COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

Promoting the wise use of land

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
February 11, 2016	Stephanie Fuhs (805)781-5721 sfuhs@co.slo.ca.us	Jim Jeffers	LRP2014-00022

SUBJECT

A request by JIM JEFFERS for an amendment to the Shandon-Carrizo sub area of the North County Planning Area of the Land Use and Circulation Element to change the land use category of approximately eight acres from Agriculture to Commercial Service. Also to be considered is inclusion of planning area standards contained in Title 22 (Land Use Ordinance, North County Area Plan, Shandon-Carrizo subarea) in order to accommodate an existing steel fabrication yard at the site. The site is located on the north side of Highway 46 East, approximately 1.5 miles west of Bitterwater Road, east of the community of Shandon.

RECOMMENDED ACTION

Recommend to the Board of Supervisors:
Approval of this general plan amendment as shown in the attached Exhibits LRP2014-00022: B and LRP2014-00022:C based on the recommended findings contained in this report.

ENVIRONMENTAL DETERMINATION

A General Rule Exemption (ED15-172) was issued on, January 6, 2016.

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Agriculture and Commercial Service	None	017-131-039 and 017-131-050	1

PLANNING AREA STANDARDS:

Section 22.94.090C. – Commercial Service Standards in the Shandon Carrizo Subarea of the North County Area Plan

LAND USE ORDINANCE STANDARDS:

None applicable

EXISTING USES:

Steel fabrication yard

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture/Grazing *East:* Agriculture/Grazing
South: Agriculture/Grazing *West:* Agriculture/Grazing

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Shandon Advisory Council, Public Works, Environmental Health, Ag Commissioner, County Parks, Cal Fire, Air Pollution Control District, Department of Fish and Wildlife, Cal Trans

TOPOGRAPHY:	VEGETATION:
Mostly level	Grasses, ornamentals

PROPOSED SERVICES:	Date Authorized:
Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CalFire	June 2, 2015

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

DISCUSSION

Project Summary

The applicant is requesting a General Plan and corresponding Planning Area Standard Amendment to change the land use category on approximately eight acres of property from Agriculture to Commercial Service in order to encompass an existing steel fabrication yard on a single parcel.

The proposal includes two parcels, one 9.98 acre parcel zoned Agriculture and Commercial Service (APN 017-131-039, adjacent to Highway 46 East) and the other, a 28.2 acre parcel (APN 017-131-050), that is zoned Agriculture and is currently being used for grazing. The site is located at 17995 East Highway 46, approximately 2.6 miles northeast of the community of Shandon.

The smaller commercial service property contains a steel fabrication yard that was permitted by the County in November 2004 (see attached Planning Commission staff report), following a Board approved planning area amendment to allow additional uses in the commercial service land use category in October 2004.

The original approval in 2004 granted use of a portion of the property (approximately 1.8 acres) to be used for the business. The approval included construction of a shop building, office and storage yard. Since then, the operation has expanded onto the neighboring property to include additional storage of materials used in the fabrication business (please see attached project description provided by the applicant's agent).

The amendments requested will require amending the official maps, the Land Use Element, and Section 22.94.090C of the North County Area Plan. The area plan amendments will include amending the text and exhibit to reflect the new land use category boundary.

If the amendments are approved by the Board, the applicant will need to process a Lot Line Adjustment and Conditional Use Permit. The Lot Line Adjustment will reconfigure the 9.98 acre parcel by shifting approximately eight acres of the existing AG/CS parcel to encompass the expanded operations of the fabrication yard, resulting in the same parcel size that currently exists (9.98 acres). The existing agriculturally zoned parcel of 28.2 acres will remain the same size as well, just reconfigured to encompass the land along Highway 46 that will shift over to the existing business (see attached graphic depiction). An amendment to the existing Williamson Act Land Conservation Contract will also need to be processed in order to reflect the adopted changes to encompass the existing business on a single commercial service zoned property. A Pre-application meeting was held in September 2014 and the Agricultural Commissioner's office did not have any significant concerns with the proposal because it would actually add undeveloped agriculturally zoned land to the site.

If the amendments are authorized and ultimately approved by the Board, the applicant will then process a Lot Line Adjustment, Conditional Use Permit to memorialize the expanded yard area from 1.8 acres to 9.98 acres, and Williamson Act Land Conservation Contract amendment to reflect the adopted changes to encompass the existing business on a single commercial service zoned property.

Project Data
The entire project site consists of two parcels totaling 38 acre that contains an existing steel fabrication yard (Pacific Tank and Construction, Inc.) located in the North County Planning Area, Shandon-Carrizo Plain Sub Area and is within both the Agriculture and Commercial Service land use categories. The proposed project is located northeast of the community of Shandon along Highway 46 East.

Planning Area:	North County
Subarea:	Shandon-Carrizo
Assessor Parcel Numbers:	017-131-039 (CS) and 017-131-050 (AG)
Area:	Approximately 38 acres total
Topography:	Mostly level
Water Supply:	On-site well
Sewage Disposal:	On-site septic
Vegetation:	Grasses, ornamentals
Existing Use and Improvements:	Steel fabrication business which includes a 3,600 square foot shop building, 750 square foot office and storage yard

Surrounding Land Uses/ Land Use Category
North: Agriculture/Grazing
South: Agriculture/Grazing
East: Agriculture/Grazing
West: Agriculture/Grazing

General Plan Information
Land Use Element Category: Agriculture and Commercial Service
Combining Designation: None
Planning Area Standards: Section 22.94.090C. – Commercial Service Standards in the Shandon Carrizo Subarea of the North County Area Plan

GENERAL PLAN CONSIDERATIONS

Guidelines for Land Use Category Amendments
In determining whether to approve a proposed land use category amendment, the Planning Commission and Board of Supervisors may consider, but shall not be limited to, the criteria listed in Exhibit D. These criteria include consistency with existing goals and policies in the general plan, consistency with the applicable purpose and character statements, compatibility with the character of the general area, convenient access to a road system in the area that is adequate to accommodate the traffic generated, and in an area with demonstrated availability of needed public services and facilities, protection of prime agricultural soils, and if the change is needed to provide a sufficient supply of land for the population of the community or area.

