and the decision making bodies.

Additionally, Diani believes that there are inherent flaws within many of the proposed mitigation measures which range from simple grammatical and textual errors to a complete failure to provide a justifiable nexus between the purported project impact and the proposed mitigation measure. These concerns are specifically addressed in the WCE Biorn DEIR General Comments.

Therefore, Diani is requesting representative language be included in the DEIR so that the proper distinction can be made between the CUP application and the LUO/ LUE Amendment and that all issues brought forth in the WCE Biorn DEIR General Comments be fully addressed.

Respectfully,

  
Richard D. Jackson, President

Attachment: WCE Biorn DEIR General Comments dated September 23, 2005

cc: Jim Diani (with attachment)  
Timothy J. Carmel (with attachment)



P.O. BOX 626 • SANTA MARIA, CA 93456-0636 • (805) 925-9533 • FAX (805) 922-9983  
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C-1



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1838 Eastman Ave., Ste 200  
Ventura, CA 93003-5753  
Phone 805/644-7976 Fax 805/644-5929

444 South Flower Street, 42nd Floor  
Los Angeles, CA 90071-2901  
Phone 213/229-0075 Fax 213/229-0888

[www.wceenviro.com](http://www.wceenviro.com)

September 23, 2005

Mr. Jim Diani  
A.J. Diani Construction Co., Inc.  
295 N. Blosser Road  
Santa Maria, CA 93456-0636

**Subject:** A.J. Diani Nipomo, Response to Draft EIR

**AJD140**

Dear Mr. Diani:

West Coast Environmental and Engineering (WCE) has reviewed the Draft Environmental Impact Report (DEIR) for the Biorn Conditional Use Permit and Land Use Ordinance/Land Use Element (LUO/LUE) Amendment. WCE reviewed the DEIR for accuracy of the Conditional Use Permit (CUP) request for the portable stand-alone asphaltic concrete plant (plant site). The following comments are arranged according to chapter:

**General Comments**

It is very difficult to distinguish between the two project components, the LUO/LUE and the CUP for the plant site. The following should be stated in Chapter 1 to distinguish between the two project components of the DEIR to avoid confusion and adhered to throughout the DEIR (this is especially evident in Chapter 4.1.1 Regional Setting):

*For the purposes of describing the two components of this project, "plant site" refers specifically to the area affected by the CUP (the proposed asphalt facility), and "LUO/LUE area" refers to the entire area which will be affected by the LUO/LUE amendment (including the asphalt facility).*

**Chapter 2.4 – Summary of Alternatives Analysis**

The County identifies five alternatives to meet project objectives of the plant site. "Alternative 1 – No Project Alternative" does not meet project objectives.

**Chapter 3.0 – Project Description**

The DEIR states that the development of the plant site will occur on a 14.5 acre site. This is incorrect, the plant site will occur on a 6.15 acre site.

C-2

C-3

C-4

Mr. Jim Diani  
Response to DEIR

September 23, 2005

**Chapter 3.5.3 – Structures**

The DEIR incorrectly states that the Control Room will be installed atop a 50 to 60 foot concrete block wall. This should be rewritten to reflect a 5 to 6 foot concrete block wall.

C-5

**Chapter 4.2 – Land Uses in the Area of Impact**

The DEIR incorrectly states that an existing concrete batch plant is located on the plant site and will be moved to an adjacent parcel. The correct facility to be moved is an asphalt and concrete recycling plant. This should also be changed on page 4-14 under Impact LND-2 and elsewhere in the DEIR.

C-6

**Chapter 5.0 – Environmental Impacts Analysis**

**Chapter 5.1 – Aesthetics**

A *Visual Impact Analysis*, dated April 23, 2003, was prepared for the Applicant and submitted to the County with the Project application materials. That analysis evaluated visual resources using the Scenery Management System (SMS). The SMS is used by federal agencies to inventory, evaluate, and develop policy or Scenic Integrity Objectives for the lands they manage. Although federal lands are generally more "wild" by nature, the concepts are applicable to all but the most urban settings. At the time of application submittal, San Luis Obispo County had not adopted impact threshold criteria specific to scenic resources and features. In lieu of such criteria, the methodology and analysis used in the *Visual Impact Analysis* were discussed with San Luis Obispo County staff to determine the visual impacts of the Project.

C-7

The SMS characterizes existing scenery in terms of the following criteria:

- Scenic Integrity
- Scenic Attractiveness
- Landscape Visibility, which takes into consideration the following:
  - Concern Level (public viewing point of view)
  - Distance Zone
  - Topography

To evaluate the potential visual impact of the Project, the *Visual Impact Analysis* depicted the existing environment and compared it to the Diani Project setting. Specifically, this analysis addresses the size and height of facility components, most notably the aggregate stockpiles, asphalt plant and associated silos, and contrasts the:

- Before Condition - inclusive of the existing concrete batch plant and recycling operations.
- After Condition - inclusive of the Diani Project.

The Before Condition was used to define "environmental setting" as defined by the California Environmental Quality Act Guidelines (i.e., Section 15125), which states:

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*"An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives."*

C-7

To visually establish the environmental setting, digital photographs were taken from southbound U.S. Highway 101, from U.S. Highway 101 looking northwest, and from the residential developments across the Santa Mariá River. These digital photographs were then modified to include the Project and evaluate whether it will result in adverse alterations of the existing landscape features (i.e., color, texture, configuration, etc.). Specifically, the *Visual Impact Analysis* was conducted to determine whether the Diani Project will degrade visual resources or significantly alter or obscure public views from sensitive viewing locations. The "before" and "after" evaluations are presented in the *Visual Impact Analysis* as were conclusions regarding the potential impacts of the Diani Project with regards to aesthetic values.

Although the DEIR directly incorporates the "before" and "after" evaluations and much of the supporting text of the *Visual Impact Analysis*, it departs significantly from the conclusions it presented. Without comparable analysis or documentation, the DEIR simply concludes the Diani Project will result in impacts that are Significant but Mitigable and assigns a variety of Mitigation Measures.

The following specific comments are offered to support the position taken above.

C-8

**View 1** – On page 5.1-8 of the DEIR, we concur with the following statement:

*For southbound motorists on U.S. Highway 101, the proposed plant would be briefly visible (approximately 6 second @ 65 mph). From this vantage point, the proposed use would be among similar commercial-industrial uses that would comprise the "foreground" viewshed. As such, rather than dominating the viewshed, the plant would be visually compatible with the surrounding environment (e.g., concrete batch plant, transfer station).*

This is due to the fact southbound motorists will need to look through and over the existing commercial and industrial development that dominates the area to see the Diani Project. In addition, the Diani Project, although hosting a taller silo, will be adjacent to the Troesh operation which has other large equipment and stockpiles, some of which are on the site proposed for use by the Diani Project.

**View 2** – On pages 5.1-8 and 5.1-9 of the DEIR, information is provided regarding the view for northbound motorists (View 2), which is followed by a conclusion the Diani Project will result in an impact that is Significant but Mitigable. This conclusion is incorrect. During our site visit, we concluded:

C-9

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*The original photograph was taken from the west side of the U.S. Highway 101/Santa Maria River Bridge, while looking northwest toward the Project. This photograph provides an oblique vantage point, which, although convenient for the photographer, will be experienced only by those using the bike path in the foreground. Looking across the river, the area being evaluated is framed, right to left, by trees to the left of the light colored building and white cut slope (an abandoned mine) adjacent to the U.S. Highway 101/Santa Maria River Bridge, and the area directly behind the three power poles that appear in the center foreground of the photo.*

C-9

One of the fundamental concepts underlying the SMS analysis is not whether something can be seen or not, but whether it is unique, dominate or otherwise intrusive into the visual landscape. In this instance, northbound motorists in all but the tallest of vehicles will have their view obscured by the US Highway 101 railing. Viewing time, if any, will be extremely brief and the vantage point is one of a distant view across the Santa Maria River. In addition, the scenic value of this vantage point is considered low. All of this is acknowledged in the DEIR as follows:

**Key Viewing Area 2 - Northbound U.S. Highway 101** – *The proposed asphalt concrete plant site is possibly visible from the U.S. Highway 101/Santa Maria River Bridge for a brief period (approximately 6 seconds @ 65 mph), although the bridge railing partially obscures this view depending on the size of the vehicle. This view has relatively low scenic value.*

**View 3** – With regard to the residential community across the Santa Maria River (View 3), the DEIR concludes that Mitigation Measure AES-2 "would provide adequate screening of the plant and would serve to provide screening of the existing batch plant when viewed from the residences across the river and from persons on the public path located atop of the levee along the south bank of the Santa Maria River." While this is correct, it presupposes the Diani Project impacts from that vantage point are Significant but Mitigable. We believe this is an incorrect conclusion and without analytical basis. The *Visual Impact Analysis* correctly concluded:

C-10

*This photograph was taken while standing on the south bank of the Santa Maria River, directly in front of an existing residential development. This photograph provides a more direct vantage point, which will only be visible for homes on the river side of this community. However, this view will be limited or entirely obscured by the flood control berm placed between the Santa Maria River and the residential development. This view will be experienced only by those using the bike path along the south bank of the Santa Maria River. Looking across the river, the area being evaluated is framed by a large stand of Eucalyptus trees to the left of the white cut slope (an abandoned mine) to the left of the U.S. Highway 101/Santa Maria River Bridge, and westward to the area immediately before the concrete batch plant silos.*

As such, the Diani Project will serve to borrow from the existing views across the Santa Maria River and will, through installation of the plant palette proposed in the *Visual Impact Analysis*, serve to fill in the existing reach of riparian vegetation, thereby improving the overall visual appearance of the area. The beneficial impacts of this are not acknowledged in the DEIR as a Class IV Impact (Beneficial).



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**Mitigation Measure AES-3** – Should be revised to ensure onsite operational safety requirements are also maintained. C-11

**Mitigation Measure AES-4** – Correctly concludes the sound walls required under Mitigation Measure NOS-2 will likely not produce the intended results. If Mitigation Measure NOS-2 is deleted, as we recommend, there is no need for Mitigation Measure AES-4. Please refer to the comments below regarding NOS-2. C-12

**Mitigation Measure AES-5** – Please refer to the comments below regarding Mitigation Measure PUB-2. C-13

**Cumulative Impacts** – On page 5.1-15, the following text is poorly written and very confusing to the reader: C-14

*The contribution of the proposed project to regional visual impacts of the cumulative projects would be considerable. These cumulative impacts could alter the significance of visual impacts of the project.*

We disagree with the conclusions made regarding cumulative impacts and stand by the following conclusions made in the *Visual Impact Analysis*:

*Given the commercial-industrial character and appearance of the area, and the lack of sensitive viewing locations, the visual appearance of the Project is expected to combine successfully with that of other projects within the immediate vicinity. Near-term, the resulting visual presentation is expected to remain consistent with the existing commercial-industrial appearance. As such, the cumulative visual impacts are expected to be less than significant (Class III).*

*Long-term, Project landscaping will assume a density and height that will be sufficient to extend and lend continuity to the existing line of vegetation paralleling the north bank of the Santa Maria River. In addition, landscaping will shield the Project from view by southbound motorists on U.S. Highway 101. As such, the Project will result in long-term beneficial impacts (Class IV).*

**Mitigation Measure AES-6** – Discusses construction of detention basins and other structures at elevations a minimum 1-foot above the 100-year flood profile. Detention basins are constructed below grade and cannot be constructed above the 100-year flood plain. C-15

### Chapter 5.3 – Air Quality

Please refer to the attached Response to the Air Quality Analysis. C-16

### Chapter 5.4 – Biological Resources

**Mitigation Measure BIO-2** – This Mitigation Measures further closes the construction window imposed under Mitigation Measure WR-2(A) (page 5.14-19). If both are observed, Diani Project construction activities will need to occur between September 16 and October 14. Mitigation C-17

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Measure BIO-2A provides the option to determine if there is onsite nesting, or nesting within a prescribed area. However, the timing of the surveys needs to be more clearly described. For example, does the current language, "between February 15 and September 15", require that a single survey be conducted at some point during that time interval, or throughout that time interval. Point-in-time surveys are very different than concurrent surveys of a prolonged duration.

C-17

**Mitigation Measure BIO-5** – Cross-references are made to Mitigation Measures BIO-4(B) and (C). If it is intended that this portion of the earlier Mitigation Measure also applies in the context of Impact BIO-5, the entire text should be duplicated and inserted, rather than using a backwards cross-referencing. This is especially important if one or more of the referenced Mitigation Measures is deleted or revised.

C-18

**Mitigation Measure BIO-6** – The DEIR states that the Blochman's ragwort, a List 4 Species by the California Native Plant Society, was observed on site and a protective fencing shall be installed around populations to prevent a loss of the species. This species was identified within the northern sand banks of the Santa Maria River channel, directly adjacent to the concrete rubble located within the existing facility.

C-19

No activity is planned within the Santa Maria River. The Blochman's ragwort should be identified on the plant community map to show if it is located on the proposed plant site area.

**Mitigation Measure BIO-7** – Cross-reference is made to Mitigation Measure BIO-5(C), which is yet another cross-reference to Mitigation Measure BIO-4(C). If it is intended that this portion of the earlier Mitigation Measure also applies in the context of Impact BIO-7, the entire text should be duplicated and inserted, rather than using a backwards cross-referencing. This is especially important if the referenced Mitigation Measure is deleted or revised.

C-20

**Mitigation Measure BIO-9** – Cross-reference is made to Mitigation Measure BIO-4(C). If it is intended that this portion of the earlier Mitigation Measure also applies in the context of Impact BIO-9, the entire text should be duplicated and inserted, rather than using a backwards cross-referencing. This is especially important if the referenced Mitigation Measure is deleted or revised.

C-21

We recommend the references to Mitigation Measures WR-9 and WR-10 be moved to a new sub-section "Related Mitigation Measures" that follows Mitigation Measures. In that sub-section, insert a sentence that reads: "Refer also to Mitigation Measures WR-9 and WR-10."

C-22

Similarly, we recommend the reference to Mitigation Measure AES-6 on page 5.7-9 of the Residual Impacts (Impact HAZ-2) be moved to a new sub-section entitled: "Related Mitigation Measures". In that sub-section, insert a sentence that reads: "Refer also to Mitigation Measure AES-6."

#### Chapter 5.7 – Hazards and Hazardous Materials

C-23

**Mitigation Measure HAZ-1** – States:

- A. "Asphaltic oil ASTs installed at the project site shall be provided with secondary containment capable of holding 110% of the volume of the AST. The containment

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*shall provide adequate protection to prevent inundation of the containment area in the event of a 100-year flood; and,*

C-24

*B. Prior to operation, the applicant shall prepare and implement a SPCC plan for the operation of on-site ASTs containing petroleum hydrocarbons in excess of 660 gallons."*

Asphalt is a solid material at outdoor temperatures. According to *Hawley's Condensed Chemical Dictionary* (Eleventh Edition), asphalt must be heated to approximately 93°C [222°F] before it converts into a viscous liquid. This is why asphalt storage tanks are heated.

If an asphalt storage tank were to rupture, the spilled material would quickly cool and harden where it fell out of the tank and would not leave the site or enter the nearby river. Thus, secondary containment of the asphalt ASTs provides no useful environmental benefit.

The EIR incorrectly references SPCC requirements. The current SPCC regulations (promulgated July 17, 2002) require that an SPCC Plan be prepared for facilities that store more than 1,320 gallons of oil. In determining this threshold, facilities must include containers of oil that are 55 gallons or larger. There is no 660 gallon threshold.

In addition, it should be noted that the SPCC regulations apply to "oil." The definition of oil includes any kind of oil including petroleum oil and fuel oil. However, the definition does not include all "petroleum hydrocarbons" as alluded to in Mitigation Measure HAZ-1.

#### **Chapter 5.8 – Noise**

C-25

Please refer to the attached Comments on the Noise Section of the Biorn DEIR.

#### **Chapter 5.9 – Population and Housing**

C-26

The Population and Housing discussion fails to note the Class IV (Beneficial) impacts associated with the Diani Project (e.g., increased employment opportunities; locally reduced asphalt costs, which translate into reduced housing costs; reduced air quality impacts and road wear and tear, as a result of shorter hauling distances; among others) and those that will likely result with subsequent projects within the LUO/LUE Amendment Area.

**Impact POP-1** – The DEIR concludes the Diani Project "would result in additional job opportunities, thus increasing the population and the demand for housing." Instead of concluding the Diani Project will increase the population and demand for housing, we recommend this be changed to read as follows:

*The proposed project would result in additional job opportunities, which could result in a minor increase in population and demand for housing.*

Such a change will be consistent with Impacts PUB-3 and PUB-4 use of the words "could increase" when describing Diani Project impacts in terms of increased demand for police protection and school facilities.



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**Chapter 5.10 – Public Services and Utilities**

**Impact PUB-1** – The DEIR notes the Diani Project will result in a significant impact with regard to the need for increased fire protection personnel. Where in the DEIR is this increase documented?

C-27

**Mitigation Measure PUB-2** – Mitigation Measure PUB-2 is excessive and should be deleted. The DEIR fails to demonstrate a nexus between Diani Project impacts and this Mitigation Measure. It appears the Fire Department intends that the 180,000 gallon water tank be installed for fire suppression use within the LUO/LUE amendment area and that this installation cost be incurred by the Diani Project. We conclude this is the case because Impact PUB-6 describes the lack of a community water system within the LUO/LUE amendment area. If this is the intent, it should be considered on its own merits, as a separate project. A location should be identified, a project proposed and evaluated by the County, and the cost shared by LUO/LUE amendment area projects on a pro-rata basis.

C-28

Mitigation PUB-2 states:

*"In accordance with the fire flow and water storage requirements of the County adopted California Fire Code (CFC), the applicant shall construct a firewater storage tank with a minimum storage capacity of 180,000 gallon"*

Section 903.3 of the CFC states that "water supply is allowed to consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. In setting the requirements for fire flow, the chief may be guided by Appendix III-A." [Emphasis added].

Appendix III-A includes Table A-III-A-1 (*Minimum Required Fire Flow and Flow Duration for Buildings*). This table lists the minimum fire flow rate for buildings as 1,500 gallon per minute and the minimum flow duration as 2 hours. Presumably, the EIR uses these two data points to arrive at 180,000 gallons (1,500 gal/min \* 60 min/hour \* 2 hours = 180,000 gallons). Note that per Section 903.3, this Appendix is discretionary on the part of the Fire Chief.

The only "building" on the site will be the control room for the asphalt plant. Conservatively assuming that the control room will be 10 feet wide by 20 feet long by 8 feet high, the volume of this building will be 1,600 cubic feet or 12,000 gallons. A 180,000 gallon tank would be enough to fill this control room with water 15 times and is clearly over stated.

More importantly, the control room will house electronic equipment used to control the asphalt plant. It is extremely undesirable to use water on an electronics fire as it ruins the equipment. Thus, the project proponent will equip the control room with a fire suppression system that does not use water (e.g. foam suppression system).

It may be possible to argue that water is necessary for other fires involving other materials used at the site. However, the largest volume materials at the site will be aggregate and asphalt. Aggregate is simply rock and sand which will not burn. Asphalt may burn if heated to extremely high temperatures, however, a review of various material safety data sheets (MSDS) for asphalt indicate that the preferred fire extinguishing media is dry chemical, carbon dioxide, or foam. The

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MSDS also state that water should not be used on asphalt fires as it may cause frothing, violent foaming, and boil over.

C-28

There may also be other combustible hazardous materials at the site such as diesel fuel. Again water is not the desired fire extinguishing media as materials such as diesel fuel float on water and using water to fight fires can cause the fire to spread. Furthermore, 180,000 gallons to extinguish a fire of these materials (which are typically stored in volumes less than 200 gallons) is far more than could reasonably be expected to be used. A 180,000-gallon tank is not required by the CFC and is not appropriate for the proposed project.

**Impact PUB-4** – The DEIR states the Diani Project could result in a significant impact with regard to the potential demand for school services. Subsequently, the DEIR concludes the impacts are significant. Where in the DEIR is the magnitude of this demand documented? Worst case, the conclusion of Significant and Mitigable should be changed to *Potentially Significant* and Mitigable.

C-29

**Mitigation Measure PUB-4** – The Mitigation Measure is incorrectly numbered, probably due to the fact the preceding Mitigation Measure, presumably PUB-3, is unnumbered.

C-30

**Impact PUB-5** – The discussion acknowledges the Diani Project will make use of recycled asphalt products (RAP) and recycled rubberized asphalt concrete (RAC), which serves to reduce the solid waste generated within the County that might otherwise be placed in sanitary local landfills. As a result, we recommend the Impact Category attributed to the Diani Project be change from Insignificant to Beneficial (Class IV).