Purpose and Character Statements
The statements of purpose and character in the Framework for Planning, Part I of the Land Use Element of the general plan, are to be used as criteria for evaluating whether a General Plan amendment is appropriate for a specific site (See Exhibit F). These statements identify suitable features or conditions for the location, extent and timing of designating a land use category.

Commercial Service
The purpose statements for the Commercial Service (CS) land use category include the following:

a. To provide areas for commercial or industrial trade services and light manufacturing where they will not adversely affect surrounding properties.

b. To protect adjacent incompatible uses from harmful influences and prevent intrusion of conflicting uses.

c. To provide suitable locations for retail, wholesale, heavy commercial and service establishments usually located near highway traffic or where terminal facilities are convenient.

The character of Commercial Service land is described as being the following:

a. Areas characterized by existing heavy commercial, service, and small-scale industrial uses.

b. Areas where uses generally serve occasional needs rather than day-to-day needs.

c. Areas and uses that will not create extensive, incompatible land use mixtures.

d. Areas within urban service and reserve lines, or village reserve lines.

e. Areas located to promote infill and restructuring of existing heavy and service commercial areas and discourage proliferation of scattered service uses.

f. Areas appropriate for developments using planned development concepts where unified landscaping, signing, building design, service capabilities and adequate circulation can be ensured.

g. Areas located to have access from collector and arterial streets to avoid use of residential streets for access or deliveries.

h. Areas with slopes less than 15 percent and located generally outside of flood ways, fault zones and other hazardous or environmentally sensitive areas.

<u>Staff Response</u>
The existing steel fabrication business produces metal tank parts for delivery and installation at off-site locations. Traffic generated by the business is minimal, generally for employees to and from work, and periodic deliveries of their products to clients. This equates to approximately ten am/pm peak hour trips daily.

The location and type of business that is being operated currently on the property generally meets the purposed and character statements for the Commercial Service land use category because it is located on a highway, is a light industrial use and does not negatively impact surrounding properties that are used primarily for grazing. The site is not within an urban or

village reserve line, but the business has been operating at its current location for over ten years and provides a small scale manufacturing use that serves occasional needs, does not create extensive, incompatible land use mixtures and is located on mostly level terrain outside of flood hazard and other sensitive areas.

AUTHORITY

The Land Use Element sets forth the authority by which the General Plan can be amended. Pursuant to the Land Use Element, the Commission and the Board, in making their decision, should consider the following factors:

a. **Necessity.** Relationship to other existing LUE policies, including the guidelines for land use category amendments, to determine if those policies make the proposed amendment unnecessary or inappropriate.

b. **Timing.** Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.

c. **Vicinity.** Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.

Staff's Response

Necessity – As stated above, Pacific Tank and Construction has been operating at its current location since 2004. Over the past ten years, the business has expanded and now encompasses approximately ten acres. The current amendment request would allow the owner to concurrently process a lot line adjustment, Conditional Use Permit and Williamson Act amendment applications to permit the business to be located on a single commercial service zoned property.

Timing – The business has expanded over the past decade. This expansion has resulted in storage areas being located on neighboring agriculturally zoned property. The current request would allow the business to be located on commercial service zoned property.

Vicinity – The site is surrounded by agriculturally zoned property that is either grazed or fallow. Expansion of the commercial service zone to encompass the existing steel fabrication yard will not negatively impact surrounding properties, reduce resource availability or carrying capacity for the area. The primary environmental constraint is water. No new structures are proposed, so no increase in water usage is anticipated.

MAJOR QUESTIONS

The proposed General Plan amendment raises the following major questions:

1. Is the request consistent with applicable Land Use Element policies relating to the purpose and character statements for the requested Commercial Service land use category?

2. Is the request consistent with applicable policies of the Agriculture Element? Would this be an appropriate conversion of agricultural land? Will allowing commercial service

operations in this area create land use conflicts with surrounding agricultural uses and/or facilitate additional agricultural conversion in the immediate vicinity?

3. Does the request represent a logical location for the Commercial Service land use category?

4. Are there safety issues with allowing commercial service operations located along East Highway 46?

Staff's Response

1. *The request appears to be consistent with the applicable policies of the Land Use Element relative to the purpose and character statements for the Commercial Service land use category. The property is located on East Highway 46, and is a light manufacturing use that does not negatively impact surrounding land uses.*

2. *The primary applicable policy is AGP24 (Conversion of Agricultural Land).*
   AGP24 – Conversion of Agricultural Land – This policy discourages the conversion of agricultural land to non-agricultural uses. Staff attended a pre-application meeting for this project on September 10, 2014 with the applicant's agent and staff from the Agricultural Commissioner's office. At that meeting, Ag. Commissioner's staff stated that the proposed conversion from Agriculture to Commercial Service is not a major concern because the land is not prime agricultural land and the conversion was done already through the expansion of the storage yard on to the neighboring property.

   The policy also discusses priority for conservation to be given to prime agricultural lands. This property is not located on prime agricultural soils and is used for grazing. Given the soils, water availability and historic use of the site, the likelihood of intensification of agricultural uses is minimal.

   Specific findings for conversion are listed within this policy and include: the land does not meet the criteria for inclusion in the Agriculture Element, agricultural production is not feasible due to some physical constraint, adjacent lands are already substantially developed with uses that are incompatible with agricultural uses, the conversion to non-agricultural uses shall not adversely affect existing or potential agricultural production, and there is an over-riding public need for the conversion. Based on discussion with Agricultural Commissioner's staff, there was not a significant concern with the currently proposed conversion because the non-agricultural use has been occurring on the site for several years and the agricultural viability in this particular area is marginal due to soils and water availability. Grazing is the main agricultural use in this general area because of the resource constraints. This project appears to be a fairly unique case where conversion does not necessarily meet the criteria for making the specific findings, but will not significantly impact agricultural resources either.

   The other issue with the conversion is that the expansion is located on land that is currently under Williamson Act Contract that does not allow the current use on contracted land. The General Plan Amendment and subsequent land use permits and contract amendment seek to remedy this violation by keeping the same acreage under contract as exists under the current contract. This would be accomplished by shifting the contracted land to the area currently under ownership of the applicant to the

neighboring property owner which would put better soils in Agriculture and preclude additional Commercial Service development along the highway frontage.

3. *The subject site is zoned Commercial Service because historically it was used as a wrecking yard. The approval of the steel fabrication business in 2004 recognized the previous use and allowed a modified use at the same location based on review of ordinance policies, environmental resources and potential land use conflicts. Expanding the Commercial Service land use category in this location allows the existing business and use to continue on a single parcel zoned for the use (following approval of the appropriate land use permits and contract amendments).*

4. *As stated previously, the business currently creates ten peak am/pm truck trips daily. No new structures or uses are proposed, so no additional traffic impacts are anticipated. Cal Trans is currently involved in a major realignment/expansion project on Highway 46. The most recent documents show the realignment of the highway going through the most northern edge of the project site and would not interfere with the currently proposed project.*

COMMUNITY ADVISORY GROUP COMMENTS

The Shandon Area Advisory Council supports the proposed change in the land use designation from Agriculture to Commercial Service, in conjunction with a Planning Area standard that allows for additional uses within the Commercial Service land use category.

AGENCY INVOLVEMENT

Public Works Department – GPA should adequately address potential impacts to traffic, circulation, drainage and flood hazard
Agricultural Commissioner's Office – Complicated site history; if general plan consistency findings and Williamson Act requirements can be made, proposal seems to be a reasonable solution to the existing violations.
CalFire – No significant impacts to fire/life safety with the proposal
Air Pollution Control District (APCD) – No comments with current GPA proposal, but would like to receive referrals on future development proposals
Environmental Health – No comments received
General Services – Responded with "no comment"
Cal Trans – No comments received
California Department of Fish and Game – No comments received
Northern Chumash Tribal Council – Does not support conversion of agricultural lands to commercial uses

Staff Comments
In response to the referral responses, staff has the following comments:

Public Works – All of the uses are existing and no expansion of the fabrication yard is proposed. Existing planning area standards require a discretionary land use permit for any new or expanded uses which would allow for review and comment by the Public Works Department.
Agricultural Commissioner's Office – Existing planning area standards require that all existing and proposed uses are limited to "the producing, assembling, manufacturing and storing of goods and products that are for rural or agricultural applications or operations." Again, any

future expansion would be subject to a land use permit with opportunity for review and comment by Ag. Commissioner staff.
Northern Chumash Tribal Council – The steel fabrication yard expanded into the agriculturally zoned property and has been operating in this area for over 10 years. The proposal will allow for an exchange of land (approximately eight acres) that will be available for agricultural production.

LEGAL LOT STATUS:
The two lots were legally created by certificates of compliance a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs
and reviewed by Steve McMasters, Supervising Planner

EXHIBIT A
LRP2014-00022:A – FINDINGS
Jeffers General Plan Amendment (LRP2014-00022)

CEQA Exemption

A. The project qualifies for a General Rule Exemption pursuant to CEQA Guidelines Section 15061 (b)(3) because the project consists of changing the land use category of approximately eight acres of property zoned Agriculture to Commercial Service to encompass and existing steel fabrication yard. No new or expanded uses are proposed. As a result, no substantial impacts are anticipated to occur and it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment.

Land Use Ordinance/Land Use Element

B. The proposed amendment is consistent with the Land Use Element and other adopted elements of the general plan because all proposed uses, as limited by the planning area standards, are allowed under Table 2-2 for the Commercial Service land use category.

C. The proposed amendment is consistent with the Land Use Element and other adopted elements of the general plan because the change is consistent with the general goals of the Land Use Element.

D. The proposed amendment is consistent with the guidelines for amendments to the Land Use Element as follows:

- The proposal will not alter the rural character of the area because the use is existing and no new or expanded uses are proposed. Any future uses or expansions are subject to discretionary land use permits per existing planning area standards.

- The proposal is compatible with the surrounding rural and agricultural uses.

E. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding area and the county's general plan.

EXHIBIT B
LRP2014-00022:B - PROPOSED LAND USE CATEGORY MAP CHANGES
JEFFERS GENERAL PLAN AMENDMENT (LRP2014-00022)