C-31

**Impact PUB-8** – Refer to the Mitigation Measure PUB-2 related comments provided above.

C-32

**General Comment Regarding DEIR Tone** - Given the characterization of Diani Project Public Services and Utilities related impacts, we find there is considerable disparity in the language accorded the Diani Project and that accorded the LUO/LUE Amendment Area Impacts and Mitigation Measures. Care need be taken to ensure there is consistency within the DEIR discussions and how information is being characterized. Contrasting the following pairings this disparity becomes evident:

C-33

- PUB-6 and PUB-1 regarding the demand for fire protection services, mitigation fees and residual impacts to fire protection personnel.
- PUB-7 and PUB-3 regarding the demand for police protection services.
- PUB-8 and PUB-4 regarding the demand for school services.
- PUB-9 and PUB-5 regarding increases in solid waste services.

This disparity is most evident in how the DEIR discussion of Impact PUB-2 is entirely focused on Diani Project impacts, without a parallel discussion of the LUO/LUE Amendment Area Impacts, which will also generate demand for water resources for fire protection services. Refer to the comments provided above regarding Mitigation Measure PUB-2.

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**Chapter 5.11 – Recreation**

Mitigation Measure REC-2 requires the Applicant grant a permanent easement to the County for the proposed trail corridor (25-foot wide minimum). The DEIR needs to acknowledge the Applicant is a tenant and is only in a position to request that the landowner grant such an easement.

C-34

**Chapter 5.14 – Water Resources and Flooding**

Mitigation Measure WR-7 requires lime-treated aggregate to be stored on elevated concrete pads under shelters to prevent direct contact with rainfall, storm run-off and floodwaters.

C-35

Lime-treated product is a direct result of market demand, has limited uses and will be produced approximately 20 days per year during the dry season. It is unnecessary to require that this product be placed on concrete pads and covered due to the short-term manufacturing and storage on site during dry weather conditions.

**Comments Regarding Insignificant Impacts with Mitigation Measures**

C-36

With regard to the characterization of impacts and the development of Mitigation Measures, CEQA Guidelines Section 15126.4(a)(1), provides that an EIR shall describe feasible mitigation measures which could minimize significant adverse impacts; the operative words being "significant adverse impacts". In several locations, a Mitigation Measure has been developed for an insignificant impact. This is an inappropriate use of the CEQA process, serves to confuse the reader regarding the information provided in the analysis, and labors mandated Mitigation Monitoring and Reporting Plan (MMRP) with unnecessary requirements.

The "insignificant" impacts for which Mitigation Measures have been developed include the following:

- Page 5.2-4, Impact AG-2, unnumbered Mitigation Measures (presumably AG-2)
- Page 5.4-34, Impact BIO-6, Mitigation Measure BIO-6
- Page 5.12-6, Impact TRA-1, Mitigation Measure TRA-1
- Page 5.12-9, Impact TRA-2, Mitigation Measure TRA-2
- Page 5.14-21, Impact WR-4, Mitigation Measure WR-4
- Page 5.14-26, Impact WR-11, Mitigation Measure WR-11

Because each of these impacts have been determined to be insignificant, no mitigation is needed (i.e., there is no CEQA nexus). A sentence should be added that states: "No mitigation required."

In many of instances, the Mitigation Measure simply restates what the Applicant has included within the Project Description as a self-developed condition. Where this is the case, the DEIR should have acknowledged the value of the Applicant's conditions in contributing to the determination of an insignificant impact, and presented condition language in a sub-section following Mitigation Measures that is entitled "Recommended Conditions of Approval".

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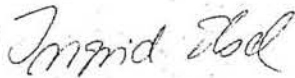
In other instances, the County appears to be recommending additional requirements, even though the impact has been identified as insignificant. This too should be acknowledged in the DEIR, clearly explained, and presented condition language in a sub-section following Mitigation Measures that is entitled "Recommended Conditions of Approval".

C-36

In this manner, County staff will be presented with the information needed to develop and implement the required MMRP, and develop and implement the recommended Conditions of Approval they advance to the decision making body in their Staff Report.

If you have any questions or wish to discuss this further, please contact John Hecht or me at (805) 644-7976.

Best regards,



Ingrid Elsel  
Senior Manager  
**West Coast Environmental and Engineering**

Enclosures: WCE Response to the Draft EIR Air Quality Analysis  
WCE Comments on the Noise Section of the Biorn DEIR



**A.J. DIANI CONSTRUCTION CO., INC.**  
GENERAL BUILDING • GENERAL ENGINEERING • ENVIRONMENTAL SERVICES

September 26, 2005

Mr. John McKenzie, EIR Project Manager  
San Luis Obispo County  
Department of Planning and Building  
County Government Center, Room 310  
San Luis Obispo, CA 93408-2040

Re: Response to Biorn Draft EIR  
Air Quality Section

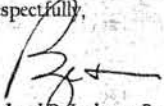
Dear Mr. McKenzie,

A. J. Diani Construction Co., Inc. ("Diiani") requested its consultant, West Coast Environmental and Engineering ("WCE"), to review and provide necessary comment on the subject Draft Environmental Impact Report ("DEIR"). Upon comprehensive review, WCE has concluded that numerous misinterpretations and miscalculations exist within the DEIR Air Quality Analysis Section which do not accurately reflect or represent the true impacts of the proposed facility. Accordingly, Diiani has attached its comments via WCE correspondence dated September 23, 2005 (the "WCE Air Quality Analysis").

As such, Diiani is disappointed and disturbed that the Air Quality Section (5.3) of the DEIR fails to utilize the current baseline information on the specifically proposed equipment and facilities for the conditional use permit component of the project. The proposed equipment and underlying data is representative of current standards and technology available to provide the proposed state-of-the-art facility. Not only was the baseline information ignored, but it was replaced with out-of-date data and irrelevant information from sources which do not properly represent the specific facility that Diiani is proposing. Consequently, the Air Quality Section of the DEIR overestimates both short term and long term air quality impacts and renders Diiani subject to unjustifiable mitigation measures. Furthermore, the DEIR attempts to circumvent the San Luis Obispo Air Pollution Control District's (APCD) permitting process by suggesting requirements and mitigation measures beyond DEIR requirements, and under the purview of APCD.

Diiani is recommending that the entire Air Quality Section of the DEIR be thoroughly reviewed and rewritten, utilizing the data that accurately represents the proposed facilities and that the WCE Air Quality Section Analysis be fully addressed.

Respectfully,



Richard D. Jackson, President

Attachment: WCE Air Quality Section Analysis dated September 23, 2005

cc: Jim Diiani (with attachment)  
Timothy J. Carmel (with attachment)



P.O. BOX 636 • SANTA MARIA, CA 93456-0636 • (805) 925-9533 • FAX (805) 922-9989  
www.diani.com

D-1





**WEST COAST**  
ENVIRONMENTAL  
AND ENGINEERING

1836 Eastman Ave., Ste 200  
Ventura, CA 93003-5753  
Phone 805/644-7976 Fax 805/644-5929

444 South Flower Street, 42nd Floor  
Los Angeles, CA 90071-2901  
Phone 213/229-0075 Fax 213/229-0088

[www.wceenviro.com](http://www.wceenviro.com)

September 23, 2005

Mr. Jim Diani  
**A.J. Diani Construction Co., Inc.**  
295 N. Blosser Road  
Santa Maria, CA 93456-0636

**Subject:** Response to Draft EIR Air Quality Analysis  
A.J. Diani Nipomo Project

**AJD140**

Dear Mr. Diani:

West Coast Environmental and Engineering (WCE) has reviewed the Air Quality Analysis portion of the Draft Environmental Impact Report (DEIR) for the Biorn Conditional Use Permit and Land Use Ordinance/Land Use Element Amendment. The following concerns were identified:

- The DEIR utilized out of date or incorrect emission factors and emission calculation methods and aggressive project assumptions that combine to overestimate both construction and operational air impacts for the proposed project.
- Asphalt plant operational emissions were incorrectly included in the assessment of project significance. Although presenting these emissions in an EIR is appropriate for informational purposes, they should not be included in the significance analysis since these emissions are permitted by the San Luis Obispo County Air Pollution Control District (SLOAPCD) who will conduct New Source Review (NSR) and Best Available Control Technology (BACT) review to determine permitting and control requirements (i.e. mitigation measures). Only non-permitted plant equipment and emissions such as area sources of fugitive dust and mobile equipment combustion should be considered in a significance analysis.
- This same logic applies to the discussion of health risk assessments that would be required by the SLOAPCD during permitting activities. Analysis of impacts and application of Toxics Best Available Control Technology (T-BACT) would occur at the time of SLOAPCD permitting per their Rule 219 "Toxics New Source Review".

Our analysis indicates that these flaws have resulted in the unnecessary inclusion of Mitigation Measures AQ-1, AQ-3 and portions of AQ-2. A more detailed discussion of our analysis follows.

AJD140\_DEIR Air Quality Analysis  
Response\_rdf.doc

1

West Coast Environmental  
and Engineering

Mr. Jim Diani  
Response to Draft EIR Air Quality Analysis

September 23, 2005

## 1.0 CONSTRUCTION EMISSIONS

### 1.1 DEIR Significance Findings for Construction Impacts:

The DEIR identified mitigated (water spray) fugitive dust emissions of 5.4 tons/quarter (12.11 tons/quarter unmitigated) which exceeds the 2.5 ton/quarter threshold. As a result, Mitigation Measure AQ-1 was proposed to reduce fugitive dust emissions.

### 1.2 Discussion of the DEIR's Analysis

**Off Road Combustion Emissions:** The references used by the DEIR to calculate combustion emissions from non-road engines are out of date. The DEIR used 1991 Non-Road Engine & Vehicle Emission study and loading factors from EPA NONROAD model based on Report NR-005 from 1997.

ARB recommends using Mail Out 99-32 which is the basis for the State's non-road emission inventory and should be representative of the local fleet and CARB diesel fuel formulations (i.e. low sulfur fuels). Alternatively, URBEMIS is also a more current and accurate source for emission factors for non-road sources.

**Fugitive Dust Emissions:** The DEIR used 1995 AP42 Section 11.9.2, 13.2.2, 13.2.3 and 13.2.4 emission factors for grading, scraping, unpaved road and wind dust emissions. In general, the emission factors used are either out of date, or grossly overestimate emissions:

- The use of land clearing and scraper soil removal and scraper travel and scraper soil dumping emission estimates is excessive. Also, the land clearing emission factor used in the calculations is for clearing of undeveloped land in coal mining operations. This project does not involve land clearing but rather finish grading of an already cleared and developed property.
- The unpaved road equations utilized are out of date and are no longer found in AP42. The DEIR estimates 5.0 ton/quarter fugitive dust emissions (unmitigated) for unpaved road heavy duty truck travel assuming 10 VMT/day, 65 days/quarter. There is no discussion to justify the use of 10 VMT/day or 65 days of heavy truck use. The equipment list supplied in WCE's April 2003 Air Quality Assessment does not support these assumptions. Heavy duty delivery trucks that may be used during construction of the asphalt plant would be in use 35 days and travel a distance of only 200 to 300 feet from the gate to the plant site to deliver asphalt plant equipment. The combination of excessive miles and out of date equations makes this estimate invalid.
- The lb/peak-day calculations assume all construction emissions occur at the same time. There is no accounting for staging of the construction operations. The calculations drastically overestimate peak daily fugitive dust emissions.
- Wind erosion emissions are grossly overestimated and use an incorrect emission estimation method. The DEIR estimates 5.94 ton/quarter fugitive dust emissions (unmitigated) for wind erosion assuming an emission factor of 26.4 lb/day-acre for 90 days. The emission factor used is from the SCAQMD 1993 CEQA table A9-9 for "Graded Surface". This factor is meant for surface grading not for wind erosion. This

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was confirmed via contact with Mike Krause of SCAQMD Planning Group. The use of 90 days also assumes high wind conditions for the entire construction period, which is not a viable assumption.

Use of the SLOAPCD screening factor for construction fugitive dust of 0.75 tons/acre-month would yield a screening estimate for all fugitive dust emissions during the construction phase. WCE's April 2003 Air Quality Assessment used this factor and actual proposed construction phase duration estimates to generate a total uncontrolled fugitive dust emission of 1.96 tons for the construction phase. Assuming these emissions occur in 3 months (one quarter) as the DEIR did, the construction phase fugitive dust emissions are below the level of significance of 2.5 tons/quarter. Using the DEIR's mitigation values based on watering, 65% reduction for unpaved roads and 50% reduction for wind erosion, the emissions are reduced well below significance.

Based on this analysis, Mitigation Measure AQ-1 in its proposed form would not be required. The use of water trucks or sprinkler systems would provide the necessary dust control.

## 2.0 OPERATING EMISSIONS

### 2.1 DEIR Significance Findings for Long Term (Operating) Impacts

The DEIR's analysis identified peak day emissions would exceed the daily significance threshold for NO<sub>x</sub>, ROG, CO, SO<sub>2</sub> and PM<sub>10</sub> and the annual significance threshold would be exceeded for PM<sub>10</sub>. As a result the following mitigation measures were proposed:

- Measure AQ-2 related to controlling fugitive dust and asphalt plant emissions. Control measures included:
  - Paving the asphalt plant site and all access roads
  - Water spraying stockpiles and any other dust generating area/activity.
  - Providing a dust monitor.
  - Utilizing drum mix technology for the asphalt plant (instead of a separate mixer) to reduce CO emissions.
  - Contribution to an off-site mitigation fund administered by APCD to finance regional emission reduction projects in the area.
- Measure AQ-3 related to SLOAPCD requiring an AB2588 risk assessment.
- Measure AQ-4 related to asphalt odors (no mitigation required).
- Measure AQ-5 related to the requirement of project specific air quality assessment studies for future proposed new uses within the LOU/LUE amendment area.

### 2.2 Discussion of the DEIR's Analysis

**Off Road Combustion Emissions:** As discussed above in 1.2, the references used by the DEIR to calculate combustion emissions from non-road engines are out of date. ARB recommends using Mail Out 99-32 which is the basis for the State's non-road emission



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inventory and should be representative of the local fleet and CARB diesel fuel formulations. Alternatively, URBEMIS is also a more current and accurate source for emission factors for non-road sources.

The PM<sub>10</sub> calculations assume that 2 wheeled loaders will operate 20 hours per day each during the operations phase. Since only one loader will operate at any one time, this calculation overestimates PM<sub>10</sub> emissions. Revised calculations would yield 7.3 lbs/peak day versus 13.5 lbs/peak day, yielding total operations mobile source PM<sub>10</sub> emissions of 8.6 lbs/peak day versus 14.8 lbs/peak day. Associated NO<sub>x</sub>, ROG and CO emissions are similarly reduced yielding total operations mobile source emissions of 419.5, 24.9 and 115.2 lbs/peak day respectively.

Also, the peak day values for ROG and CO have been erroneously switched in Table 5.3-6. This error carries through into the emissions Summary Table 5.3-8.

**Asphalt Plant Operating Fugitive Dust/PM<sub>10</sub> Emissions:** The DEIR's fugitive PM<sub>10</sub> emissions for plant operations are grossly overestimated at 3,378.5 lbs/peak day (1,201.9 lb/peak day mitigated by watering). This is noteworthy as the bulk of the recommendations in control measure AQ-2 relate to fugitive dust. Also, there is no discussion or calculations shown for how the annual emissions of 37.9 tons/year was determined:

- According to the DEIR's calculations, "unpaved road" truck travel accounts for 2,459.3 lbs/peak day or 72.8% of the estimated unmitigated fugitive PM<sub>10</sub> emissions. The unpaved road equation used by the DEIR is out of date and is no longer found in AP42. As all on site truck access roads are proposed to be paved before operations commence, (see Mitigation Measure AG 2-A) it is unclear why the DEIR chose to estimate unpaved road emissions. With proper watering, paved roads provide a 95% control factor for PM<sub>10</sub>. Recalculated emissions using the DEIR's original uncontrolled PM<sub>10</sub> estimate assuming controlled paved roads result in:

$$2,459.3 \text{ lb/peak day} \times 0.05 = 123 \text{ lb/peak day}$$

- According to the DEIR's calculations, "unpaved road" loader travel accounts for 789.9 lbs/peak day or 23.4% of the estimated unmitigated fugitive PM<sub>10</sub> emissions. The unpaved road equation used by the DEIR is out of date and is no longer found in AP42. Also, the estimated 200 VMT/day seems excessively high for loader travel and appears to be calculated using an average speed of 10 mph for a 20 hour day. This assumes no stopping to pick up and unload material. An alternate calculation assuming a distance of 250 feet from the mid point of the stockpiles to the point of unloading is shown below:

$$6,000 \text{ ton/day production} \times 92\% \text{ aggregate} = 5,520 \text{ tons aggregate moved on the peak day}$$

$$\text{Caterpillar 980: } 7.5 \text{ yd}^3 \text{ bucket} \times 1.5 \text{ tons/yd}^3 = 11.25 \text{ tons/load}$$

$$5,520 \text{ tons/day} \div 11.25 \text{ tons/load} = 490 \text{ round trips to stockpiles}$$

$$490 \text{ trips} \times 250 \text{ ft to stockpile} \times 2 \div 5,280 \text{ ft/mile} = 46.4 \text{ VMT on peak day}$$

46.4 VMT on peak day is 23.2% of the DEIR's estimate of 200 VMT/day. Recalculated emissions using the DEIR's original uncontrolled PM<sub>10</sub> estimate yield:

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$789.9 \text{ lbs/peak day} \times 0.232 \times 0.35 \text{ reduction for watering} = 64.1 \text{ lbs/peak day}$

- Wind erosion accounts for 3.8% of the total estimated fugitive dust emissions. Again, the emission factor used for wind erosion is from SCAQMD 1993 CEQA table A9-9 for "Graded Surface". This factor is meant for surface grading not for wind erosion.

Using the recalculated road emissions yields total peak day PM<sub>10</sub> emissions of 187 lb/day. Comparing average day deliveries of 54 to 240 deliveries for a peak day yields a ratio of 22.5%.

Average day fugitive PM<sub>10</sub>:  $187 \text{ lb/peak day} \times 0.225 = 42 \text{ lb/average day}$

Annual average fugitive PM<sub>10</sub>:  $42 \text{ lb/day} \times 303 \text{ operating days/year}$   
 $= 12,726 \text{ lb/year or } 6.36 \text{ tons/year}$

The recalculated annual PM<sub>10</sub> emissions of 6.36 tons/year is much lower than the 37.9 tons/year estimated by the DEIR and makes the annual PM<sub>10</sub> emissions fall below the level of significance, questioning the need for portions of control measure AQ-2, especially the requirement to pave the asphalt plant site.

**SLOAPCD Permitted Asphalt Plant Operating Emissions:** The DEIR included asphalt plant emissions that would require permitting by the SLOAPCD in their analysis of project significance. Although presenting these emissions in an EIR is appropriate for informational purposes, they should not be included in the significance analysis since these emissions are permitted by the SLOAPCD. This permit system is separate from CEQA and involves reviewing equipment design, followed by inspections, to ensure that the equipment will be built and operated in compliance with SLOAPCD regulations.

The emissions from equipment or operations requiring SLOAPCD permits are not counted towards the air quality significance thresholds. This is for two reasons. First, such equipment or processes are subject to the District's New Source Review permit system, which is designed to produce a net air quality improvement. Second, facilities are required to mitigate emissions from equipment or processes subject to APCD permit by using emission offsets and by installing BACT on the process or equipment. Imposing mitigation measures under CEQA for equipment requiring permit by a local air district is inappropriate.

Regarding the informational presentation of asphalt plant operating emissions, the DEIR utilized EPA AP42 Section 11.1 emissions factors for an asphalt "batch" plant to estimate portions of the operational emissions. The batch plant AP42 emission factors were developed using source test information from the late 1980's through the mid 1990's and do not reflect current asphalt plant emissions control technology, making the use of the AP42 factors suspect. Also, the proposed project asphalt plant utilizes a continuous counter flow dryer and separate continuous flow mixer both utilizing BACT emission controls, not a batch process.

Of primary concern is the use of the CO emission factor of 0.4 pounds of CO per ton asphalt produced. This factor is a combined emission factor for natural gas, No. 2 fuel oil and No. 6 fuel oil. This factor significantly overestimates CO emissions. Use of emission factors found in AP42 Section 1.4 for natural gas combustion would be more representative of expected emissions.

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As discussed, only non-permitted plant equipment and emissions that need to be subjected to CEQA impact analysis and mitigation should be considered in a significance analysis. This includes:

- Area sources of fugitive dust.
- Mobile equipment combustion emissions.
- Emergency IC engine electric generators used solely as a source of standby power when normal power fails.
- External combustion equipment rated less than 2,000,000 Btu/hour and fired exclusively on natural gas. Since the proposed asphalt oil heaters are rated at 2,000,000 Btu/hour, they would require APCD permitting.