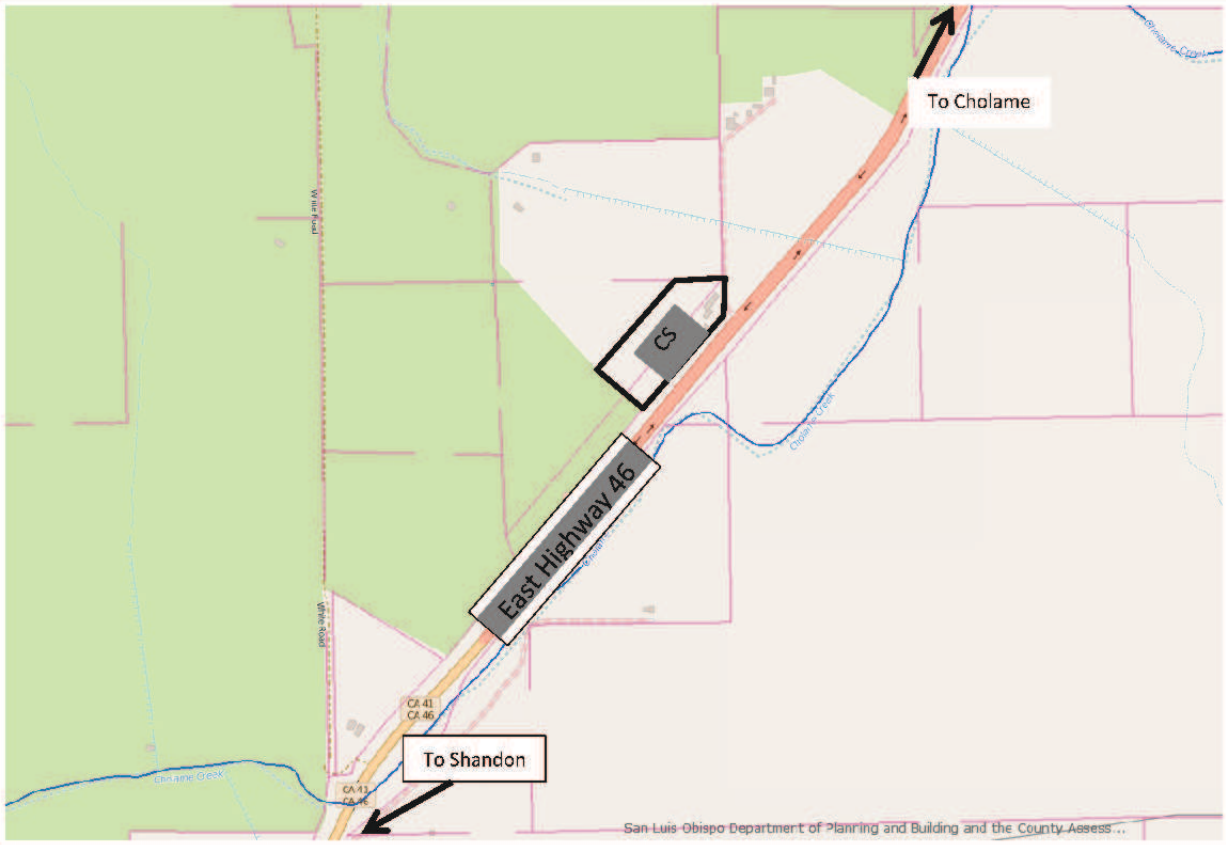

Exhibit: LRP2014-00022

Site: APNs 017-131-039 and -050

INITIATING A PRECISE LAND USE DESIGNATION AS SHOWN ON OFFICIAL LAND USE CATEGORY MAP ON FILE IN THE DEPARTMENT OF PLANNING AND BUILDING.

CHANGE APPROXIMATELY 8 ACRES OF AN OVERALL 28.2 ACRE PARCEL FROM AG TO CS

JEFFERS GENERAL PLAN AMENDMENT

EXHIBIT C
LRP2014-00022:C - PROPOSED LAND USE ORDINANCE CHANGES
JEFFERS GENERAL PLAN AMENDMENT (LRP2014-00022)

Section 22.94.090

C. Commercial Service (CS). The following standards apply within the Commercial Service land use category.

1. Highway 46 between Shandon and Cholame - Commercial Service area. The following standards apply to the area located on the northwest side of Highway 46 East between Shandon and Cholame., as shown on Figure 94-65.

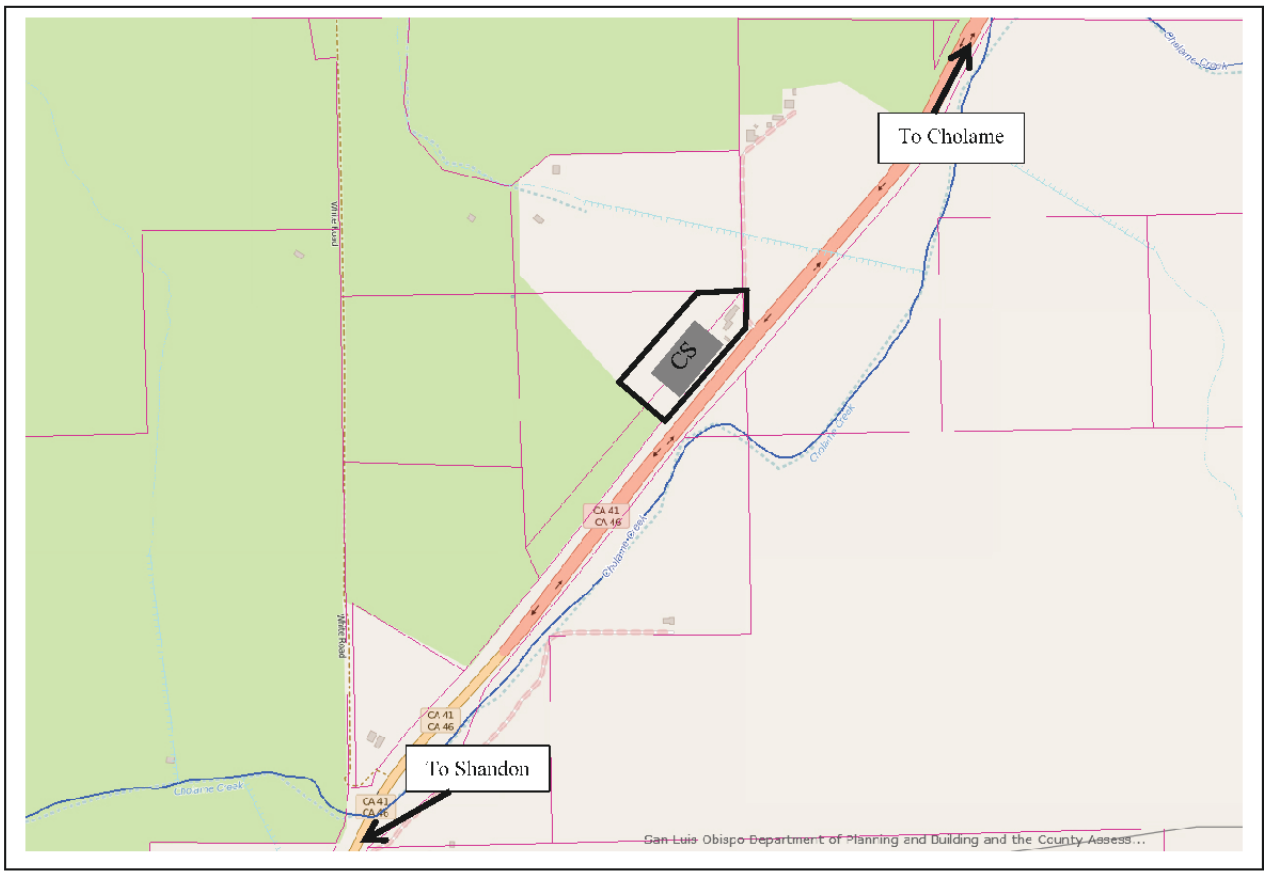

Figure 94-65 - Service Commercial Area

a. Limitation on use - service commercial area. Land uses shall be limited to the following, subject to the land use permit requirements of Section 22.06.030: Metal Industries - Fabricated; Small Scale Manufacturing; Agricultural Processing (excluding wine tasting and special events); Construction Contractor's, Farm Equipment and Sales, Warehousing (no wholesale or retail sales from the site), Caretaker's Quarters and Residential Accessory Uses. All uses are limited to the producing, assembling, manufacturing and storing of goods and products that are for rural or agricultural applications or operations.

b. Permit requirement. Minor Use Permit approval is required for all new or expanded uses, unless a Conditional Use Permit is otherwise required by this Title.