Removing equipment permitted by the APCD (asphalt plant and emergency generator), and utilizing the revised emissions estimates shown above, the emissions summary becomes:

Pollutant	Units	Non-Permitted Plant Emissions		Mobile Sources	Total	Significance Threshold	Threshold Tier
		Fugitive Dust	Emergency Generators				
NOx	Pounds/peak day	--	7.9	419.5	<b>427.4</b>	25	2
	Tons/year	--	0.21	18.07	18.28	25	3
ROG	Pounds/peak day	--	0.3	24.9	<b>25.2</b>	25	3
	Tons/year	--	0.01	1.21	1.22	25	3
CO	Pounds/peak day	--	2	115.2	162	550	2
	Tons/year	--	0.05	6.32	6.37	NA	NA
PM <sub>10</sub>	Pounds/peak day	64.1	0.4	8.6	<b>73.1</b>	25	2
	Tons/year	6.36	0.01	0.55	6.92	25	3

Based on this analysis, only NOx, ROG and PM<sub>10</sub> would exceed the daily Tier 2 significance threshold and no pollutants would exceed the annual Tier 3 significance threshold.

### 3.0 MITIGATION MEASURE DISCUSSION

Based on the discussion in Section 1.0 and 2.0, the following recommendations are made:

- As construction phase fugitive dust emissions are below the level of significance of 2.5 tons/quarter Mitigation Measure AQ-1 in its proposed form would not be required. The use of water trucks or sprinkler systems would provide the necessary dust control.

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- As annual operational PM<sub>10</sub> emissions are well below the Tier 3 level of significance of 25 tons/year, portions of Mitigation Measure AQ-2 may not be required. Particularly, the requirement to pave the asphalt plant site would be unnecessary, especially considering that at least half of the unpaved area will be covered by stockpiles.
- The Mitigation Measure AQ-2 requirement for utilizing drum mix technology for the asphalt plant (instead of a separate mixer) to reduce CO emissions is also unnecessary since the requirements for equipment permitted by the SLOAPCD will be determined through the air permitting process.
- Measure AQ-3 related to the SLOAPCD requiring an AB2588 "Hot Spots" risk assessment should be removed. The need for an AB2588 "Hot Spots" risk assessment will be determined during the air permitting process.

If you have any questions regarding this review, please feel free to call me at (805) 644-7976.

Sincerely,



Rob Dal Farra, P.E.  
Vice President  
West Coast Environmental and Engineering



**Koch California Ltd.**

662 Eucalyptus Road, P.O. Box 1127  
Nipomo, CA 93444

Phone: (805) 929-4152  
Fax: (805) 929-5598  
Email: [kochcal@earthlink.net](mailto:kochcal@earthlink.net)

September 30, 2005

John McKenzie  
Environmental Devision, Planning and Building      Email [jdmckenzie@co.slo.ca.us](mailto:jdmckenzie@co.slo.ca.us)  
County Government Center                                      (805) 781-5452 Phone  
San Luis Obispo, CA 93408                                      (805) 781-1242 Fax

Dear John McKenzie

RE: Comments on the Draft Environmental impacts report Biorn Land Use Ordinance

There are no maps provided that show the boundaries of a the "Nipomo Mesa Hydrologic sub-basin of the Santa Maria Groundwater basin" and the relation to the project..

In the water section Page 5.14-1 makes an incorrect assumes that the proposed water supply sources for the project are from the "Nipomo Mesa Hydrologic sub-basin of the Santa Maria Groundwater basin".

There is no Hydro geologic "sub-basin" (groundwater "sub-basin") with in the Santa Maria groundwater basin.

Other sections make the above incorrect assumptions

Attached maps and there sources show that the project is outside any previously defined "Nipomo" "sub area", as are the maps from the referenced studies.

Failure to include the project in a correctly defined hydrologically based sub area will result in a excessively favorable analysis of the water status and result in an inadequate evaluation and mitigation of the environmental impacts to the water resource, there by causing environmental impacts to water resources by the project.

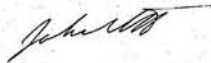
The Deir must correctly locate and analyze the projects and it's impacts with respect to groundwater.

There is no analysis of the fact that the project is within the Santa Maria Valley Water Conservation District Boundary and pays a benefit assessment tax to support the Twitchell reservoir and it's recharge of the groundwater under the project.

E-2

Failure to include the projects contributions and the resulting benefits of paying for recharge of the groundwater under the project will result in a excessively unfavorable analysis of the water status and result in an inadequate evaluation and mitigation of the environmental impacts to the water resource, there by causing environmental impacts to water resources by the project.

Thank You



John Snyder  
Vice President



<http://www.sccomplex.org/docfiles/V79FD16EFD7F.pdf>  
Pages 19 and 20  
Settlement Management areas, Exhibit C

**EXHIBIT C**

**Map of the Basin and Boundaries  
of the Three Management Areas**

*Santa Maria Valley Water Conservation District v. City of Santa Maria*  
Santa Clara County Superior Court Case No. CV 770214

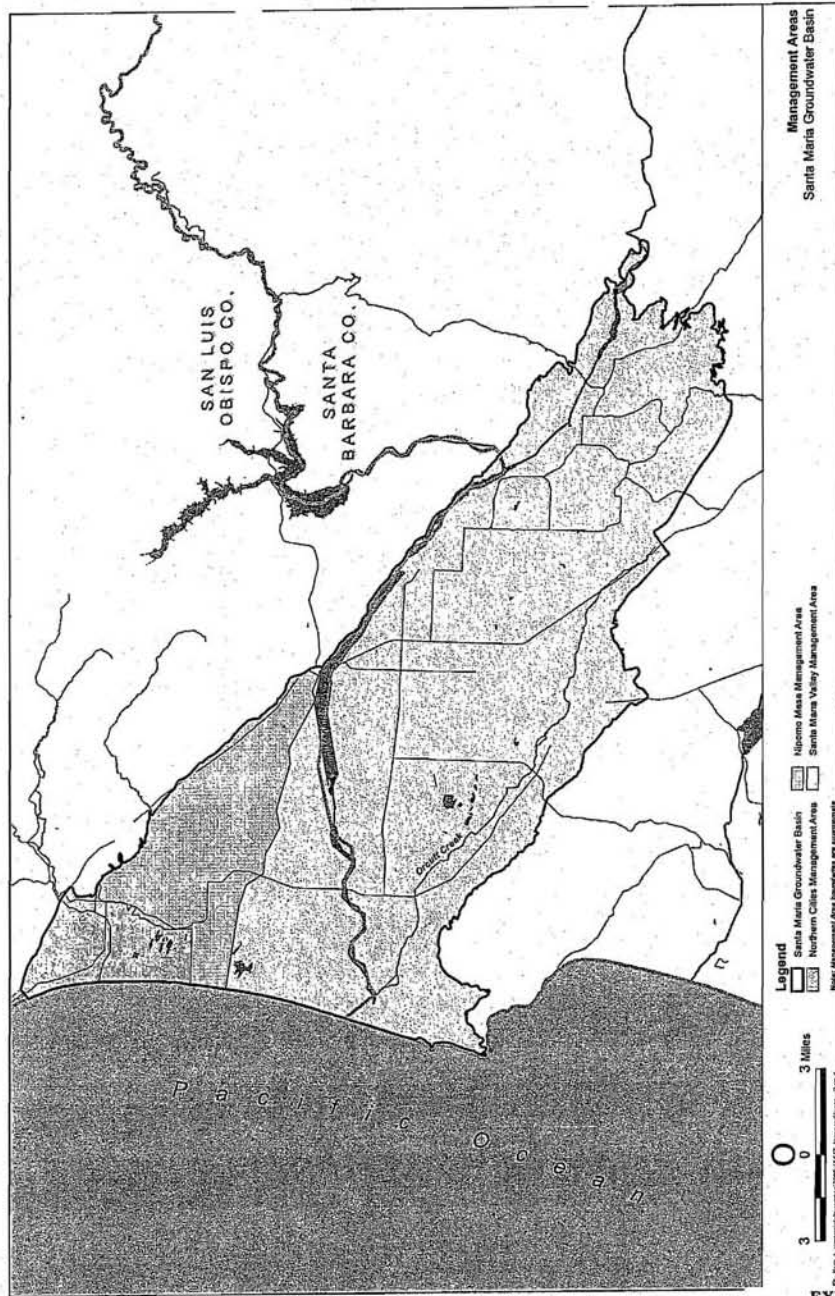
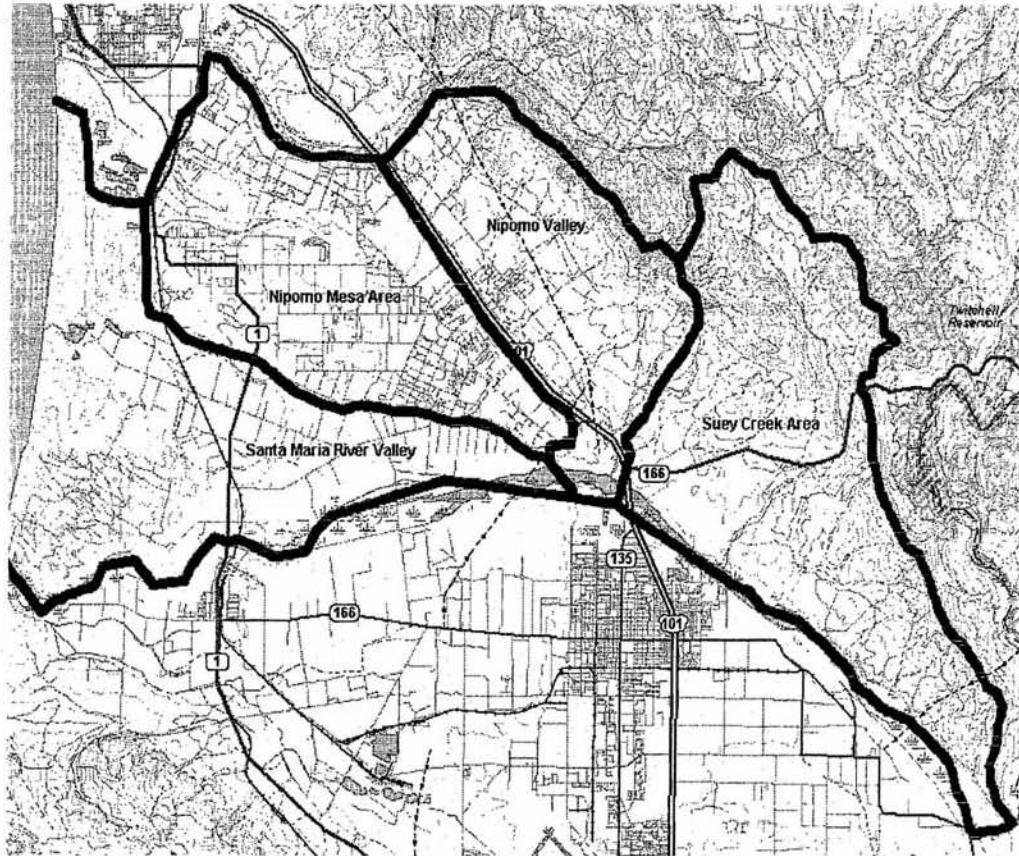


EXHIBIT C  
Page 1 of 1





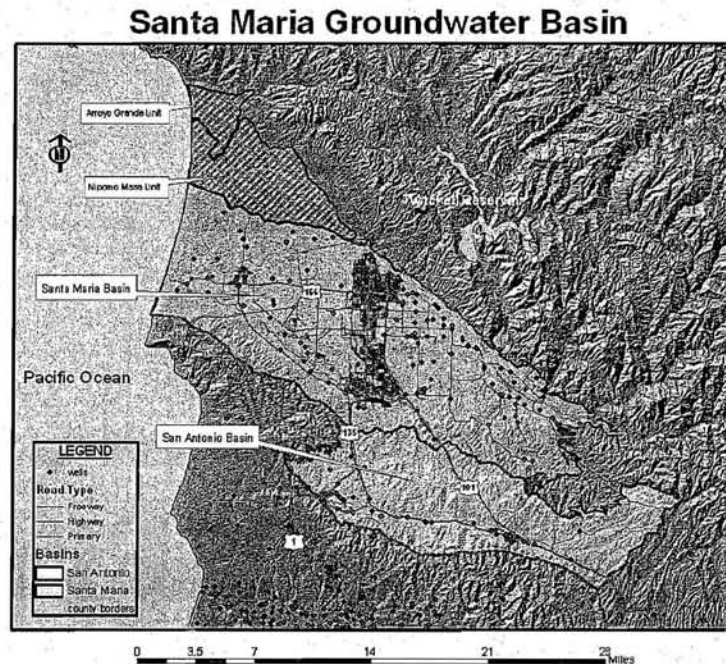
Adapted from San Luis Obispo County Master Water Plan Update, Phase II, January 2003



**NIPOMO WATER PLANNING AREA (WPA6) AND SUBAREAS**  
Nipomo Mesa Water Resource Capacity Study  
San Luis Obispo County, California

Figure 2

<http://www.countyofsb.org/pwd/water/pdf/Santa%20Maria%20Groundwater%20Basin.pdf> Page 3

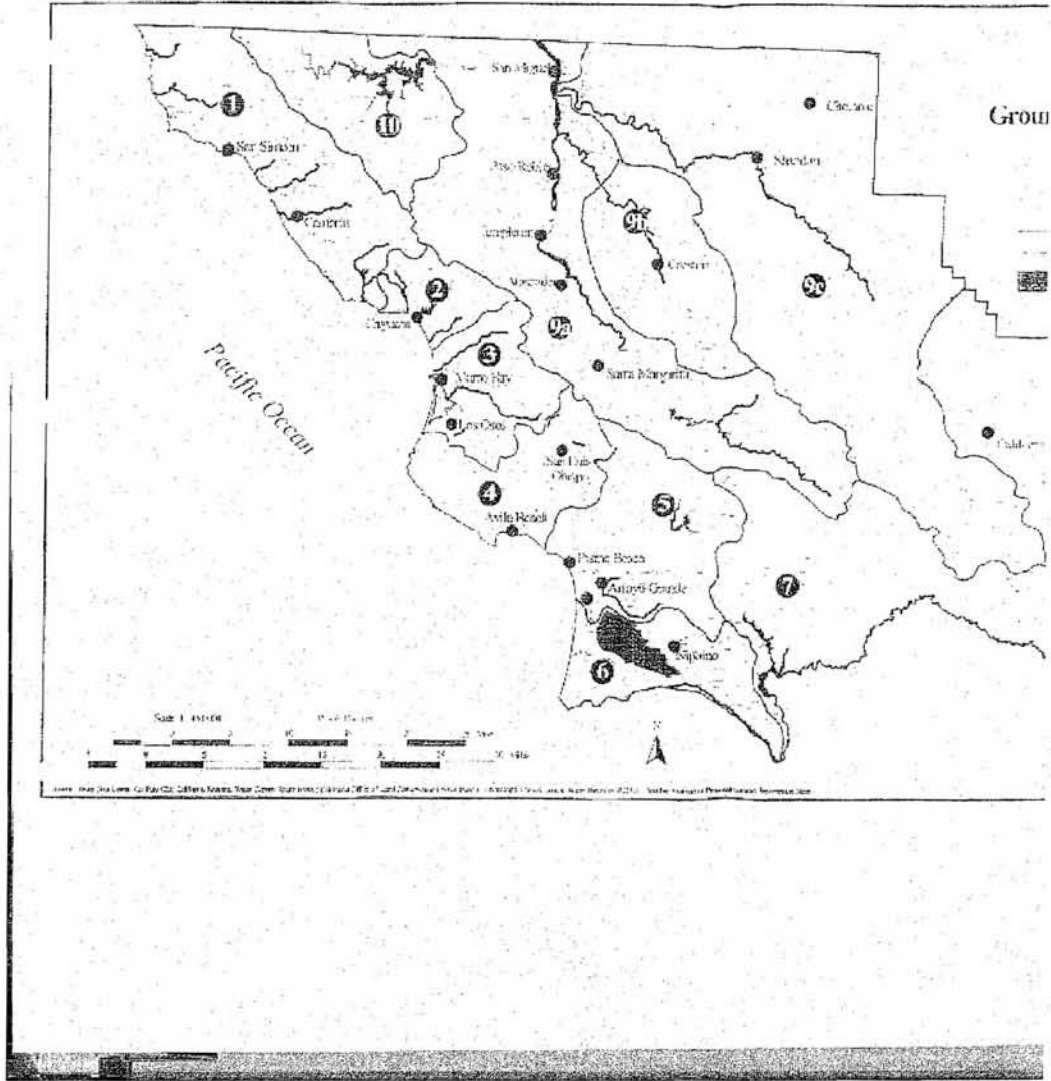


In 1921 the first soil survey of the basin was made. Examination of the basin continued to be limited to oil until 1931 when Lippincott established baseline hydrologic conditions for consideration of federal and state funding towards a project to curb runoff problems on wet years and establishing a need for water conservation practices.

In 1946 USGS Bulletin 222 was released, mentioning a 12,000 AF annual overdraft. The period of the *most comprehensive evaluation* of the basin began in 1947 and continued until 1966 with work by Worts, Miller and Evanson. During this period the perennial yield of the basin was established to be 70,000 AF (revised from 57,000 AF) and an approximate annual overdraft of 20,000 AF was calculated. In 1976 the Toups Corporation was hired by the City of Santa Maria to perform a thorough Water Resources study of the basin. This report concluded that in 1976 the annual average overdraft of the basin was 6,000 AF and projected to be 25,000 AF by the year 2025 without implementation of additional water sources. The USGS did a report in 1976 focusing on water quality of the basin, specifically increasing nitrogen levels. This report listed the calculated average annual overdraft to be 10,000 AF.

In 1977 the Water Agency (Ahlroth et al) completed a comprehensive report of the basin using all of the latest data and climate trends that concluded an average annual overdraft of 20,000 AF existed and projected a 30,000 AF overdraft by the year 2000. In

[http://www.slocountywater.org/mvp/pdf\\_files/Water%20recharge%20areas.pdf](http://www.slocountywater.org/mvp/pdf_files/Water%20recharge%20areas.pdf)



**Nipomo Community Advisory Council Response to  
Draft Environmental Impact Report for  
Biorn Land Use Ordinance Amendment and  
Conditional Use Permit ED03-344, -345  
(G020020M/D020293D)**



After careful review, the Nipomo Community Advisory Council (NCAC) finds this Draft Environmental Impact Report (DEIR) has a number of major flaws, some of which are as follows:

1. Table 2-1 (AES-1): Visual impacts to motorists traveling on Highway 101. The report states: "No Mitigation Required." But the NCAC does not believe the gateway to the community of Nipomo and San Luis Obispo County should be an asphalt/concrete plant with towers exceeding the height of the concrete plant that already exists on the site. The DEIR claims that the proposed facility will only be visible for six seconds to motorists traveling at 65 miles per hour on Hwy 101 in either direction. In fact, the existing plant is visible for 23 seconds to northbound traffic crossing the bridge at 65 miles per hour, and is visible for four-tenths of a mile southbound. With taller towers, the plant will be visible for an even longer time frame. The idea that this is what visitors will first see when they enter the community of Nipomo and San Luis Obispo County is incongruous with the scenic highway corridor and undermines the rural atmosphere that area residents are trying hard to preserve in Nipomo.
2. Table 2-1 (AES-2): Suggests that mitigation would be necessary for motorists traveling along Highway 101 and for some residences in the area. Yet, the proposed landscape plan for fast growing trees will not obscure this Plant with the proposed towers for many years. (AES-1 and AES-2 are in conflict)
3. Table 2-1 (AES-4): According to the report, a concrete sound wall will prevent noise generated by this industrial operation from migrating off site. However, the proposed sound wall will create a visual obstruction that is conspicuous, offensive, and out of place on a scenic highway.

The report also provides conflicting data on whether residences involved in the mitigations are located 500, 1000, 1500 or 2,500 feet from the project site -- different sections of the report refer to different distances. In any case, residences to the south and north of the site will have reason for complaint and may be subjected to a variety of impacts to air quality and health, among others.

4. Noise from big trucks using engine breaks as a braking assist is very loud. Mitigation should require them to meet all the noise conditions of the Land Use

F-1

F-2

F-3

F-4

- Ordinance. Also, no use of engine breaks within one mile of this intersection should be permitted. F-4
5. Table 2-1 (AES-5): The report refers to an 180,000 gallon water tank “set into the grade.” Does this mean it will be below grade? Set into the bluff? How high will it be above grade? And if set into the grade, will it have a pump to provide pressure for emergency equipment to obtain the needed fire flow in case of an emergency? What about the fact that it is located in a flood plain? What will happen to this tank in a 100-year flood? F-5
6. Table 2-1 (ES 7): If the project site is rezoned to Industrial, the LOU/ LUE would allow a chemical manufacturing plant to be constructed on this property. Because it is located in a flood plain, we believe this should be limited and that operation of a chemical manufacturing plant (or any similar activity) on this site should be prohibited. F-6
7. Control of dust pollution from this facility will require large amounts of water. The source of this water presumably will be the underlying ground water basin, which is in overdraft. This could have a detrimental effect on the quality of Nipomo’s water as well as the availability of water to residents. F-7
8. This facility will generate an estimated 3.02 million gallons (9.26 acre-feet) of wastewater per year. How will this wastewater be disposed of? The operations at this plant will produce a likely increase in the PH, so wastewater should not be allowed to flow off site into the Blue Line waterways, nor should it be allowed to percolate back into the ground water basin, which is the main source of drinking water for the residents of Nipomo and Santa Maria. The DEIR also indicates that there will be an onsite septic system for the restroom and other such amenities but it gives no indication of how this bio-wastewater will be disposed of. F-8
9. Table 2-1 (AQ-2): Air Quality. The proposed industrial activities at the plant will cause the air quality in the general vicinity to become less acceptable. Depending on the amount and type of emissions generated, wind velocity and direction, and other factors, the level of emissions and subsequent degradation of air quality could be significant. Allowing this plant to be constructed in such close proximity to residences and then allowing it to pay an off site fee for mitigation of air quality is neither appropriate or an acceptable alternative for this area. F-9
- The NCAC also has concerns on the following: What is the length of time an air monitoring station will be in place? Who is responsible for monitoring? How long will county oversight be in place? All options for the required air quality mitigation projects must be identified in in the Final EIR. The mitigations must prove to be measurable and with a nexus to project.
10. Table 2-1 (A.Q.-4): Mitigation should be required to keep airborne fumes from migrating off site. Asphalt fumes and other odors produced by this plant may be F-10



highly offensive and will be a concern for residents living nearby. Such noxious fumes could become a nuisance and a health hazard if not abated.