EXHIBIT D

GUIDELINES FOR AMENDMENTS TO LAND USE ORDINANCE AND PLANNING AREA STANDARDS FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT

Standards in the Land Use Ordinance guide new development so as to be in character with its surroundings and to maintain amenities for living. These principles implement the general goal of the Land Use Element that are stated in Chapter 1.

Development of new or amended Land Use Element planning area standards and Land Use Ordinance standards should be guided by the following principles for implementation of the general plan goals:

1. All developments should be designed with maximum consideration of the characteristics of project sites and their surroundings:
    a. To enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features;
    b. To respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings:
    c. To be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.
2. Designs for proposed residential uses should include:
    a. Provisions for privacy and usable open space;
    b. Orientation and design features to shelter from prevailing winds and adverse weather, while enabling use of natural light, ventilation and shade.
3. All developments should be designed to provide safe vehicular and pedestrian movement, adequate parking for residents, guests, employees and emergency vehicles.

DEPARTMENT OF PLANNING AND BUILDING

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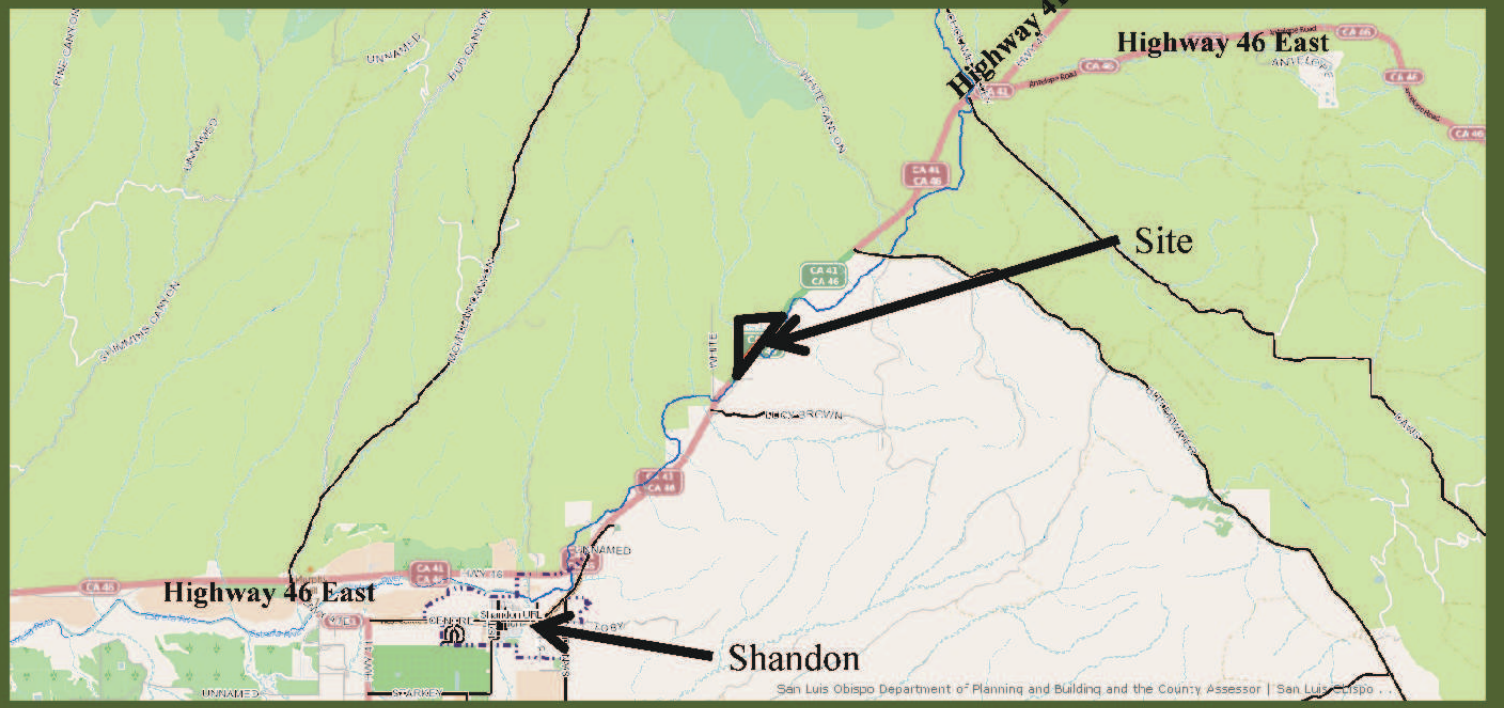
Vicinity Map