F-10

11. Additionally, there are concerns about the long term effects that the industrial operations on this site may have on flora and fauna in the area. Why are these impacts acceptable? How are the special status species going to be protected or relocated?

F-11

12. Section 5.4.38 of the report states that "due to access constraints identified, a large portion of the LOU/LUE area which would be affected by the Land Use Ordinance amendment was not surveyed." How can a bona fide Environmental Impact Report be compiled with any meaningful degree of accuracy -- and how can necessary mitigations be identified and implemented -- if the researchers do not have permission to pass over the land in question? Looking at the land through binoculars cannot possibly provide an understanding of what must be done to protect wildlife, plants, and water resources or to safeguard other environmental concerns that may be present on or around the site.

F-12

#### TRAFFIC ANALYSIS

F-13

We see a major problem with increased traffic from this expanded plant, even though the DEIR suggests that the facility will not change the Level of Service (LOS), which will supposedly remain at Level C. Although the numbers given in the DEIR are inconsistent and vary quite a bit depending on which chart or paragraph you read, it is clear that there will be many net trips per day from this plant.

1. **Table 3.5** tells us that during peak production, traffic generated by the proposed facilities will include 240 outbound trips, 216 inbound trips, and 14 other trips, for a total of **470 trips**. During normal operations, this table shows there will be 53 outbound, 45 inbound, and 3 other trips for a total of **101 trips**.
2. **Table 3.6** states there will be 240 outbound production, 216 inbound aggregate, and 14 "other" for a total of 470 deliveries and 470 return trips, plus 12 incoming and 12 outgoing employee trips for a total of **964 trips per day** during peak production. In non-peak production, there would be 101 total deliveries and 101 returns, and 24 employee trips, for a total of **226 trips**.

If we use the figures for the non-peak work day, employees (or crews) will be working eight hours and, if table 3.5 is correct, then this facility will generate movement of one vehicle every **4.8 minutes** during a typical eight hour work day. For a ten-hour shift, one vehicle movement would occur every **6 minutes**. The DEIR indicates that there would be eight driving hours per shift. During peak production, assuming that crews will work for 80 days maximum at peak, that would be **16 hours of driving** (two eight hour shifts.) By extrapolating these figures, we can estimate that there will be a movement from or to this facility about every **two minutes**.

As previously mentioned, the draft EIR provides conflicting data on the number of daily vehicle trips this facility would generate. For instance, page 42.2 states that there will be 964 movements net from the site on a daily basis, while 5-3-4 suggests that 240 asphalt trips are planned, 25 tons each, plus 226 materials trips, 25 tons each, 452 truck movements, an additional 30 truck movements for other purposes, and 24 employee trips for a total of **746 daily trips**.

F-14

*TRA-2* acknowledges that an expected 984 truck trips will have an impact on traffic. It also states that there will be a maximum of 840 one-way trips per day, averaging 202 one-way daily trips over a running twelve-month time frame. This means there will still be a vehicle movement from this facility every **4.8 minutes** during non-peak hours. One sure way to create gridlock would be to Install a signal light at Hutton and Cuyama Lane.

F-15

*TRA-2* concludes that the increased traffic from the proposed plant will have no impact on the traffic Level of Service (LOS). It is hard to understand how the movement of **964, 840, 746, 470 or 226 vehicles, or even 101 daily trips** involving large, slow moving trucks will not affect the LOS. How many of these trips will go south? According to the DEIR, most of the incoming and outgoing trips will be traveling south over the Santa Maria River bridge. The DEIR also claims that the onramp meets the State of California's requirements for a freeway onramp, but if you are driving south past the onramp when a large truck is coming on to the highway, you will often see two to five vehicles trailing behind it. On a good day, these large trucks will be traveling at 35 to 45 miles per hour before they reach the southern end of the Santa Maria River bridge. The southbound onramp is 792 feet up a steep grade, and it is 3,960 feet from the entrance to the onramp to the southern end of the bridge. These slow trucks must merge with traffic moving at speeds of 70 to 75 miles per hour. This influx of large trucks often causes traffic to slow and back up; motorists caught behind the trucks will pull out and try to pass as soon as the trucks enter the freeway, exacerbating the traffic problem and causing potentially unsafe road conditions. For traffic moving in the opposite direction, the northbound freeway onramp is 1056 feet in length until you merge with freeway traffic, and additional truck traffic and daily vehicle trips generated by the proposed plant will cause an even more serious problem on Highway 101 and 166.

Mitigation for these potentially hazardous traffic conditions should include but not necessarily be limited to the construction of a longer onramp leading to the three-lane Santa Maria River bridge. Such an improvement is currently being discussed. This would allow slow-moving vehicles 3960 feet to reach optimum speeds before they merge into freeway traffic.

The DEIR states that the Plant's hours of operation will be 06:00 to 16:00 and 19:00 to 05:00 Monday through Saturday. Yet, existing traffic in this area is typically heavy on weekends because motorists use this corridor to reach Santa Barbara and other points such as Los Angeles and San Diego, while northbound traffic is for the most part business and tourist related. At present, there is no bypass to allow motorists to avoid the slow-moving truck traffic from the proposed facility.

F-16

Notably, the efficient exit routes from this area are limited. If a traffic accident or other major obstruction to circulation occurs on this stretch of road, it will cause gridlock. Similarly, in the event of a catastrophic event at the Diablo Nuclear Power Plant, the plan for evacuating Nipomo's population calls for using Thompson and/or Orchard Road to Highway 166, then south on Highway 101. A traffic jam at this intersection would be disastrous, a possibility that is not addressed in this DEIR.

F-17

There are inconsistencies in the DEIR other than the number of vehicle trips, including:

F-18

1. The distance to the dwellings -- *AQ-4* says it is .3 miles (roughly 1572 feet); on another page, we are told it is 800 feet, and elsewhere we find 1000 and 2500 feet. We do not know how far it is, but these inconsistencies must be reviewed and corrected with the real numbers.

F-19

2. The storage of hazardous materials -- is the fixed LPG tank 1,000 gallons or 1,500 gallons?

F-20

3. Will the 8000 gallon portable propane tank always be on site?

F-21

4. *Page 3-21: 42* reports that an estimated 42,090 gallons of hydrocarbon liquids will be stored on the site in various forms. As previously mentioned, this site is on a flood plain. When -- not if -- the site floods, what will prevent these toxic and potentially carcinogenic liquids from washing offsite and contaminating the surrounding farmlands? In January and February, 1969, November, 1977, January, 1995, January, 1997, and on March 5, 2001, the Santa Maria River flowed bank to bank, barely clearing the bottom of the Highway 101 bridge. In January 1997, Highway 166 washed out leaving Nipomo land locked.

F-22

5. In Section 5 of the DEIR, which addresses safety concerns, no mitigation is suggested for the additional Sheriff patrols needed. In addition, there is a need for additional fire personnel. It is the proponent's responsibility to provide this additional fire protection and to do so on a 24/7 basis at the proponent's own expense. Unless these conditions are satisfied, the project should be denied. In similar developments, other counties have required developers to provide necessary public safety personnel, and to ensure that they will remain in compliance with these requirements as long as the plant remains operational, before they are allowed to start up operations.

**BIOLOGICAL MITIGATIONS**

F-23

1. The biological surveys cited in the DEIR were conducted during the dry season, and species identification was not specific to the project site. This is inadequate. Surveys must be carried out during optimal seasons for botanical and wildlife



- identification. Several photos of wildlife on and near the proposed project site are submitted herewith. F-24
2. The impact of light and sound on the adjacent wetland, which is a migration stop on Pacific Flyway Route, must be evaluated. Recommend on-site species survey and count of both resident and migratory birds in the fall, winter, and spring on the Lower Nipomo Creek area. Also recommend a summary of the literature of the impacts of industrial noise and light to determine potential impact to resident and migratory avian species of the Lower Nipomo Creek. F-25
3. *The Lower Nipomo Creek Vision Plan and the Nipomo Watershed Plan* will be submitted to the California Department of Fish and Game in December 2005. The EIR should include elements of this document. This document was funded by Guadalupe Mitigation Funds because Nipomo Creek is part of the Santa Maria River Watershed. It should be a guiding document for identifying issues and problems relevant to the project site such as flooding, creek bank erosion, water quality, and viability of nearby agriculture. Additionally, the document identifies barriers in Lower Nipomo Creek that contributed to the major flooding incident on March 5, 2001. Removal of these barriers and proper repair of the creek bank will help prevent future flooding on the project site as well as improve habitat. The watershed plan also identifies other specific potential enhancement project sites in the Lower Nipomo Creek. The Final EIR should not be complete until this document is studied with respect to evaluating both on- and off-site mitigation options. F-26
4. Intensive industrial activity and direct construction impacts to the mixed willow habitat on the project site warrant on-site and off-site mitigation. Replacement of mixed willow habitat on the bank of the Santa Maria River adjacent to the project site will help prevent erosion, reduce flooding potential to the project site, and mitigate for industrial impacts to wildlife in the area. Additional off-site mitigation on the banks of Nipomo Creek at identified project areas in the Nipomo Watershed Plan should be included. If each project in the rezoned area is only responsible merely for on-site impacts, the cumulative impacts of the industrial zoning will not be fully addressed. Specific offsite projects that can reduce these impacts should be identified with costs assigned. A formula for contributing to such mitigation measures should be developed, and contributing to such a fund should be a condition of approval. F-27
5. The prior practices of the project applicant relative to Nipomo Creek should be taken into account in reviewing this application. The accompanying photos shown in Appendix A provide evidence of multiple violations and sub-standard monitoring by the county and regulatory agencies F-28

### CONCLUSIONS

The mere fact that this large-scale industrial facility poses a host of potential hazards to the ground water, the air quality, and to surrounding residents and businesses is ample reason that this plant should not be constructed at the gateway to Nipomo and San Luis Obispo County.

In conclusion, the authors of the DEIR did not physically inspect a majority of the area covered in the proposed General Plan Amendment. The report acknowledges a threat to Nipomo's ground water during construction, yet no mitigations are proposed, a fact that is unacceptable. Additional traffic generated by this project will only exacerbate the existing congestion, a direct result of inadequate infrastructure required to support the fast pace of residential and commercial development in Nipomo. Storage of hazardous and potentially cancer-causing chemicals on a known flood plain, and adjacent to the Blue Line waterway of Nipomo Creek and Santa Maria River could lead to contamination of those streams and of the ground water which Nipomo residents depend on for their drinking water. People downstream from the Plant may experience adverse impacts to air quality and short-term respiratory ailments as well as more insidious long-term health concerns. Payment of an offsite mitigation fee does nothing to benefit residents who would be directly impacted by the degradation of water and air quality, nor the impacts on agriculture production downstream from the facility. The increased load on the area's already overtaxed infrastructure and additional demands on public safety with no mitigations is unacceptable and a disaster in the making. Little or no mitigation is proposed to protect plant and wildlife species inhabiting the site or which use the area.

Assuming that the above referenced inconsistencies and omissions of the DEIR were to be remedied and adequate mitigations adopted, who will monitor this facility around the clock and enforce these mitigations? The County of San Luis Obispo has admitted that they do not have the personnel to do the required monitoring.

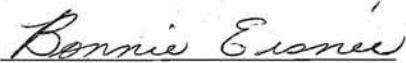
In consideration of the fact that this DEIR fails to adequately identify or promulgate the mitigations necessary to assure the quality of our air, water and agricultural lands, the Nipomo Community Advisory Council strongly opposes this project and recommends that the proposed rezoning and construction of this facility not be allowed at the gateway to our community.

Attached:

Copy of NCAC Response to Notice of Preparation of a Draft Environmental Impact Report for Biorn Land Use Ordinance Amendment and Conditional Use Permit; ED03-344-345 (G020020M/D020293)

F-29

Respectfully Submitted,



Bonnie Eisner  
Vice Chairperson  
Nipomo Community Advisory Council

**NCAC Response to  
Notice of Preparation of a Draft Environmental Impact Report  
for  
Biorn Land Use Ordinance Amendment and Conditional Use  
Permit;  
ED03-344, -345 (G020020M/D020293D)**

1. Name of Contact Person: Dan Woodson 929-3966
2. Permit or Approval Authority: Nipomo Community Advisory Council
3. Environmental Information: Transportation/Circulation, Water, Geology and Soils, Noise, Air Quality, Aesthetics.
4. Permit Stipulations: Require Traffic Circulation Mitigation Plan and Street Pavement Mitigation Plan. Require design based on 100 year storm occurrence. Require drainage study involving Santa Maria River, Nipomo Creek and the unnamed creek and runoff from all properties downstream from the Nipomo Creek bridge.
5. Alternatives: Not considered
6. Reasonable Foreseeable Projects, Programs or Plans: Consider effects of new housing development above Santa Maria Racetrack. Consider effects of the proposal to increase the capacity of the Santa Maria Bridge by adding lanes.
7. Relevant Information: Not considered
8. Further Comments: The NCAC recommends disapproval of the project if all of the concerns of this report are not properly addressed and mitigated.

**Traffic:** The proposal does not adequately address the traffic situation. The intersection consists of three single-lane one way ramps and one double-lane one way ramp entering or exiting SR 101, one two way minor arterial (Orchard), one two way collector (Thompson) and one two way service road all converging on the two way SR 166/Cuyama Lane. An increasing amount of traffic is using Orchard to go South on SR101. Visitors, quarry material trucks and concrete trucks use the service road. This road will also be used by the asphalt plant. SR166/Cuyama Lane is used by local customers visiting the businesses sited adjacent to Cuyama Lane. SR 166 is used by agricultural trucks and shippers to transfer to or from SR 101. The proposed asphalt plant will add significant traffic to the intersection especially during peak operating times. The NCAC is concerned that existing traffic patterns will be severely disturbed as a result of this project. It is feared that traffic will increase on Tefft Street at the 101 Freeway

because of the traffic disruption that large platoons of heavy trucks will cause as they attempt climb up the steep on-ramp to the 101 Freeway at highway 166. It is feared that local residential and commercial traffic will find access to the 101 Freeway much more convenient at Tefft Street than at highway 166. Such a disruption of local traffic pattern will have a devastating effect on the already critical traffic gridlock that now exists on Tefft Street. **The County and/or the developer shall provide a Traffic Mitigation Plan before the facility's vehicles are allowed to encroach on public roads.** The size and reduced acceleration of the trucks will greatly inhibit efficient traffic flow. The volume of loaded trucks and the traffic backed up behind them entering the freeway will pose a safety hazard to themselves and to freeway traffic especially to traffic crossing the river. There may not be sufficient distance to provide an acceleration lane for southbound trucks entering the freeway. **Caltrans must be made aware of this concern.**

The weight of the trucks and their turning maneuvers has the potential to severely degrade the existing pavement both on the surface roads and on the freeway. Roadway pavement removal and reconstruction must be performed along project truck routes to remove existing failed pavement and subgrade conditions so the new subgrade and roadway pavement can satisfactorily accommodate the pavement loads and frequency of use. Appropriate pavement design criteria for the number and weight of vehicles that the project intends to use in its commercial enterprise shall be utilized.

**The County and/or the developer shall provide a Street Pavement Mitigation Plan before the facility's vehicles are allowed to encroach on public roads.**

**Noise:** *Sec. 8, Preliminary Noise Study (PNS), page 8, Sec. 5, Table 5:* Why is the difference in ambient noise level (NMP#2 minus NMP#1, as shown in the tabulation) exactly 5? If this difference was an average, what were the smallest and the largest differences? What is the rationale for accepting the nighttime noise level exactly 5 dB less than the daytime level? Please show the actual data.

*Sec. 8, PNS, page 8, Sec. 5:*

Why do the average ambient noise levels of Table 5-1 exceed the guidelines of the San Luis Obispo County Land Use Ordinance (shown as an Leq 1H of 50 dB (A))? What is the rationale for unilaterally deciding to continue the calculations and discussion with the threshold criteria capped at the measured ambient noise level plus 1 dB(A) as shown in Table 5-2? This is a critical question, because the rationale must be based on an understanding that this plant will make a considerable amount of noise during its operation. In addition, mechanical equipment, heavy equipment, and large trucks will also produce a considerable amount of noise during the hours of operation of the plant.

*Sec. 8, PNS, page 8, sec. 5:*

By unilaterally choosing a threshold that exceeds the guideline established by San Luis Obispo, it appears that the developer plans to justify noise levels that would not be allowed in other county locations. With the future development of Nipomo pointing to the densification of residential residences that will one day be local to this proposed plant, the developer should not be given approval to exceed noise guidelines only because there very few existing homes. We already are planning for growth. Excessive noise

should be a critical issue for this project. The developer should provide mitigating measures that reduce noise and contain it within the project area.

*Sec. 8, PNL, page 1, Sec. 1.2, paragraph 2:*

The 5 dB difference in noise level needs to be explained and justified. In rural areas, this might be acceptable. But, this area is shown in the General plan not to be in a rural area. The developer needs to explain how critical recognition of noise levels and mitigation of offensive noise levels are being employed to justify this project.

*Sec. 8, ONS, page 6, Sec. 3.0:*

Although it may be true that one residence is located 900 feet from the operating plant, the developer needs to recognize that other residential properties are planned for this region of the Nipomo community. What is the developer doing to control noise levels?

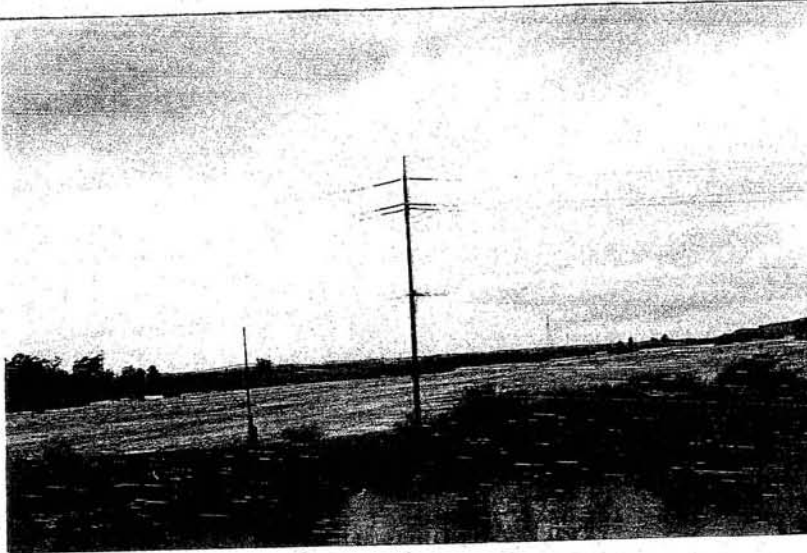
**Run-off:** The containment and proper handling of storm run-off must address the handling, processing and removal of contaminated and hazardous waste materials.

**Monitoring:** Continuing maintenance of all onsite and offsite activities of the project must be addressed and discussed by the applicant.

**Reporting:** Comments addressing the concerns expressed by the NCAC must be sent to Caltrans, Fish and Game, Army Corps of Engineers, Fish and Wildlife, Santa Maria Valley Water Conservation District and Salmon Enhancement.

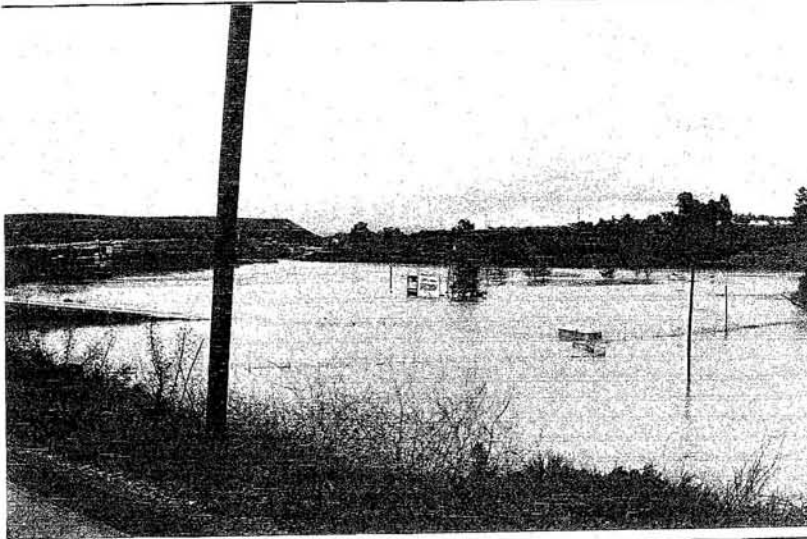
**Review:** The NCAC specifically requests to formally review and approve all mitigation plans produced by the applicant that addresses the review comments and concerns expressed by the NCAC in its review of the Draft EIR report.

**The Santa Maria River flooded from bank to bank in March 2001. (above)**



**Flooding at the proposed Project site (pictured below). Adjacent offsite mitigation planning should be a requirement to avoid erosion of Santa Maria creek bank and to reduce the chances of project site flooding.**



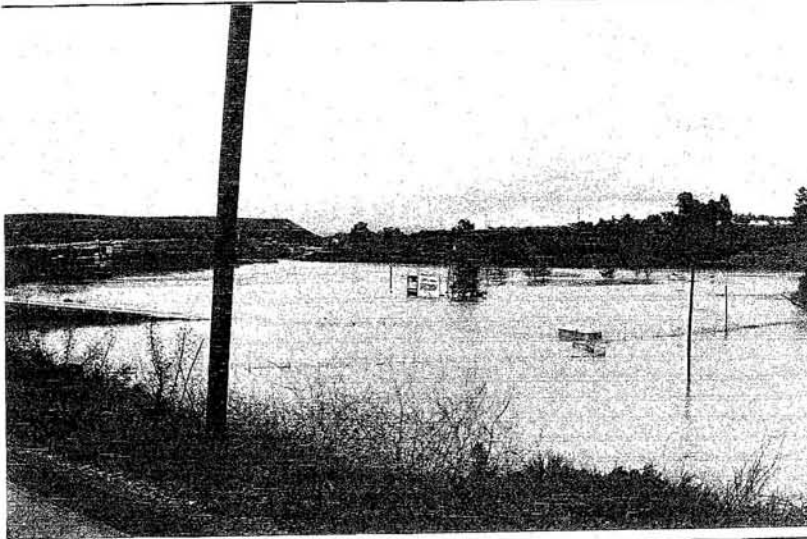


**Lower Nipomo Creek is prone to severe flooding as pictured here in March 2001. In December 2005, flooding occurred again across the entire area.**



**There are barriers in Lower Nipomo Creek on the project site and adjacent to project site (pictured below) which dam up the area causing flooding. The rezoning should include a funding mechanism to improve creek hydrology**

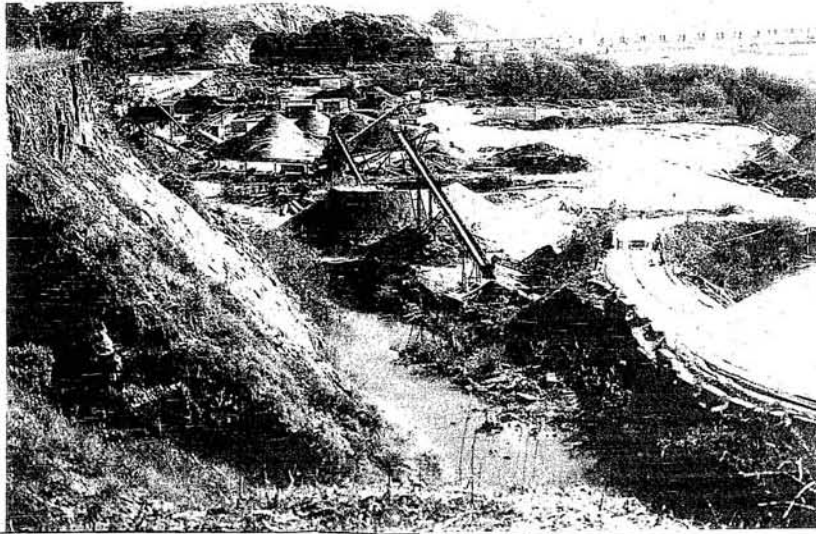




**Lower Nipomo Creek is prone to severe flooding as pictured here in March 2001. In December 2005, flooding occurred again across the entire area.**

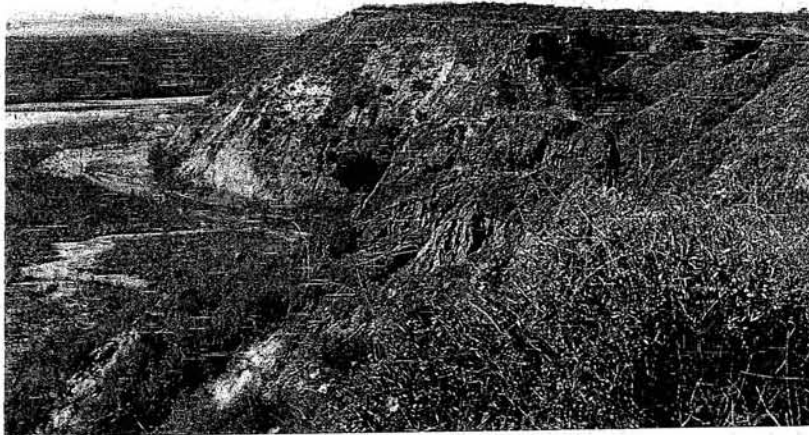


**There are barriers in Lower Nipomo Creek on the project site and adjacent to project site (pictured below) which dam up the area causing flooding. The rezoning should include a funding mechanism to improve creek hydrology**

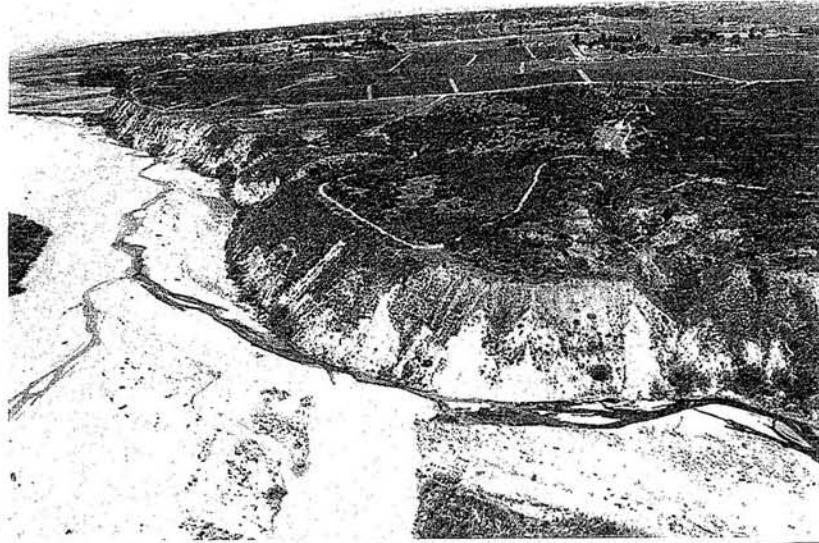


**The industrial activity on this site by the project applicant has historically disregarded established creek channel management practices, causing severe bank erosion and sedimentation into Nipomo Creek. County and public agencies have also failed in their duty of monitoring and oversight.**

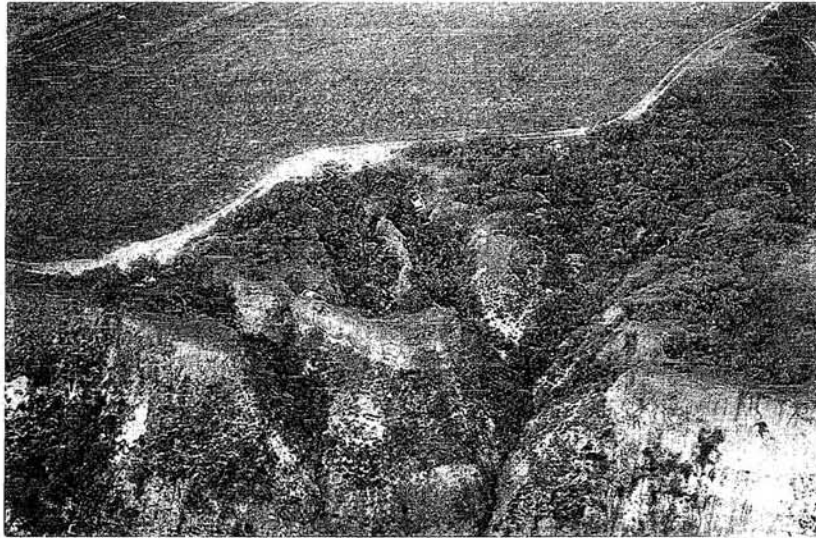




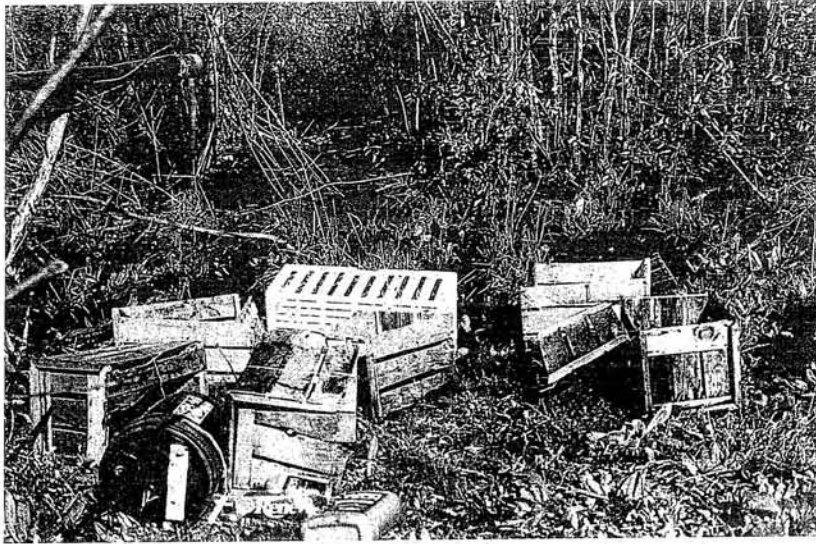
**Above: The Confluence of Nipomo Creek and the Santa Maria River just below the proposed project site, show the impacts of increased erosion along the bluff face. Best management practices including willow planing can reduce the impact of erosion to the bluff face.**



**The Bluffs and the wetlands at the confluence of the Santa Maria River are sensitive resources that must be protected, and if the project is approved, enhanced with off site mitigation.**



**Proper management of the bluffs near the project site is essential to avoid the bluff blowout that took place 1/2 mile down stream from the proposed project site. A protective easement, larger buffer on the bluff between industrial and agricultural, or residential should be required**



**Pictured above: Trash including petrochemicals dumped along Nipomo Creek within the area of proposed rezoning. This is a common occurrence in the lower Nipomo Creek. A protective easement for restoration and monitoring should be the project, to provide protection to (pictured below) the resource including the sensitive wetlands of the Nipomo Creek Santa Maria River confluence downstream of the proposed project site.**





A small eared owl nests in the Bluff face adjacent to the project site each season. The project site is part of this birds hunting grounds. This is an example of a rare species not listed in the EIR that inhabits the the area. Biological surveys should be conducted in several seasons to produce an accurate species list.



Unique plants, such as  
the Dudleya are found on  
The bluff face.

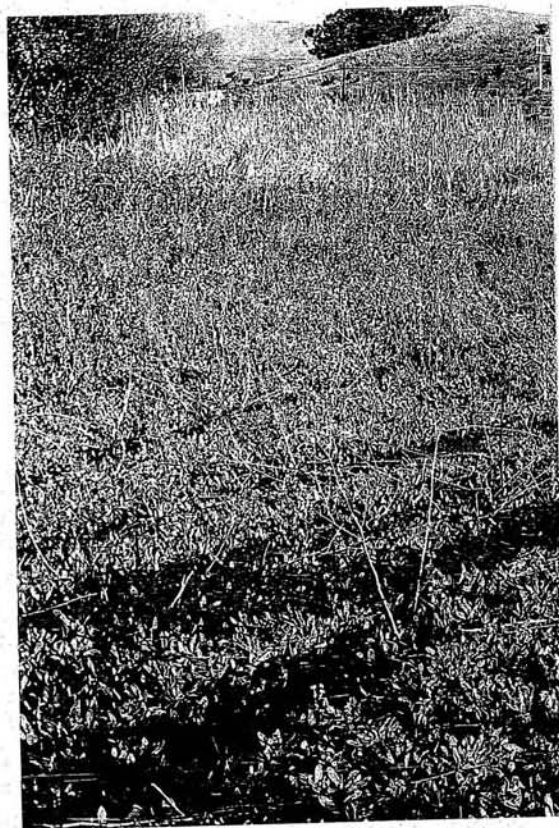




**Site planning for the proposed project and the proposed zoning change must take into account unique hydrological features and natural resources of the entire Lower Nipomo Creek area to prevent flooding and protect resources.**

**An example of piecemeal planning in this area was a large detention basin recently installed upstream of the project site that eliminated this flood plain wetland area.**

**The new County approved detention basin after rains in December 2004.**





Santa Lucia Chapter  
P.O. Box 15755  
San Luis Obispo, CA 93406  
(805) 543-8717  
www.santalucia.sierraclub.org

September 30, 2005

**Comments of the Santa Lucia Chapter of the Sierra Club on the Draft Environmental Impact Report for Biorn Land Use Ordinance Amendment and Conditional Use Permit ED03-344, -345 (G020020M/D020293D)**

**2.5 –Mitigation Monitoring Program**

This would be unlikely to function as promised. Monitors are not identified, nor is a source of funding to cover the cost of monitoring. The absence of such details from the DEIR and their promised appearance in the FEIR is unacceptable. If monitoring for the proposed project will be infeasible, this needs to be noted in the DEIR.

G-1

**5.2-1 Land Use Compatibility**

The DEIR notes that land use compatibility issues include "pesticide use, noise, dust, trespassing, vandalism, theft, litter, liability issues, rodent control, agricultural burns, and erosion" and states that "The most effective mitigation measures for these issues are open space buffers between the land uses." Here, as throughout, the DEIR fails to note that the objective of CEQA is **avoidance** of such impacts and seeks to give the impression that mitigation is the only option, as approval of the project is presumably a fait accompli. A Draft EIR without this clear bias should be prepared.

G-2

**5.2-4 LUO/LUE Amendment Impacts - Impact AG-2**

The DEIR finds that "The plant could potentially have an adverse effect on air quality and groundwater in addition to the increased potential for fire, explosion, and hazardous materials leaks." The DEIR seeks to narrow the scope of these obviously broad and dire impacts on environmental and human health by defining them as potential "land use compatibility conflicts," having first consigned them to the category of indirect impacts on agricultural resources, and declaring this potential – deriving from the storage of potential carcinogens on a flood plain, adjacent to a blue line creek feeding the Santa Maria River – to be "insignificant." The DEIR then seeks to assign the mitigation of these impacts to the Agricultural Commissioner. All of these conclusions are unacceptable.

G-3

Further, at **5.4-37**, the DEIR notes that facilities cited as a result of the proposed amendment to the LUO/LUE could "result in other environmental hazards such as an increased potential for fires and explosions which may substantially affect



surrounding habitats and wildlife species.” These are impacts clearly beyond the purview of the Ag Commissioner, contrary to the imputation at 5.2-4.

G-3

**5.3-12 Mitigation Measure AQ-2**

Proposed mitigation measures A through D would fail to reduce PM10 emissions to a level below the threshold of significance and would reduce CO emissions to a level 300 pounds per day in excess of the 550 pound per day threshold.

G-4

Mitigation measure E, which resembles nothing so much as the actions of desperate pilots of a plummeting hot air balloon throwing everything out of the gondola in an effort to lighten the load, is a grab-bag of measures that allow for no objective measurement and hence no means of substantiating the conclusion that “Measure E would offset project emissions, resulting in residual emissions below the threshold and considered less than significant.”

The Final EIR needs to acknowledge the failure of these measures to mitigate air pollutants to a level of less than significant impact and that approval of the project would thus result in a violation of APCD Rule 402: “A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.”

**5.4-35 -Mitigation Measure REC-2**

We fail to see how this qualifies among those listed measures that “shall be implemented to avoid and/or minimize significant long-term impacts to those special-status species due to habitat loss.” This 25-foot wide min. trail corridor may cause existing riparian to “be impacted during construction and operation of the proposed trail,” along with “special-status wildlife species...that forage and breed within the riparian vegetation.” How are measures that result in additional impacts to habitat and wildlife mitigation for loss of habitat?

G-5

**5.4-38**

We note the admission “that a large portion of the LUO/LUE area which would be affected by the land use ordinance amendment was not surveyed by Padre biologists,” who admit to basing their conclusions on extrapolations from findings from the remnant portion of the area that they were able to survey. From this it follows that the DEIR’s field reconnaissance surveys “for the purpose of identifying plant communities, determining typical species associated with these communities, identifying and assessing potentially impacted habitats, and to document occurrences of those federal and state list special-status species and habitats which have the potential to occur within the project area” (cited at **5.4-5**); the “description and analysis of biological resources within the LUO/LUE area...based on a review of pertinent literature, field reconnaissance surveys,

G-6

and one USFWS protocol-level California red-legged frog survey," as well as the assessment of the presence of wetlands on the site, central dune scrub, central foredune, coastal and valley freshwater marsh and southern vernal pool habitat (5.4.2.2) are invalid.

G-6

From this admission, the site survey was clearly inadequate. This is an environmental Impact Report, not a Mitigated Negative Declaration or an Environmental Assessment. The cursory level of review represented by a largely incomplete site survey is not acceptable and constitutes a violation of CEQA.

**5.4-39 Mitigation Measures: BIO-9**

Listed as proposed mitigation are surveys for special-status wildlife species "prior to any new development within 150 feet of Nipomo Creek, Nipomo Creek tributary, and/or Santa Maria River" and "a qualified biologist shall determine whether the project site contains suitable habitat for Black-flowered figwort." Surveys are not mitigation. Once the land has been zoned for industrial use, the pressure for industrial development and bias toward the presumption of no or mitigatable impacts of such development will have been established. Such surveys should have been undertaken and completed in the course of preparing the DEIR.

G-7

**Overall comments**

We note throughout the use of the phrase "worst-case' permissible land use." This is misleading, as it refers to relative likelihood of an occurrence. Once the area has been changed to the industrial land use category, there will be no "best" or "worst" case development; there will be only development of the type permitted under industrial land use. No type of project in this category will be more or less likely to occur than any other.

G-8

It seems inconceivable that this study would have been completed with no mitigation proposed for acknowledged construction phase impacts on groundwater, but this appears to be the case.

The DEIR fails to disclose to decision makers and the public the significant environmental effects of the proposed activities; identify ways to avoid or reduce environmental damage; and prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures, as required under CEQA and by the South Coast Area Plan. For the reasons cited above, we recommend that the County deny the LUO/LUE Amendment and the Conditional Use Permit Request and endorse the No Project Alternative.



Andrew Christie  
Chapter Coordinator

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF TRANSPORTATION**

50 HIGUERA STREET  
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September 28, 2005

SLO – 101 PM 0.80

SCH # 2004011126

John McKenzie  
San Luis Obispo County  
Department of Planning & Building  
County Government Center  
San Luis Obispo, CA 93408

Dear Mr. McKenzie;

RE: Biorn Conditional Use Permit and Land Use Ordinance/Land Use  
Element Amendment Draft EIR (NOC)

The California Department of Transportation (Department) has reviewed the above  
referenced project and as a result the following comments were generated.

General Comments

1. The Traffic Impact Study (TIS) in the NOC did not include a merge/acceleration analysis for both the northbound and southbound U.S. 101 on-ramp truck traffic. It takes merging, fully loaded sand/gravel and asphalt-hauling trucks a great deal more time to get up to speed – matching the speeds of through-traffic on U.S. 101. Although heavy truck traffic currently originates from the existing plant, the proposed asphaltic concrete plant's addition of up to a maximum of 964 average daily trips has the potential to significantly impact the operations of U.S. 101 as the heavy trucks gain speed slowly to merge into U.S. 101 through-traffic. The EIR needs to include the merge/acceleration analysis in a revised TIS.

If the merge/acceleration analysis shows a significant traffic impact is created by proposed project traffic merging onto U.S. 101 through-traffic, project-specific mitigation strategies such as increasing the length of the on-ramps to accommodate the merging needs of the additional, heavy-truck traffic, needs to be identified.