DEPARTMENT OF PLANNING AND BUILDING

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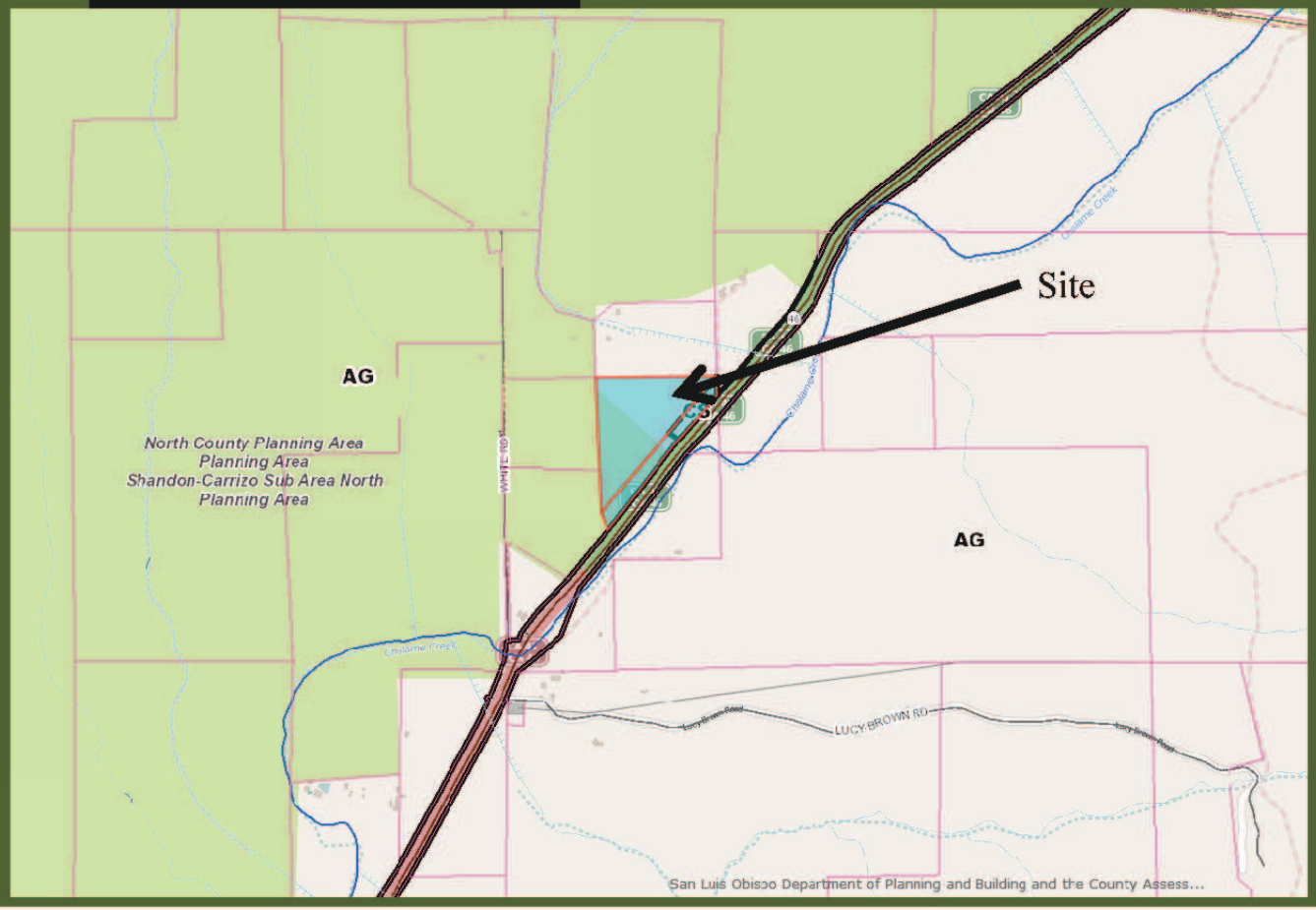
Vicinity Map



DEPARTMENT OF PLANNING AND BUILDING

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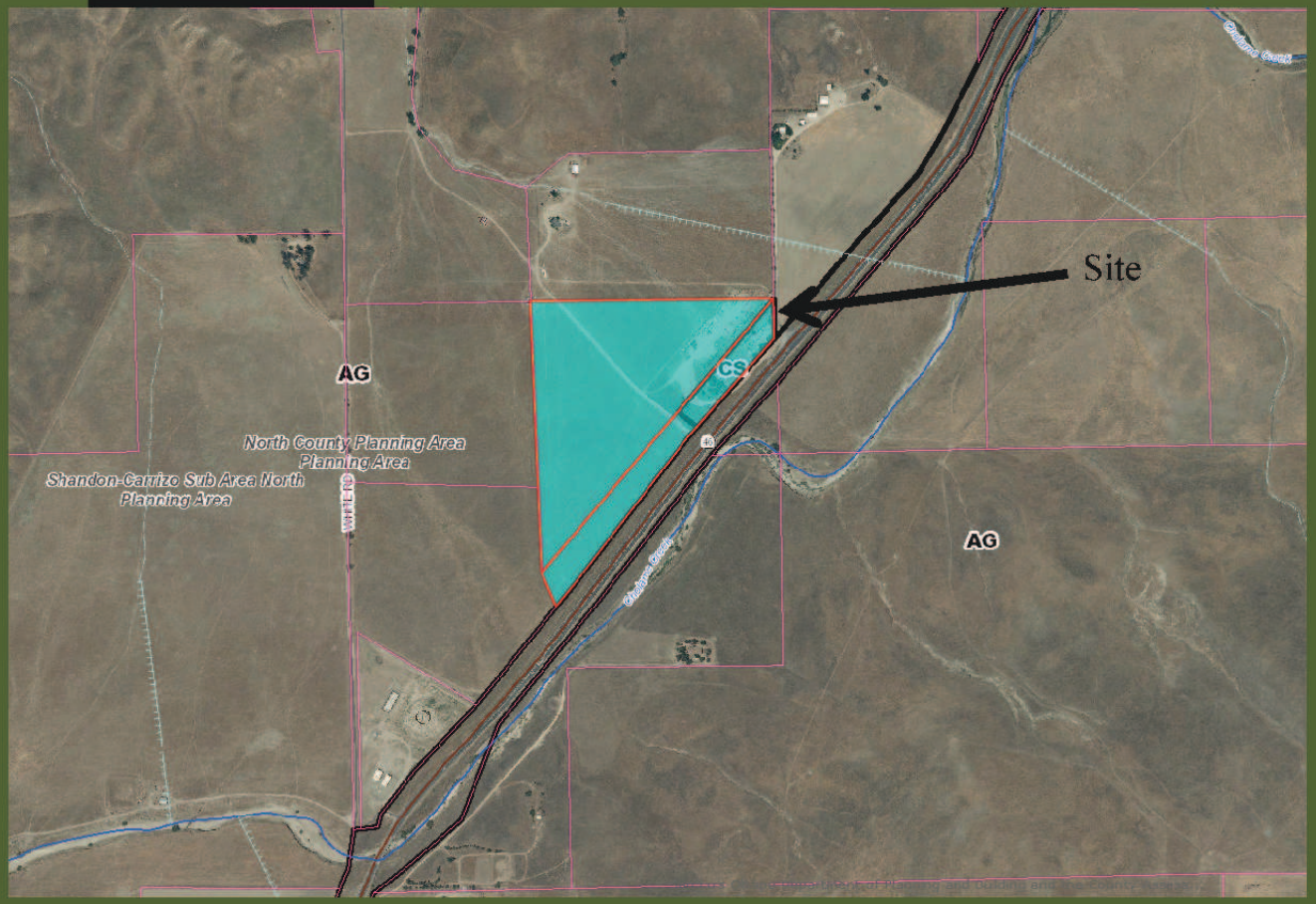
Aerial