*"Caltrans improves mobility across California"*

H-1

Mr. McKenzie  
September 28, 2005  
Page 2

- 2. The revised traffic study should also investigate if the curb-return radii at the 101/166 Interchange ramp termini are sufficiently great enough to accommodate the large asphalt/concrete trucks that will be utilizing these State highway facilities. Please include an analysis of the ability of the curb-returns to accommodate the turning radius of all new and existing truck traffic originating from the plant. If the trucks cannot negotiate the turns without crossing over into opposing lane traffic, then The Department requests that The Lead Agency condition this proposed project to modify the curb-returns as necessary as project-specific mitigation. H-2
  
- 3. A revised traffic study for the proposed Biorn Project needs to include a formally described depiction and enumeration of trip assignments of project-generated traffic. Please include this in a revised TIS. H-3
  
- 4. A revised traffic study also needs to include a pavement traffic index (TI) for the State highway facility (Routes 101 and 166 Interchange & ramps). The Department needs to know if the extra volume of heavy truck traffic will be tolerated by the State highway pavement surfaces. H-4

Specific Comments

- 5. (Ref. Page 5.12-7, *Impact Category: Insignificant, Thresholds of Significance Criteria: 1 TRA-2*) The third sentence states that, "Given that the improvement to the Santa Maria (River) Bridge has been previously identified and that a funding arrangement has already been established, there is not a nexus to impose a fee contribution toward improvements to the bridge." This statement is incorrect. First, full funding has not been established for the bridge-widening project. Second, even if full funding has been established for the bridge-widening project, this would not negate the fact that there is a nexus and absolve the project proponents from their responsibility to mitigate their traffic impacts. If the proposed asphaltic plant project adds traffic to a State highway facility that currently or in a cumulative scenario creates a significant impact, either through additional traffic volumes or safety considerations such as problems with merge/acceleration capabilities, then there is a nexus. H-5

If a revised traffic study shows a significant cumulative impact to the Santa Maria River Bridge operations, a pro rata share contribution should be forthcoming from the proposed asphaltic plant to offset truck traffic impacts on the State highway facility. The pro rata share contribution should be based on an aggregate of the support costs and the costs of constructing the Santa Maria River Bridge Project. Currently the escalated cost estimate for the "Santa Maria River Bridges" project, (Widen & Replace Bridges, Construct Auxiliary Lanes & Bike Path) is estimated to be \$35,341,000.00.

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Mr. McKenzie  
September 28, 2005  
Page 3

The project is presently in the Project Approval & Environmental Document (PA&ED) phase of project development. PA&ED is currently scheduled for completion in December of 2006.

H-5

6. (Ref. Page 5.12-10, Section 5.12.3 - *LUO/LUE Amendment Impacts, Mitigation Measure TRA-3*) Please be advised that placement of traffic signals within State highway Right of Way (R/W), is at the sole discretion of The Department. The Department requires that a 12-hour traffic signal warrants analysis be conducted and the parameters of the analysis be met before a signal can be installed. Even if all signal warrants are met, the granting of their placement is still subject to final Department approval.

H-6

The Encroachment Permit

7. For any Lead Agency-required traffic mitigation that needs to be performed in the State's Right of Way (R/W) the Applicants will be required to apply for an encroachment permit from The District 5, Permits Office, Please contact Mr. Steve Senet at (549-3206) for more information regarding the encroachment permit process or visit The Department's Website at: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

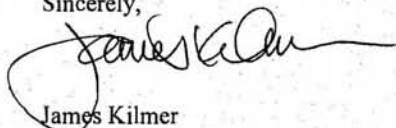
H-7

Please be advised that all work done in the State's R/W will be done to the Department's engineering and environmental standards and at no cost to the State. Furthermore, the conditions of approval and the requirements for obtaining the encroachment permit are at the sole discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditions and requirements.

Also, if a Department encroachment permit will be required for this proposed project, please set as a condition of occupancy and defined in the conditions for the building permit, the requirement that the applicant substantiate that the conditions and requirements stipulated in the Department's Encroachment Permit were in fact completed to those standards (through a letter of acknowledgement from the District 5, Permits Office) to be included in the County's file for this project.

Thank you for the opportunity to comment on the Biorn Asphaltic Plant Draft EIR. If you have any questions, please contact me at 549-3683.

Sincerely,



James Kilmer  
District 5  
Development Review/CEQA Coordination

*"Caltrans improves mobility across California"*

Mr. McKenzie  
September 28, 2005  
Page 4

c: File,  
D. Murray  
R. Barnes  
S. Senet  
J. Gonzalez  
L. Lowerison  
T. Farris  
D. Ramey-SLO County Public Works  
R. DeCarli - SLOCOG

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September 30, 2005

Mr. John McKenzie  
EIR Project Manager  
San Luis Obispo County Planning and Building  
County Government Center, Room 310  
San Luis Obispo, CA 93408-2040

Re: **Comments on Draft EIR for the Biorn Land Use Ordinance Amendment and Conditional Use Permit; ED03-344, -345 (G020020M/D020293D)**

Dear Mr. McKenzie:

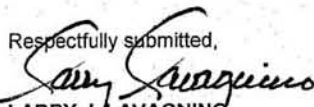
Please accept this letter as the City of Santa Maria's comments on the draft EIR for the proposed asphalt plant included in the Biorn Land Use Ordinance Amendment and Conditional Use Permit application pending before the County of San Luis Obispo Department of Planning and Building.

The City has been contacted by several residents of the City concerned about the impacts that may be caused by the proposed asphalt plant. The concerns are centered around potential air quality impacts and odors that may be generated from the operation of the plant and carried in the prevailing wind direction across the Santa Maria River toward the City of Santa Maria. These residents have expressed significant concern about the emissions that may contribute to local air quality degradation.

Additionally, many feel that the operation of the proposed asphalt hot mix plant will result in toxic air contaminant emissions that may adversely affect local and regional air quality, including the prevailing downwind areas of Santa Maria where many residents live, just south of the Santa Maria River. Many have expressed concern about "nuisance" odors as well. Some have raised concerns over the potential noise impacts from the operations of the proposed plant as well.

The City of Santa Maria respectfully requests that each of these concerns be thoroughly reviewed and addressed as part of this review for this proposed project, so that each of the concerns expressed by residents of the City are fully mitigated.

Thank you for the opportunity to comment on the draft EIR and share with you, the Commission and the Board the concerns of residents of the City of Santa Maria.

Respectfully submitted,  
  
LARRY J. LAVAGNINO  
Mayor, City of Santa Maria

C- City Council

I-1



CITY OF SANTA MARIA  
COMMUNITY DEVELOPMENT  
DEPARTMENT

110 S. PINE STREET #101 (ON HERITAGE WALK) • SANTA MARIA, CALIFORNIA 93458-5082 • 805-925-0951 • TDD 925-4354

October 3, 2005

John McKenzie  
Environmental Specialist  
Environmental & Resource Management Division  
Planning & Building Department

**SUBJECT: Proposed Asphalt Plant - Biorn Land Use Ord Amendment and CUP**

1. As a technical point of clarification, the City of Santa Maria Noise Element of the General Plan identifies the exterior noise exposure standard for the residential receptors as 60 dB CNEL, which differs from the 65 dBA CNEL standard for Santa Barbara County. It is important to consider the City noise standards as the threshold for significance.

J-1

Because Santa Maria residents occasionally experience noise impacts from the Santa Maria Speedway operations at night, the noise analysis should include hours of operation, wind, and atmospheric conditions as factors for concluding the level of impact that applies the Santa Maria standards. The pertinent pages from the City of Santa Maria Noise Element are included with this comment.

2. In working with Bailey Hudson, former Urban Forester with the City of Santa Maria, we are starting to use trees as air quality mitigation offsets for projects. Constructing a dense windrow with trees that are "low or non-emitters of Biogenic Volatile Organic Compounds" would help mitigate air quality, noise, and aesthetic impacts.

J-2

The wording of this mitigation follows:

Low Emission Landscape Materials. Trees that are used for onsite landscaping shall be selected from species and varieties that are low or non-emitters of Biogenic Volatile Organic Compounds (BVOC's) that may be appropriate for use in the landscape design for this project. Street trees selected for the site shall be chosen from the City Approved Street Tree List based on the relative BVOC rank order of street trees as low or non-emitters.

Thank you for accepting these comments.

*Bill Shipsey*  
Bill Shipsey, Planner III  
Community Development Department

attachments

\\CSM19\SHARED\Community Development\Planning\General Correspondence\2005\SLOCo EIR Comment.doc



**III. GOALS, POLICIES AND PROGRAM**

**GOAL N.1**

To protect present and future Santa Maria residents and workers from the harmful and annoying effects of exposure to excessive noise levels.

**POLICY N.1.a - Overall Noise Control in Santa Maria**

Protect and enhance the quality of the City's noise environment by controlling noise at its source, along its transmission paths, and at the site of the ultimate receiver.

**POLICY N.1.b - Location of New Noise Generators**

Regulate the placement and construction of new noise generators, to avoid excessive interior and exterior noise level impacts on adjacent noise sensitive properties; and of new noise receptors (such as housing and schools), to minimize the negative effects of local noise generation.

**POLICY N.1.c - Noise Control with the Required Environmental Planning and Regulatory Process**

Control harmful or undesirable noise through the environmental planning and regulatory process with emphasis on noise/land use compatibility planning.

**POLICY N.1.d - Explore New Measures to Address Existing and Future Transportation Noise.**

Explore possible strategies to control vehicular noise generation that would reduce noise impacts on existing noise-sensitive land uses (residential and schools) located within the 60+ dB CNEL contour.

**OBJECTIVE N.1.a - Existing Noise Levels**

To have mobile and stationary noise sources in compliance with the Santa Maria Noise Element and Noise Ordinance, and state and federal noise regulations.

**OBJECTIVE N.1.b**

To maintain and reduce noise to acceptable levels throughout the community.

**OBJECTIVE N.1.c - Mitigation of New Transportation Noise Sources**

Noise created by new transportation noise sources, including roadway, airport and railway improvements, shall be mitigated to the maximum extent feasible, using Table N-4 or other credible evidence as a guide.

**OBJECTIVE N.1.d - New Development Projects**

All new development projects will meet the acceptable exterior and interior noise level standards specified in Table N-4: "Interior and Exterior Noise Standards".

**Table N-4  
 City of Santa Maria  
 Interior and Exterior Noise Standards**

LAND USE CATEGORIES		STANDARD (dB CNEL)	
CATEGORIES	USES	INTERIOR	EXTERIOR
Residential	Single Family, Duplex, Multiple Family, Mobile Home	45	60
Commercial	Retail, Restaurant, Professional Offices	55	65 <sup>1,2</sup>
Industrial	Manufacturing, Utilities, Warehousing, Agriculture	65	70 <sup>2</sup>
Noise-Sensitive Land Uses	Motel, Hospital, School, Nursing Home, Church, Library, and other	45	60
Open Space	Passive Outdoor Recreation	--	65

**Notes**

1. The Commercial Exterior Noise Standard is a noise level of 65 dB CNEL or less, or which does not interfere with normal business activity.
2. Where commercial development proposes outside activities such as patio dining, outside play and picnic areas, the noise standards shall not apply to those outdoor areas.
3. The Industrial Exterior Noise Standard is a noise level of 70 dB CNEL or less or which does not interfere with normal business activity.

**IMPLEMENTATION PROGRAMS**

**Planning and Regulatory Process:**

1. Review all development proposals, both public and private, for consistency with the policies of this Element.
2. In reviewing and approving new subdivisions, general plan amendments, rezones, specific plans, use permits, conditional use permits and planned development permits, the City may require applicants to evaluate potential noise impacts and require appropriate noise control measures. Noise evaluations may include the review and requirement of: site design criteria, additional setbacks, earthen berms, sound walls, and modification of roadway design. Examples of mitigation measures are outlined in Table N-7; Figures N-3 and N-4 are illustrations of noise mitigation through site design and architectural layout.
3. Use the noise guidelines outlined in this Element and the projected noise contours (Figure N-2) to determine the need for noise studies, and require new developments to construct or pay for noise attenuation features as a condition of approving the project.  
  
Require a noise study and/or implementation of standard noise control measures based on the measurements at the site for noise sensitive projects within the 60+ dB CNEL contour (see Figure N-2) as part of the project review process. Should measurements indicate that unacceptable noise levels will be created or experienced, noise control measures may be required.
4. Require discretionary development proposals to meet the interior and exterior noise standards specified in Table N-4.
5. Any intensification of an existing activity, which is subject to discretionary review and can reasonably be expected to generate noise which would exceed the allowable noise levels in Table N-4, may be evaluated for compatibility with adjacent noise sensitive land uses. Appropriate mitigation measures may be imposed to result in the activity meeting the noise levels in Table N-4.
6. As part of project review, discourage the intrusion of commercial and industrial traffic onto local residential streets through the circulation planning review process.

**Existing Noise Environment Improvements:**

7. Evaluate those areas identified in the City with unacceptable noise levels and identify possible attenuation measures to improve that area's existing noise environment. Measures could include offering incentives that encourage developers and homeowners to use noise reduction materials to retrofit existing residences and schools close to U.S. Highway 101, major City roadways, the Santa Maria Public Airport, commercial manufacturing, industrial plants and agricultural operations.
8. Coordinate with the California Department of Transportation to effectively attenuate freeway noise through the placement of noise barriers, berms, and landscaped open space for existing residences, and incorporating design features in new development to reduce future noise level increases.
9. Discourage residential developments where traffic generated noise levels already exceed the acceptable noise levels for residential uses, and where there is no practical way to reduce noise to acceptable exterior and interior noise levels.
10. Continue to make the community aware of the effects of noise, and to keep the community informed of the measures being taken to combat noise.
11. Continue to update and enforce the City's Noise Ordinance.
12. Continue enforcement of the City's Noise Ordinance, both by responding directly to complaints and by conducting field monitoring compliance checks to identify violators. Table N-5 shows the maximum allowed noise levels and time durations which are used to determine if a noise violation has occurred.

**Table N-5  
 Maximum Noise Exposure For Noise-Sensitive Uses**

Level (dBA)		Duration in An Hour
Day (7 am to 10 pm)	Night (10 pm to 7 am)	
55	45	30 Minutes
60	50	15 Minutes
65	55	5 Minutes
70	60	1 Minute
75	65	Maximum

A noise violation is determined to exist when the noise level exceeds the ambient noise level or base noise level (Table N-6) as follows:

1. By any amount 30 minutes for any given hour, measure cumulatively;
2. By 5 dBA, 15 minutes for any given hour;
3. By 10 dBA, 5 minutes for any given hour;
4. By 20 dBA at anytime
5. Where zoning districts interface, the ambient noise base level for the most restrictive zones shall prevail.

Please refer to the Santa Maria Noise Ordinance for further detailed discussion.

**Stationary Noise Sources:**

13. Control noise intrusion from stationary outdoor machinery, appliances, and air conditioners through effective site design and with the site specific mitigation measures specified in Table N-6 and shown in Figures N-3 and N-4, where appropriate.
14. As part of the planning process, evaluate stationary noise sources to identify potential noise impacts. Where appropriate, require mitigation of those impacts so they do not exceed the noise level standards specified in Table N-4.
15. In reviewing development proposals, minimize traffic noise impacts on commercial and office buildings through effective site design and appropriate mitigation measures.

**Roadway Noise Programs:**

16. Continue to coordinate transportation and land use planning in future General Plan revisions and updates to promote acceptable noise levels for specific types of land uses and activities.
17. Continue to evaluate truck movements and routes in the city to provide for their effective separation from residential and noise sensitive areas.
18. Encourage the enforcement of State Motor Vehicle noise standards for cars, trucks, and motorcycles through coordination with the California Highway Patrol and County Sheriff.
19. Discourage the operation of service and maintenance vehicles of a non-emergency nature in residential areas during early morning and late evening hours.
20. Where appropriate, use less than standard lane widths to reduce vehicle speeds where this would reduce noise levels and protect existing residential neighborhoods.

**Airport Noise Programs:**

21. Encourage the SMPAD to require "state-of-the art" quiet aircraft for commercial airlines proposed to locate at Santa Maria Public Airport.
22. Where appropriate, require aviation easements and noise mitigation measures in new residential developments near the airport in the 60+ dB CNEL contour and in areas that are commonly overflown.

**Building Code Programs:**

23. Enforce the California Noise Insulation Standards (California Administrative Code, Title 25) for all new residential construction.
24. Where excessive noise levels exist, the City may require special construction assemblies such as attic and eave vent mufflers to mitigate noise (see Figure N-5).

**Construction Noise Programs:**

Although construction noise is considered to be a short-term site specific impact, the City of Santa Maria should continue to mitigate and monitor noise generated at construction sites. Figure N-7 shows typical construction equipment noise levels. To minimize construction noise levels, the City of Santa Maria will continue to require the following measures, where appropriate.

25. Limit the hours of construction activity in residential areas in order to reduce the intrusion of noise in the early morning and late evening hours, and on weekends and holidays.
26. Control noise at all construction sites through the provision of mufflers and the physical separation of machinery maintenance areas from adjacent residential and noise sensitive land uses.
27. Continue to work with the Santa Barbara County Fairgrounds Board to find ways to minimize nuisance noise from the events held at the Fairgrounds.
28. Continue to enforce the Noise Ordinance by monitoring activities at the Santa Maria Speedway as well as working with San Luis Obispo County and the agencies and/or associations responsible for regulating activities at the race track.

**ACCOMPLISHMENTS TO DATE:**

1. The City has adopted a Noise Ordinance to resolve existing noise conflicts. See Section 5.5 of the Municipal Code.
2. Through land use amendments, zone changes, subdivision maps, conditional use permits and planned development permits, the Community Development Department reviews said projects for consistency with the General Plan, Noise Ordinance and requires appropriate mitigation measures. Measures include, but are not limited to setbacks, architecturally treated noise walls, noise attenuation measures within the structure and use restrictions such as hours of operation.

**ANTICIPATED RESULTS:**

1. Consistent enforcement of the City noise regulations and compliance with state and federal noise regulations.
2. Compliance with adopted noise standards and the Noise Ordinance and a reasonable quiet community with few complaints.





**AIR POLLUTION  
CONTROL DISTRICT**  
COUNTY OF SAN LUIS OBISPO

September 29, 2005

Mr. John McKenzie, Environmental Division  
County Planning & Building Dept  
County Govt. Center, Rm. 310  
San Luis Obispo, CA 93401

RECEIVED  
OCT 08 2005  
Planning & Bldg

SUBJECT: Response to Environmental Impact Report Regarding the Biorn CUP & EIR.  
(Agency Project # G020020M, D020293D, SCH#2004011126)

Dear Mr. McKenzie,

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 2880 Hutton Rd. in Santa Maria. The project involves the re-designation of up to 50 acres in the Residential Suburban (RS) and Commercial Service (CS) land use categories to the Industrial (IND) land use category and the development of a 14.5 acre portion of site with a asphalt concrete plant (400,000 ton/yr. capacity). The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS

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

SPECIFIC COMMENTS

Section 3, Project Description, page 3-13 through 3-16

All of the table references in this section are incorrect. For example on page 3-13 it states that Table 3-4 summarizes the expected asphalt production capacity for the site, when in fact Table 3-4 show the raw material deliveries for the site. This error is carried throughout this section of the document making it difficult to review. The document table references should be corrected.

K-1

Section 3, Project Description, page 3-19

Based on the equipment listed on page 3-19 through 3-22, the facility will require an authority to Construct and a Permit to Operate. **To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

K-2

Section 3, Project Description, page 3-22

As part of the site preparation, on page 3-22 the project description indicates that stockpiles will be relocated and existing buildings will be removed. **The following mitigation measures should be added to address demolition activities.**

K-3

- Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for**

3433 Roberto Court • San Luis Obispo, CA 93401 • 805-781-5912 • FAX: 805-781-1002  
info@slocleanair.org ♦ www.slocleanair.org

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**removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHP).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

K-4

Section 5, Air Quality, page 5.3-6

A reference is made to the San Luis Obispo APCD CEQA Air Quality Handbook (1997). It should be noted the Handbook was updated in 2003. Minor revisions were made throughout the Handbook. The most recent version of the Handbook should be used for CEQA evaluation.

K-5

Section 5, Air Quality, page 5.3-6

The CO operational impact threshold of 50 lb/day referenced in section 5.3.2.1 (Thresholds of Significance) is incorrect – the APCD considers CO operational emission impacts to be of significance at or above 550 lb/day, there is no 50 lb/day threshold.

K-6

Section 5, Air Quality, page 5.3-6

A consistency analysis with the Clean Air Plan (CAP) was not performed as part of this EIR. The District considers a project of this magnitude to fall within the category of large commercial/industrial developments, in addition the applicants is seeking a land use Ordinance/Land Use Element Amendment and therefore **a consistency analysis with the CAP should be performed.**

K-7

Section 5, Air Quality, page 5.3-7

The statement is made on page 5.3-7 that "it is assumed that wind erosion of the 5 acre plant site would occur through the construction period." At all times during constructions, dust control measures must be implemented to control fugitive dust generated by construction equipment and wind erosion until construction surfaces are stabilized to prevent erosions.

K-8

**CONSTRUCTION PHASE EMISSIONS**

Section 5, Air Quality, page 5.3-8

APCD staff agrees with the dust control measures presented on page 5.3-8. However, the list presented does not include all measures recommended by the District for a project of this magnitude. **The following mitigation measures should be included to control fugitive dust during construction.**

K-9

- All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.



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- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- All PM10 mitigation measures required must be included on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

K-9

**In addition to the dust control measures listed above the following mitigation measures should be added for the construction phase of this project.**

- **Naturally Occurring Asbestos** - The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slcleanair.org/business/asbestos.asp> for more information or contact Tim Fuhs of our Enforcement Division at 781-5912.
- **Construction Permit Requirements** - Based on the information provided, the APCD has determined that several pieces of construction equipment with a power rating of 50 hp or more will be used during the construction phase of this project. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.
  - Power screens, conveyors, diesel engines, and/or crushers;
  - Portable and stationary backup generators (50 hp or greater);
  - IC engines;
  - Concrete batch plants;
  - Rock and pavement crushing; and
  - Tub grinders trommel screens.

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To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

- **Contaminated Soil** - Page 2-22 of the DEIR indicates that the existing 55-gallon drum and former containment area may have contaminated soil. **Should contaminated soil be encountered during construction activities, the APCD must be notified immediately.** Any storage pile of contaminated material must be covered at all times except when soil is added or removed. The following measures shall be implemented:
  - Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
  - Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH –non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
  - Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
  - During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and,
  - Clean soil must be segregated from contaminated soil.

For further information, contact Karen Brooks of our Enforcement Division at 781-5912.

K-10

**OPERATIONAL PHASE EMISSIONS**

**Section 5, Air Quality, Impact AQ-2, page 5.3-9**

As indicated above, the applicant will need to work with APCD engineering staff to prepare and submit an application for an Authority to Construction and a Permit to Operate. Please note the APCD engineering staff will also be able to provide information on appropriate emissions factors to be used for the stationary source emission calculations.

K-11

**Section 5, Air Quality, Mitigation Measures AQ-2.C, page 5.3-12**

Mitigation measures AQ-2-C indicates that a dust monitor shall be designated for each work shift to monitor site conditions. While not required the applicant may want to have some employees obtain a Visual Emissions Evaluation (VEE) Certification. More information on this certification can be found at <http://www.arb.ca.gov/training/370.htm>.

K-12

**Section 5, Air Quality, Mitigation Measures AQ-2.C, page 5.3-12**

Mitigation measures AQ-2-C indicates that a water truck will be onsite from 1pm to 6pm when high winds are likely as well as when winds exceed 15 mph. **To adequate control dust APCD staff recommends a water truck be onsite at all times.** If a water truck is brought in from an offsite location response time could be compromised, which may result in fugitive dust exceedances (pursuant to the requirements of Rule 401 Visible Emissions).

K-13

**Section 5, Air Quality, Mitigation Measures AQ-2, page 5.3-12**

**Stationary Equipment Evaluation**

When evaluating operational emissions from a project of this type, the APCD looks at the emissions from stationary and mobile equipment. As mentioned previously, the stationary

K-14

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equipment will require an Authority to Construct and Permit to Operate. The stationary equipment will be evaluated in accordance with the New Source Review criteria and Toxics New Source Review (Rules 204 and 219). The applicant will need to submit to the APCD engineering staff calculations that show the uncontrolled emissions from the project, proposed control equipment and their associated emission reduction efficiencies. These calculations will be utilized to determine the appropriate emission controls and any necessary offset. Offset prices are market based and will depend upon the availability of offset in the area. Offset requirements, if any will be determined as part of the permitting phase of the project.

K-15

#### Mobile Equipment Evaluation

When evaluating emissions from the mobile equipment associated with this project, the APCD follows the guidelines in the APCD CEQA Air Quality Handbook. Emissions are compared to the following:

K-16

- a. Emission thresholds - A tiered approach is taken when evaluating operational phase emissions from a project. The various thresholds can be found in the CEQA Air Quality Handbook on page 2-2. The Tier 2 threshold is exceeded when the project emits 25 lb/day of ROG, NOx, SO2 and PM10 or 550 lb/day of CO. The Tier 3 threshold is exceeded when the project emits more than 25 tons/year of ROG, NOx, PM10 and SO2. If the project proponent is unable to lower overall ROG, NOx and PM10 emissions below 25 tons/year through the use of on-site mitigation measures, the additional emissions must be mitigated through contribution to an off-site mitigation fund at the rate of \$13,600 per (combined) ton of pollutants.

On Table 5.3-6 mobile source emissions are summarized from calculations presented in Appendix F. It appears the onsite equipment emissions data for ROG and CO were transposed in Table 5.3-6. In Appendix F the onsite equipment ROG peak day emissions are 18.0 lb/day in Table 5.3-6 it is shown as 98.7. This error should be fixed.

Based on the annual throughput of 400,000 tons and assumptions presented in the DEIR the mobile source emissions from the project exceeds the APCD's Tier 2 significance threshold of 25 lb/day but does not exceed the Tier 3 threshold of 25 ton/yr. Therefore all applicable operational phase mitigation measures from the APCD CEQA Air Quality Handbook (pages 5-4 through 5-6) should be implemented. It should be noted that **if the annual throughput increases the Tier 3 threshold would most likely be triggered and off-site mitigation measures would be required.**

- b. Special conditions unique to the project like diesel particulate matter emissions- In July of 1999 the California Air Resources Board (ARB) listed diesel particulate matter (diesel PM) emissions from diesel-fueled engines as a toxic air contaminant with no identified threshold level below which there are no significant effects. If a project will result in release of diesel emissions in areas with potential for human exposure, a finding of significance can be made, even if overall emission are low. Factors that are considered by APCD staff when determining significance of a project

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include the expected emissions from diesel equipment, location of the project and distance to sensitive receptors.

K-16

The risk associated with diesel emissions from the project was evaluated as part of the Health Risk Assessment (HRA). Comments regarding the HRA are outlined below.

c. Comparison to ambient air quality standards - Based on the data presented there is no indication at this time that the project will result in an exceedance of the ambient air quality standards.

d. Consistency with the CAP - As indicated previously, an evaluation to determine consistency with the CAP needs to be prepared for this project. The consistency evaluation should include comparisons of the impacts from the proposed land use vs. the impacts should the land use designated remain unchanged.

In addition to the on-site mitigation measures outline in AQ-2 district staff recommends the following:

1. Mitigation Measure AQ-2.A indicated that all access road will be paved to minimize fugitive dust generation by mobile equipment and vehicles. In addition to access roads all plant staging and operational areas should also be paved. Paving will greatly reduce fugitive dust emissions however; dust can collect on paved areas and will need to be removed periodically.

Section 5, Air Quality, Impact AQ-4, page 5.3-16

Even with best available control technologies, asphalt plants can generate odors that could be a nuisance to local residents. It should be noted that if odors are determined to be a nuisance as outlined in District Rule 402 additional measures to control odors may be required.

K-17

Section 5, Air Quality, Impact AQ-5, page 5.3-16

As indicated above, a consistency analysis with the Clean Air Plan (CAP) was not performed as part of this EIR. The District considers a project of this magnitude to fall within the category of large commercial/industrial developments, in addition the applicant is seeking a land use Ordinance/Land Use Element Amendment and therefore a consistency analysis with the CAP should be performed.

K-18

**HEALTH RISK ASSESSMENT**

Section 5, Air Quality, page 5.3-6 and Impact AQ-3 page 5.3-13

The following deficiencies and inaccuracies have been identified in the HRA:

K-19

1. The 70-year lifetime cancer risk for this project has been underestimated. The cancer risk at Receptor 1, a residence in San Luis Obispo County, is reported as 9.43-in-a-million. While this appears to be less than 10-in-a-million, the risk was only calculated for a 20-year project and only included adult exposure. The District's significance threshold of 10-in-a-million as adopted by the APCD Board is based on a lifetime exposure for 70 years. While health conservative, the significance

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threshold takes into account the assumption that a person may not reside in the same location for 70 years but will likely have similar exposures in a new residence or from a new project replacing the short term project in future years. Comparing the risk from 20 years of exposure to a 70-year threshold is like comparing apples to oranges. The 70-year lifetime exposure equivalent risk for this project is  $9.43(70/20) = 33$ -in-a-million which is considered significant. As clearly stated in South Coast Air Quality Management District's Rule 1401(d)(4), "The risk per year shall not exceed 1/70 of the maximum allowable risk . . ." In the SLO County APCD, the maximum allowable risk would be 10-in-a-million with Toxics Best Available Control Technology (T-BACT) installed or 1-in-a-million without T-BACT. T-BACT is determined on a case-by-case basis, but it most likely would not include 25-year old fleet vehicles. To be considered insignificant, the risk from a 20-year project would have to be less than 2.86-in-a-million and T-BACT would still be required.

K-19

2. The risk from childhood exposure was not included. Cancer potency factors used to model risk are based on a 70-year lifetime exposure. The 9-year adult risk multiplied by 20/9 does not account for childhood exposure. The 70-year derived risk includes different breathing rate calculations to account for childhood exposure and should have been used for this risk assessment.

3. The HRA assumes that the project will only be permitted for 20 years. This is problematic because the APCD typically does not limit the length of a permit but assumes continuous operation. The CUP is not being limited to 20 years and in order to accept the conclusions of this HRA, the APCD permit would need to include a clearly enforceable permit condition with a sunset date of operation. In addition, it is unknown what would happen in the next 50 years. To be health conservative, the District generally assumes that a new source is likely to replace the short-term project at its completion.

4. A significant source of toxic emissions has not been included in the HRA. Emissions for maintenance of three diesel fired standby generators were not included in the calculations. Toxic emissions from 20 hours per year of maintenance for a single diesel powered generator have been shown to be significant even at a distance of 790 feet.

5. Acute and chronic non-cancer risk were not determined for the Biorn project. The Santa Paula HRA showed an acute hazard index of 0.191. While this is below the maximum significance level for the health hazard index of 1.0, it is above the SLO County APCD Rule 219.E.3 level of 0.1 which would require Toxics Best Available Control Technology (T-BACT) on the subject equipment. In addition, the location of the receptors is very important for acute risk since it only considers 1-hour maximum exposure, all potential public receptors that are accessible for one hour should be considered regardless of whether there is a residence or business at that location.

6. Receptors were not clearly identified and it doesn't appear that business receptors were considered. A grid or table showing the locations of the modeled receptors



Environmental Impact Report for Biorn CUP & EIR  
September 29, 2005  
Page 8 of 9

should have been included. Without a grid or map, it is impossible to know the location of the receptors to determine whether there are actual or potential residences or businesses present. For example, the HARP output file shows an inhalation cancer risk associated with receptor #3444 of 37.2-in-a-million for a 9-year adult exposure. If this were extended for 20 years the risk would be 82.67-in-a-million, for a 70-year lifetime exposure, the risk at that receptor would be 289-in-a-million, and the childhood exposure for those first 9 years would still be underestimated.

7. Risk isopleths were not included. Isopleths showing the areas of 1-in-a-million and 10-in-a-million lifetime cancer risk should be included to help identify actual receptors or areas where new development could occur.

8. The point of maximum impact (PMI) outside of the property line and the maximum exposed individual worker (MEI<sub>w</sub>) were not identified.

9. Only the 1996 meteorological data set was used with no explanation or justification. Three years of ISCST formatted met data were provided to the applicant including 1994, 1995 and 1996 Nipomo area data. The HRA assessment should use three years of met data or the worst-case year. Other HRAs performed for the District have shown that the 1994 data for the Nipomo area is the worst-case year of the three. While the different receptor locations could affect which is the worst-case year, there should be some explanation why 1996 was considered the worst-case year or else all three years of met data should be used.

10. The UTM coordinates and reference system may be incorrect. Page 6 indicates that USGS, NAD27, Zone 11 UTM coordinates were used in this assessment. This project is in UTM Zone 10, not in Zone 11. HARP relies on UTM coordinates in the NAD83 format. Although HARP has a conversion algorithm, there is no indication that the coordinates were converted using HARP. The use of NAD27, Zone 11 UTM coordinates without conversion would result in a misrepresentation of all of the receptors placing them in the wrong locations.

**APCD staff does not agree with the findings on Page 12 of the Heath Risk Assessment and page 5.3-15 of the DEIR. For the reasons cited above we believe this HRA does not adequately assess the potential risks associated with this project.** Ideally this HRA should be redone and address the deficiencies cited above. In order to mitigate the risk associated with the particulate matter from diesel exhaust APCD staff strongly recommends the following mitigation measures be incorporated into the project to control diesel particulate matter exhaust emissions.

1. Catalyzed diesel particulate filters (CDPF) should be installed on all onsite mobile equipment. The CDPF selected should have a control efficiency of 85% or more.
2. CDPF should be installed on all on road haul trucks owned, operated or contracted by the applicant.
3. The applicant shall use ultra low sulfur diesel in all onsite diesel equipment.

K-19

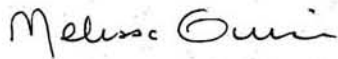
Environmental Impact Report for Biorn CUP & EIR  
September 29, 2005  
Page 9 of 9

4. A "no idling" policy shall be prepared and submitted to the APCD for review and approval, prior to the start of construction for this project. The policy should apply to both onsite diesel equipment and haul trucks and limit idling of diesel equipment to 5 minutes.

K-19

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments feel free to contact me at 781-4667.

Sincerely,



Melissa Guise  
Air Quality Specialist

MAG /sll

cc: Tim Fuhs, Enforcement Division, SLOAPCD  
David Dixon, Engineering Division, SLOAPCD  
Vijaya Jammalamadaka, SBAPCD

Attachments:

1. Naturally Occurring Asbestos Construction & Grading Project - Exemption Request Form.

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## Naturally Occurring Asbestos - Construction & Grading Project Form



**Send To:**  
**San Luis Obispo County Air  
 Pollution Control District**  
 3433 Roberto Court  
 San Luis Obispo, CA 93401  
 805-781-5912



<b>Applicant Information/Property Owner</b>		<b>Project Name</b>	
<b>Address</b>		<b>Project Address and/or Assessors Parcel Number</b>	
<b>City, State, Zip</b>		<b>City, State, Zip</b>	
<b>Phone Number</b>	<b>Date Submitted</b>	<b>Agent</b>	<b>Phone Number</b>

Check Where Applicable	ITEM	APCD REQUIRED ELEMENT 1	APCD REQUIRED ELEMENT 2
	Project IS NOT Subject to NOA Requirements	Mapped Location Attached	<del> </del>
	Project IS Subject to NOA Requirements but NOT Disturbing NOA	Geological Evaluation Attached	Exemption Request Form Attached
	Project IS Subject to NOA Requirements and Project is Disturbing NOA - More than One Acre	Geological Evaluation Attached	Dust Control Measure Plan Attached
	Project IS Subject to NOA Requirements and Project is Disturbing NOA - One Acre or Less	Geological Evaluation Attached	Mini-Dust Control Measure Plan Attached

APPLICANT MUST SIGN BELOW:							
Legal Declaration/Authorized Signature:							
Date:							
OFFICE USE ONLY - APCD Required Elements							
Geological Evaluation		Exemption Request Form		Dust Control Measure Plan		Monitoring, Health & Safety Plan	
Approved		Approved		Approved		Approved	
Not Approved		Not Approved		Not Approved		Not Approved	
Comments:		Comments:		Comments:			
APCD Staff:		Intake Date:	Date Reviewed:	OIS Site #		OIS Proj. #	
REQUEST FOR INVOICE		Basic Fee:	Additional Fees:	Billable Hrs:	Total Fees:		

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### Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form

**Send To:**

**San Luis Obispo County  
 Air Pollution Control District  
 3433 Roberto Court  
 San Luis Obispo, CA 93401**

Phone (805) 781-5912  
 Fax: (805) 781-1002



<b>Applicant Information/ Property Owner</b>		<b>Project Name</b>	
<b>Address</b>		<b>Project Address and /or Assessors Parcel Number</b>	
<b>City, State, Zip</b>		<b>City, State, Zip</b>	
<b>Phone Number</b>	<b>Date Submitted</b>	<b>Agent</b>	<b>Phone Number</b>

The District may provide an exemption from Section 93105 of the California Code of Regulations - Asbestos Airborne Toxic Control Measure For Construction, Grading, Quarrying, And Surface Mining Operations for any property that has any portion of the area to be disturbed located in a geographic ultramafic rock unit; if a registered geologist has conducted a geologic evaluation of the property and determined that no serpentine or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the District for consideration. The District will approve or deny the exemption within 90 days. An outline of the required geological evaluation is provided in the District handout "**ASBESTOS AIRBORNE TOXIC CONTROL MEASURES FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS – Geological Evaluation Requirements.**"

APPLICANT MUST SIGN BELOW
I request the San Luis Obispo County Air Pollution Control District grant this project exemption from the requirements of the ATCM based on the attached geological evaluation.
Legal Declaration/Authorized Signature:
Date:

OFFICE USE ONLY - APCD Required Element – Geological Evaluation			
Intake Date:	APCD Staff:	OIS Site #:	OIS Proj. #:
Date Reviewed:	APCD Staff:	Approved	Not Approved
Comments:			

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# MEMO

TO: John McKenzie, Planning & Building Department  
FROM: Jan Di Leo, Parks  
DATE: September 1, 2005  
RE: **Biorn EIR (G020020M, D020293D) SCH2004011126**

RECEIVED  
SEP 01 2005  
Planning & Bldg

Thank you for sending the Draft EIR to Parks for review.

On page 5.11-1 there is a discussion of Recreation and the proposed trail along the Santa Maria River. Mitigation Measure REC-2 (page 5.11-3) adequately covers the proposed trail. Thank you for the opportunity to comment. If you have questions or concerns please contact me at 781-4089.

L-1



September 30, 2005

Mr. John McKenzie, EIR Project Manager  
San Luis Obispo County  
Department of Planning and Building  
County Government Center, Room 310  
San Luis Obispo, CA 93408-2040

RECEIVED  
OCT 08 2005  
Planning & Bldg

**RE: Biorn CUP and LUO/LUE Amendment and Asphaltic Concrete Plant Draft EIR**

Dear Mr. McKenzie,

The Santa Barbara County Air Pollution Control District (SBCAPCD) has reviewed the Draft Environmental Impact Report (DEIR) for the above-mentioned project located in San Luis Obispo County as it relates to air quality impacts in Santa Barbara County.

The project includes the construction and operation of a portable stand-alone asphaltic concrete plant capable of using recycled asphalt and concrete; and periodic operation of a portable lime system, a portable asphaltic concrete recycling facility and a portable rubberized asphaltic blending system.

In general, the SBCAPCD is concerned that the DEIR did not properly characterize and mitigate the project's potential air emissions and their public health effects on communities in Santa Barbara County.

SPECIFIC COMMENTS

1. The health risk assessment (HRA) was performed using the 9 year exposure method for cancer risk and adjusted to a 20 year operation period. The Office of Environmental Health and Hazard Assessment recommends using a 70-year exposure duration for long term projects. In addition, there are no regulations or permit conditions that prevent this facility from operating for more than 20 years. For these reasons, the results of the 70-year exposure duration should be presented and should not be adjusted to 20 years. The risk from a 70-year exposure duration would be 33.0 in a million (9.43 in a million \* 70 years/20 years). This value exceeds

M-1

Terence E. Dressler • Air Pollution Control Officer  
260 North San Antonio Road, Suite A • Santa Barbara, CA • 93110 • www.sbcapcd.org • 805.961.8800 • 805.961.8801 (fax)

SLO Co. Biorn Asphaltic Concrete Plant DEIR  
September 30, 2005  
Page 2 of 3

- the SBCAPCD's significant risk threshold for excess cancer risk (the significance threshold for public health risk is set at 10 excess cancer cases in a million). M-1
2. The DEIR does not include an analysis for acute and chronic non-cancer health affects; instead the DEIR refers to a health risk assessment done in Santa Paula. The SBCAPCD does not recommend ignoring acute and chronic non-cancer risk based on studies done at similar facilities. Topography, meteorology, receptor location, and other factors are different in Nipomo than in Santa Paula. In addition, the SBCAPCD has not been given the opportunity to review the Santa Paula HRA to determine if that HRA was performed correctly. The SBCAPCD recommends that the acute and chronic non-cancer risk be calculated and compared to our significant risk thresholds (for non-cancer risk, the significance level is set at a Hazard Index of more than one (1.0). The Hazard Index of more than one means that predicted levels of a toxic pollutant are greater than the exposure level, which is generally considered acceptable). M-2
3. Section 5.1, *Emission Calculations*, of the *Air Quality Health Risk Assessment* presented in Appendix F, states that emission calculations for the HRA are based on an average operating schedule. If the project were to obtain a permit, the SBCAPCD would require the emissions be calculated based on the maximum operating schedule. The intention of performing a HRA is to prevent creating a significant risk to the public. If operations may occur beyond what was presented in the health risk assessment, the public may be exposed to a significant risk. For these reasons, the SBCAPCD recommends calculating emissions based on the maximum operating schedule. M-3
4. Section 5.1.1., *Stationary Sources*, of the *Air Quality Health Risk Assessment* presented in Appendix F, states that AP-42 and VCAPCD emission factors were used to calculate naphthalene emissions from natural gas combustion sources. Additional toxic pollutants (e.g., benzene, formaldehyde, et cetera) are listed in AP-42 and *Ventura County APCD AB 2588 Combustion Emission Factors* and should be included in the analysis. The SBCAPCD recommends including every toxic pollutant listed in these documents in the HRA. M-4
5. There are three permanent diesel fuel fired backup generators, including two (2) 600 kW and one (1) 150 kW engines. The diesel particulate matter emission from these M-5

*SLO Co. Biorn Asphaltic Concrete Plant DEIR  
September 30, 2005  
Page 3 of 3*

generators should be included in the HRA. The SBCAPCD recommends including the diesel particulate matter emissions from testing and maintenance in the HRA.