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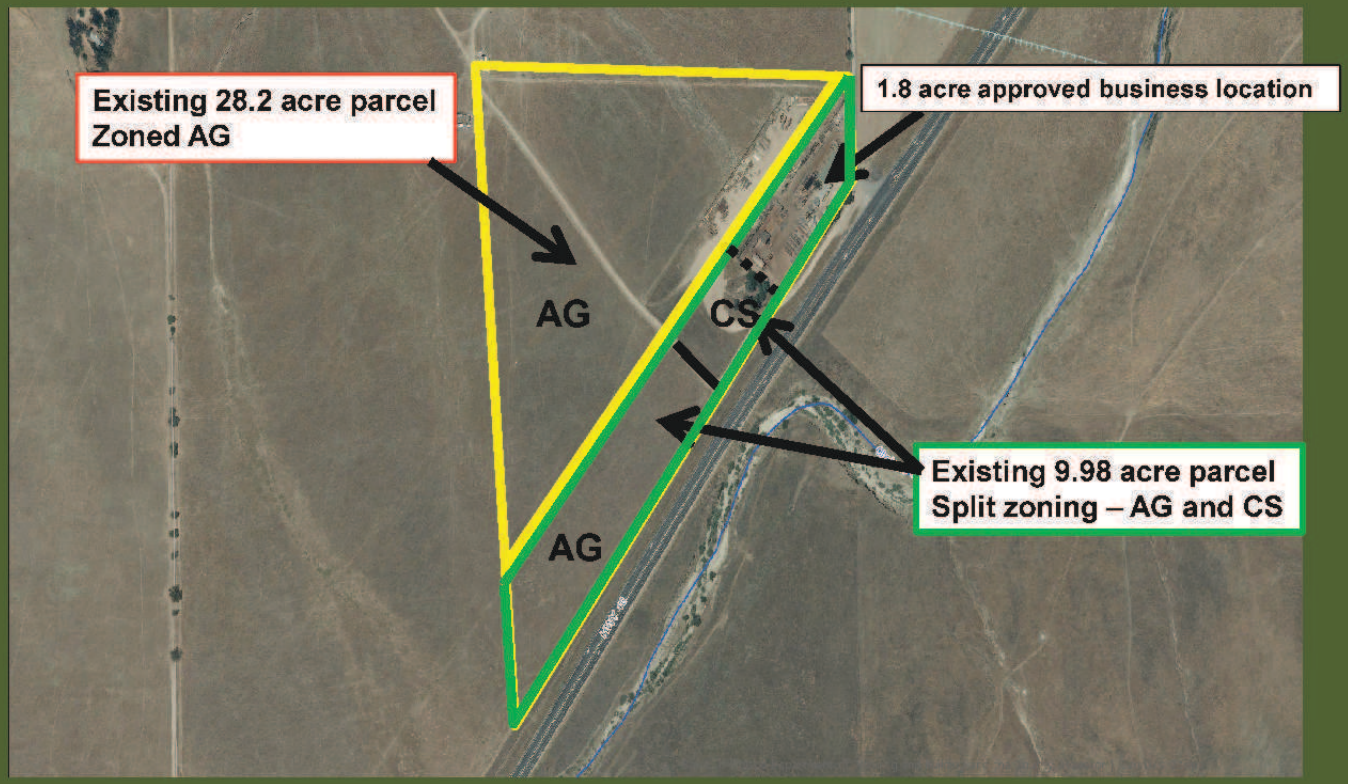
Existing Configuration



DEPARTMENT OF PLANNING AND BUILDING

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Proposed Configuration

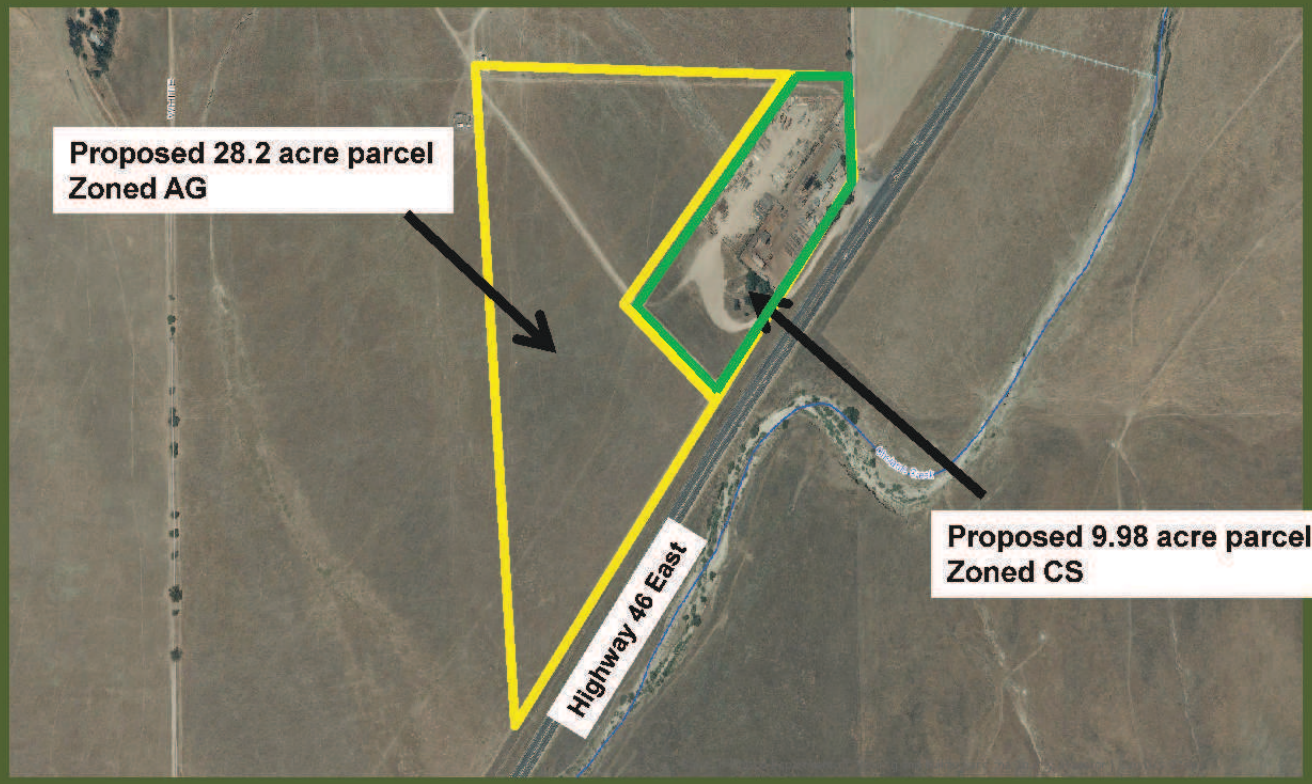

EXHIBIT F

PURPOSE AND CHARACTER STATEMENTS
FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT
COMMERCIAL SERVICE LAND USE CATEGORY

Purpose

a. To provide areas for commercial or industrial trade services and light manufacturing where they will not adversely affect surrounding properties.

b. To protect adjacent incompatible uses from harmful influences and prevent intrusion of conflicting uses.

c. To provide suitable locations for retail, wholesale, heavy commercial and service establishments usually located near highway traffic or where terminal facilities are convenient.