M-5

6. The HRA evaluated the risk at residential receptors. Were nearby business receptors also included? The SBCAPCD recommends evaluating the risk at business receptors.

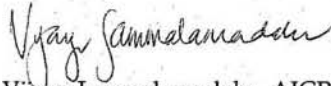
M-6

7. An electronic copy of the HARP input and output files should be made available for review. The HRA can not thoroughly be reviewed without these files.

M-7

Thank you for the opportunity to comment on the draft environmental document for this project. We look forward to your response. Please call Robin Cobbs, Air Quality Engineer at 961-8824 or contact me by e-mail at [vlj@sbcapcd.org](mailto:vlj@sbcapcd.org), if you have questions.

Sincerely,



Vijaya Jammalamadaka, AICP  
Air Quality Specialist III  
Technology and Environmental Assessment Division

cc: Ms. Robin Cobbs, Air Quality Engineer  
TEA Chron File

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**DEPARTMENT OF TRANSPORTATION**

50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3111  
FAX (805) 549-3329  
TDD (805) 549-3259  
<http://www.dot.gov/dist05>



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Be energy efficient!*

**SLO CO PLANNING & BLDG**

May 3, 2007

SLO - 101 PM 0.80  
SCH # 2004011126

John McKenzie  
San Luis Obispo County  
Department of Planning & Building  
County Government Center  
San Luis Obispo, CA 93408

Dear Mr. McKenzie;

RE: Biorn Conditional Use Permit and Land Use Ordinance/Land Use Element  
Amendment Draft EIR (NOC)

This letter is intended to provide the California Department of Transportation's (Caltrans) response to section 5.12 of the Draft Environmental Impact Report for the Biorn Conditional Use Permit (Biorn CUP) and Land Use Ordinance/Land Use Element Amendment (LUO/LUEA). After reviewing additional information and taking into consideration the costs and delays associated with performing the Deflection and Merge/Acceleration analyses requested in our letter of November 28, 2005, Caltrans requests that the County of San Luis Obispo impose the following conditions of approval on the Biorn CUP:

1. Prior to issuance of a certificate of occupancy for the Project, the applicant, its' heirs or assignees, shall enter into an "Agreement for Pro-Rata Share for Improvements" with the California Department of Transportation (Caltrans), in which the applicant agrees to deposit one hundred fifty thousand dollars (\$150,000) towards the Santa Maria River Bridge Widening Project (E.A. 44590). Applicant, its' heirs or assignees, shall provide receipt or other written documentation from Caltrans that the funds have been deposited.
2. Subject to the written direction of the California Department of Transportation (Caltrans), within five (%) years of issuance of a certificate of occupancy for the Project, the applicant, its' heirs or assignees, shall provide one and one half inch (1.5") thick asphalt concrete pavement overlay on the four (4) State Route 101/166 on and off ramps. Caltrans shall provide the applicant, its' heirs or assignees, with at least ninety (90) days prior written notice to proceed with said paving work. The applicant, its' heirs or assignees, shall obtain an encroachment permit from and shall coordinate the paving with Caltrans.

N-1

N-2

*"Caltrans improves mobility across California"*

Mr. McKenzie  
May 3, 2007  
Page 2

These conditions are an appropriate strategy for mitigating the Biorn CUP's traffic impacts to the state highway system to a level of non-significance under CEQA. Recognition of the appropriateness of this mitigation strategy is based on Caltrans best engineering judgement as owner/operator of the state highway system and the statutory authority granted the Department under *California Streets and Highways Code*.

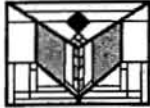
If you have any questions, please contact me at 549-3168.

Sincerely,

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

DAVID MURRAY, Chief  
Office of Regional Planning and Development Review

cc: Tim Carmel, Carmel & Naccasha LLP  
Ron Decarli, Director, SLOCOG



Melissa Guise/APCD/COSLO  
05/03/2007 04:33 PM

To John McKenzie/Planning/COSLO@Wings  
cc  
bcc  
Subject Biorn

History: This message has been replied to and forwarded.

Hi John,

Per our conversation on the Biorn Project , as we discussed please include the following mitigation measures

1. Previous correspondence including mitigation measures from FEIR and our associated comment letter dated 9-29-05

2. The following 2 measures from our 5-11-06 letter (the others have been addressed or aren't applicable)


The applicant shall use ultra low sulfur diesel in all onsite diesel equipment  
A "no idling" policy shall be prepared and submitted to the APCD for review and approval, prior to the start of construction for this project. The policy should apply to both onsite diesel equipment and haul trucks and limit idling of diesel equipment to a maximum of 5 minutes.

O-1

3. In the addendum to the HRA dated 1-17-07 page 5 the applicant has included a condition for the conditions of approval

" Project loaders shall be powered by engines that are Tier 2 or better and equipped with add-on controls for diesel particulate matter. Add-on controls chosen shall be consistent with the highest level of ARB verified technology approved for use with the loaders at the time of issuance of a certificate of occupancy."

O-2

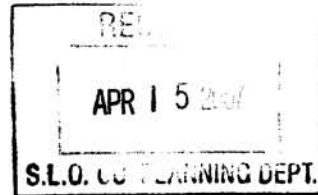
Also here is the letter that we sent on April 11, 2007 regarding the addendum to the HRA.  3072-1g.pdf

O-3

Please let me know if you have any questions  
Thanks  
Melissa  
781-4667

, 67





April 11, 2007

John McKenzie  
San Luis Obispo County Building and Planning Department  
County Government Center  
San Luis Obispo, CA 93408

SUBJECT: Addendum to Health Risk Assessment - Biorn Asphalt Plant

Dear Mr. McKenzie:

We have completed our review of the Addendum to the Biron Asphalt Plant Health Risk Assessment (HRA). We appreciate the updates to the HRA and have no further comments at this time.

O-3

If you have any questions regarding is matter please feel free to contact Melissa Guise at (805) 781-4667.

Sincerely,

Melissa Guise  
Air Quality Specialist

MAG/sll

cc: Scott Cohen, West Coast Environmental

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RECEIVED  
JUL 27 2007  
SLO COUNTY PLANNING & BUILDING

25 July 2007

Mr. John D. McKenzie, Environmental Specialist  
COUNTY OF SAN LUIS OBISPO  
PLANNING AND BUILDING DEPARTMENT  
1055 Monterey Street  
San Luis Obispo, CA 93408

RE: DRAFT BIORN CONDITIONAL USE PERMIT AND LAND USE ORDINANCE/LAND USE  
ELEMENT AMENDMENT – DRAFT ENVIRONMENTAL IMPACT REPORT (EIR),  
G020020M, D020293, SCH #200411126

Dear Mr. McKenzie,

This letter is being sent to you after consulting with the current Fire Marshal, Mr. Rick Swan and former Fire Marshal, Mr. Rob Lewin to modify proposed EIR mitigation measures *PUB-2* and *PUB-6*. After careful review of our proposed mitigation measures, the Fire Marshal made modifications and now concurs with the proposed modifications. Listed below are both the original Mitigation Measures, *PUB-2* and *PUB-6* (in italics) and proposed revisions.

EIR Mitigation Measure PUB-2

*In accordance with the fire flow and water storage requirements of the County adopted California Fire Code (CFC), the applicant shall construct a firewater storage tank with a minimum storage capacity of 180,000 gallon.*

P-1

Proposed Mitigation Measure PUB-2

Prior to occupancy and/or initiation of the asphalt concrete plant and related operations, the applicant shall install a 5,000-gallon fire water storage tank to CAL FIRE Standards. If the design of the asphalt facility requires by code an automatic extinguishing system or if CAL FIRE requires a system as mitigation, the applicant shall install a system that meets industry and CAL FIRE requirements.

EIR Mitigation Measure PUB-6

*All new development within the LUO/LUE amendment area shall meet the fire flow requirements of the County adopted California Fire Code (CFC). Minimum water storage and hydrant requirements are outlined in Appendix IIIA of the CFC. This requirement is usually met through the establishment of a community water system.*

P-2

805-541-4509  
FAX 805-546-0525  
3427 MIGUELITO CT  
SAN LUIS OBISPO  
CALIFORNIA 93401  
RLA 2248 • CLARB #907

OASIS ASSOCIATES, INC.  
July 25, 2007  
BIORN CUP & DEIR  
Page 2 of 2

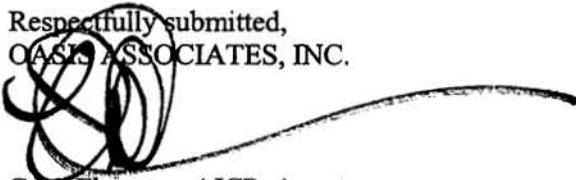
Proposed Mitigation Measure PUB-6

Prior to the issuance of a certificate of occupancy, applicant shall prepare a Water/Fire Suppression Master Plan, to the satisfaction of CALFIRE, for the 55-acre area redesignated to the Industrial land use category. The scope of the Master Plan shall be prepared in collaboration with CALFIRE, the New Cuyama Mutual Water Company and the San Luis Obispo County Department of Planning & Building. Applicant shall pay for said Master Plan, subject to a pro-rata reimbursement by the benefiting property owners, pursuant to a Reimbursement Agreement.

P-2

We are requesting that the EIR consultant modify Mitigation Measure PUB-2 and PUB-6, accordingly. Thank you for your immediate attention to this matter. Please contact us with your questions and/or comments.

Respectfully submitted,  
OASIS ASSOCIATES, INC.



C.M. Florence, AICP Agent  
BIORN/DIANI

Attachments– Correspondence to R. Swan from C.M. Florence, AICP – July 9, 2007  
Email response to C.M. Florence, AICP, et al – July 23, 2007

c: R. Swan/CAL FIRE  
J. Diani  
T. Carmel  
07-0045

*O:\Diani-Biorn\Correspondence\JMcKenzie7-25-07.doc*

## CHAPTER 10.0 REFERENCES

### 3.0 PROJECT DESCRIPTION

Eisel. Ingrid. A.J. Diani Construction Company, Inc. Applications for: General Plan Amendment and Development Plan. Portable Stand-Alone Asphaltic Concrete Plant Facility, 2280 Hutton Road, Nipomo, California. West Coast Environmental. April 24, 2003.

Eisel Ingrid, Comments on Project Description. West Coast Environmental. Ventura, CA 93003.

### 4.0 PHYSICAL SETTING AND LAND USE POLICY CONSISTENCY

County of San Luis Obispo. 2002. *Adopted Land Use and Circulation Elements – San Luis Bay Inland Planning Area* (Adopted by San Luis Obispo County Board of Supervisors on November 5, 2002 [Resolution 80-454]. San Luis Obispo, CA.

County of San Luis Obispo. 2002. *Adopted Land Use Ordinance* (Adopted by San Luis Obispo County Board of Supervisors on December 18, 1980 [Resolution 2002-454], as Amended through November 5, 2002. San Luis Obispo, CA.

County of San Luis Obispo. 2003. *Adopted Agriculture and Open Space Element* (Adopted by San Luis Obispo County Board of Supervisors on December 15, 1998 [Resolution 98-495]. San Luis Obispo, CA.

County of San Luis Obispo. 1998. *Framework for Planning (Inland)* (Adopted by San Luis Obispo County Board of Supervisors on September 22, 1980 [Resolution 80-350], as Amended through November 18, 1999. San Luis Obispo, CA.

### 5.0 ENVIRONMENTAL IMPACTS

#### 5.1 Aesthetics

County of San Luis Obispo. 2002. *Adopted Land Use and Circulation Elements – South County Planning Area* (Adopted by San Luis Obispo County Board of Supervisors on September 22, 1980 [Resolution 80-350], as Amended through May 2, 2002. San Luis Obispo, CA.

County of San Luis Obispo. 2002. *Adopted Land Use Ordinance* (Adopted by San Luis Obispo County Board of Supervisors on December 18, 1980 [Resolution 2002-454], as Amended through November 5, 2002. San Luis Obispo, CA.

County of San Luis Obispo. 1998. *Framework for Planning (Inland)* (Adopted by San Luis Obispo County Board of Supervisors on September 22, 1980 [Resolution 80-350], as Amended through November 18, 1999. San Luis Obispo, CA.

West Coast Environmental, 2003. *Visual Impact Analysis*, Portable Stand-Alone Asphaltic Concrete Plant Facility. April 24, 2003.

## 5.2 Agricultural Resources

County of San Luis Obispo Agricultural Commissioner's Office, Rules and Procedure to Implement the California Land Conservation Act of 1965, 1991.

County of San Luis Obispo. 2003. Adopted Agriculture and Open Space Element (Adopted by San Luis Obispo County Board of Supervisors on December 15, 1998 [Resolution 98-495]. San Luis Obispo, CA.

County of San Luis Obispo. 2002. *Adopted Land Use and Circulation Elements – South County Planning Area* (Adopted by San Luis Obispo County Board of Supervisors on September 22, 1980 [Resolution 80-350], as Amended through May 2, 2002. San Luis Obispo, CA.

Personal Communication, Lynda Auchinachie, November 11, 2002.

## 5.3 Air Quality

California Air Resources Board. 1990. *Emission Inventory Guidance Document, Section 4.2, Oil & Gas Production Valves and Fittings*.

San Luis Obispo County Air Pollution Control District. 1997. *CEQA Air Quality Handbook, A Guide for Assessing the Air Quality Impacts for Projects Subject to CEQA Review*.

San Luis Obispo County Air Pollution Control District. 2002. *2001 Clean Air Plan, San Luis Obispo County*.

U.S. Environmental Protection Agency. 1991. *Nonroad Engine and Vehicle Emission Study*. EPA 460/3-91-02.

U.S. Environmental Protection Agency. 1995a. *Compilation of Air Pollutant Emission Factors (AP-42), Volume I. Section 1.4, Natural Gas Combustion*, revised July 1998.

U.S. Environmental Protection Agency. 1995b. *Protocol for Equipment Leak Emission Estimates*. EPA-453/R-95-017.

West Coast Environmental, 2003. *Air Quality Analysis, Portable Stand-Alone Asphaltic Concrete Plant Facility*. 2003.

## 5.4 Biological Resources

Bumgardner Biological Consulting (Bumgardner). 2002. *A.J. Diani – Santa Maria Asphalt Plant. Biological Resources Report, San Luis Obispo County, California*. Report prepared for: West Coast Environmental and Engineering. September 2, 2002.

Bumgardner Biological Consulting (Bumgardner). 2003. *A.J. Diani – Nipomo Asphalt Plant. February 2003 Tree Survey Report, San Luis Obispo County, California*. Report prepared for: West Coast Environmental and Engineering. February 13, 2003.

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## **6.0 CUMULATIVE IMPACT ANALYSIS**

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**CHAPTER 11.0  
REPORT PREPARERS**

The following persons were responsible for the preparation of this EIR:

Name	Title	Responsibility
<b>San Luis Obispo County</b>		
John McKenzie	Planning and Building Department	Project Manager
Brian Pedrotti	Planning and Building Department	Assistant Project Manager
<b>Padre Associates, Inc.</b>		
Simon Poulter	Principal-in-charge	Project Oversight
Kris Vardas <a href="#">Eric Snelling</a>	Project Manager	Project Management, Project Description, Physical Setting and Land Use Policy, Aesthetics, Transportation and Circulation, Project Alternatives, Public Comments, Document Review
Matt Ingamells	Senior Biologist	Air Quality, Noise
Michael Burke, C. Hg., R.G.	Senior Hydrogeologist	Wastewater, Water Resources
Eric Snelling, R.E.A.	Environmental Specialist	Hazards and Hazardous Materials
Ted Powers, C.E.G.	Geologist	Geology and Soils
Jon Claxton	Staff Biologist	Biological Resources, Public Services, Recreation, Population and Housing
Pat McClure	Graphic Artist	Figures & Mapping
Kristina Gill	Environmental Analyst	Agricultural Resources, Cultural Resources, Introduction, Summary, Growth Inducement, Cumulative Analysis
<b>Higgins and Associates, Inc.</b>		
Dan Takacs	Civil and Traffic Engineer	Peer review of Traffic Study prepared by ATE
<b>Conejo Archaeological Consulting</b>		
Mary Maki	Archaeologist	Records Search, Phase I Survey

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# San Luis Obispo County

## Department of Planning and Building Memorandum

**TO:** Interested Party

**DATE:** January 23, 2008

**FROM:** John McKenzie, EIR Project Manager

**SUBJECT:** Biorn Land Use Ordinance/Land Use Element Amendment & Conditional Use Permit-- Notice of Availability of Final EIR (G020020M, D020293D)

The Final Environmental Impact Report (FEIR) for the Biorn Conditional Use Permit and Land Use Ordinance/Land Use Element Amendment is complete and available for public review and comment. The FEIR addresses the environmental impacts that may be associated with the request 1) to change up to fifty (50) acres in the Residential Suburban (RS) and Commercial Service (CS) land use categories to the Industrial (IND) land use category; and 2) for a Conditional Use Permit to develop a 14.5-acre portion of the subject area with a concrete asphalt plant (which is allowed in the Industrial land use category).

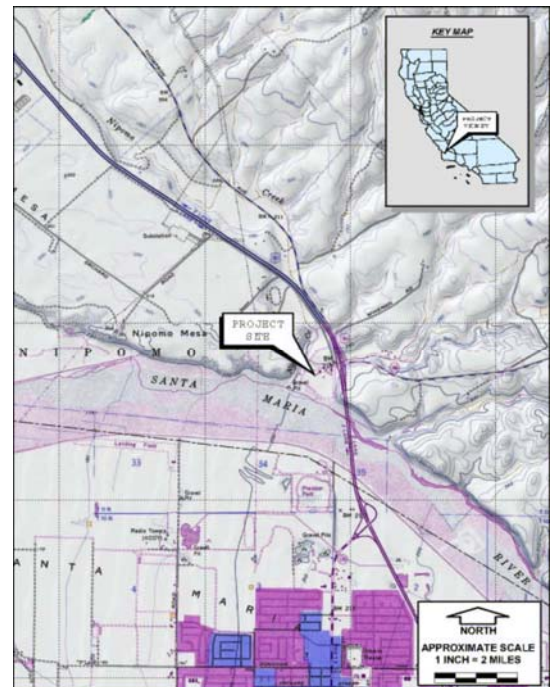
The proposed project is located to the north and south of Cuyama Lane, generally west of Hutton Road and Highway 101, north of the Santa Maria River and City of Santa Maria.

Copies of the Final EIR are available at the following locations: Nipomo Library, Cal Poly Library and City/ County Library of San Luis Obispo. Copies are also available on loan and for review at the Environmental Division of the Planning Department, located at 976 Osos Street, Room 300, San Luis Obispo, 93408. Portions of the EIR (including the intro and summary) is on the Planning Department's web site at:

[www.sloplanning.org](http://www.sloplanning.org) under "Environmental Information and Natural Resources" then "Environmental Notices...".

### ENVIRONMENTAL IMPACTS:

The EIR focuses on the following issues: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, population and housing, public services and utilities, recreation, transportation and circulation, wastewater, water resources and flooding, and growth inducing impacts. The EIR also considers five alternatives in addition to the "No





Project" alternative.

**HOW TO GET MORE INFORMATION:**

If you need more information about the environmental aspects of this project, please contact John McKenzie at (805)781-5452 (or e-mail: [jdmcKenzie@co.slo.ca.us](mailto:jdmcKenzie@co.slo.ca.us)), or for written comments:

John McKenzie, Environmental Division  
County Planning & Building Dept.  
976 Osos St., Rm. 300  
San Luis Obispo, CA 93408-2040

For other aspects of the project, please contact Brian Pedrotti at (805)781-2788 (or e-mail: [bpedrotti@co.slo.ca.us](mailto:bpedrotti@co.slo.ca.us)), or for written comments:

Brian Pedrotti  
County Planning & Building Dept.  
976 Osos St., Rm. 300  
San Luis Obispo, CA 93408-2040

**PUBLIC HEARING:**

The public hearing before the San Luis Obispo County Planning Commission, who will be making recommendations to the Board on certification of the EIR and project approval, has been tentatively scheduled for February 28<sup>th</sup>, 2008, in the Board of Supervisors Chambers, County Government Center, San Luis Obispo. If you plan to attend, please call two weeks before this date to verify.