Character

a. Areas characterized by existing heavy commercial, service, and small-scale industrial uses.

b. Areas where uses generally serve occasional needs rather than day-to-day needs.

c. Areas and uses that will not create extensive, incompatible land use mixtures.

d. Areas within urban service and reserve lines, or village reserve lines.

e. Areas located to promote infill and restructuring of existing heavy and service commercial areas and discourage proliferation of scattered service uses.

f. Areas appropriate for developments using planned development concepts where unified landscaping, signing, building design, service capabilities and adequate circulation can be ensured.

g. Areas located to have access from collector and arterial streets to avoid use of residential streets for access or deliveries.

h. Areas with slopes less than 15 percent and located generally outside of flood ways, fault zones and other hazardous or environmentally sensitive areas.

GM

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

RECEIVED
JUN 12 2015
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PUBLIC WORKS

THIS IS A NEW PROJECT REFERRAL

DATE: 6/11/2015

PR ~~TO~~: Public Works

to ~~FROM~~: Stephanie Fuhs (805-781-5721 or sfuhs@co.slo.ca.us)
North County Team / Development Review

PROJECT DESCRIPTION: LRP2014-00022 JEFFERS – Proposed general plan amendment from AG (agriculture) to CS (commercial service) and corresponding ~~Planning Area Standard Amendment~~ to expand the CS Land Use Category within the Shandon Carrizo Rural Area. The proposed is to increase the amount of land used for commercial services by an additional +/- 8 acres to encompass existing steel fabrication yard. APN: 017-131-039 and -050

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☑ YES (Please go on to PART II.)
- ☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- ☑ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

SEE ATTACHED

22 JUNE 2015	Glenn Marshall	781-1596
Date	Name	Phone

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600
EMAIL: planning @co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.sloplanning.org

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS
Wade Horton, Director
County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

Date: June 22, 2015

To: Stephanie Fuhs, Project Manager

From: Glenn Marshall, Development Services Engineer

Subject: **LRP2014-00022: Jeffers GPA, State Route 41/46, Shandon**

Thank you for the opportunity to provide initial comments on the subject project. For our use, the General Plan Amendment (GPA) should adequately address anticipated impacts associated with changes to traffic, circulation, drainage, and flood hazard.

1. Public Works has no significant concerns with the proposed GPA.
2. Because the proposed project fronts a state maintained highway we recommend that Caltrans be sent a referral.

G:\Development_DEVSERV Referrals\GPA\LRP2014-00022 Jeffers GPA, SR 46 Shandon.doc

"Making a Difference"

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT 4-1

PLANNING COMMISSION

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
November 16, 2004	James Lopes (805)781-5975	Paso Pacific Properties, LLC	DRC 2003-00094

SUBJECT
Request by Pacific Tank and Construction / Paso Pacific Properties, LLC for a Conditional Use Permit to allow a tank assembly, fabrication and installation business on an approximate 1.8-acre portion of a 10-acre property in the Commercial Service land use category. The project is located at 17995 Highway 46 East, approximately 2.6 miles north of the community of Shandon, in the Shandon-Carrizo Planning Area.

RECOMMENDED ACTION
1. Approve the Revised Mitigated Negative Declaration.
2. Approve Conditional Use Permit DRC2003-00094 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

ENVIRONMENTAL DETERMINATION
The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Revised Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on October 14, 2004 for the project.

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Commercial Service	None	Ptn. of 017-131-039	①

PLANNING AREA STANDARDS:
Land Use Ordinance Section 22.112.020.C was revised by the Board of Supervisors on October 5, 2004 and is in effect. It allows the proposed use within the Fabricated Metal Industries use group, limited to rural or agricultural applications or operations, and it requires a discretionary land use permit.

EXISTING USES:
Automobile recycling and scrap

SURROUNDING LAND USE CATEGORIES AND USES:
North: Agriculture/Grazing *East:* Agriculture/Grazing
South: Agriculture/Grazing *West:* Agriculture/Grazing

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:
The project was referred to: Shandon Advisory Committee, Public Works, APCD, Environmental Health, CDF/County Fire, CalTrans

TOPOGRAPHY:	VEGETATION:
Nearly level	Scattered trees, shrubs
PROPOSED SERVICES: Water supply: On-site Sewage Disposal: On-site Fire Protection: CDF	ACCEPTANCE DATE: June 10, 2004

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ✦ SAN LUIS OBISPO ✦ CALIFORNIA 93408 ✦ (805) 781-5600 ✦ FAX: (805) 781-1242

PROJECT HISTORY

The proposed use is a metal storage tank construction business that delivers parts and constructs tanks primarily in rural locations around the state. The applicant's business receives metal tank components, makes modifications such as adding ladders and vents, and then delivers the components to customers' sites for installation. The applicant expects to employ approximately seven people, and have approximately 20 truck trips per week.

Since acquiring the property, the applicant had a Phase I Site Environmental Assessment prepared that evaluated the presence of hazardous materials. The applicant also removed vehicles and debris from the former wrecking yard, covered most of the site with decomposed granite, and refurbished the existing building. The applicant requested and received departmental approval to continue aspects of the previous vehicle recycling and scrap use during the review of the ordinance amendment and this permit. Operation has been limited to vehicle maintenance, refurbishing the site and building, and installing related equipment.

On October 5, 2004, the Board of Supervisors approved revisions to Land Use Ordinance planning area standards that apply to the site, to allow a broader range of uses that are limited to rural and agricultural operations, and to require a discretionary land use permit.

PROJECT ANALYSIS

Ordinance Compliance

Standard	Allowed/Required	Proposed
Minimum Site Area	No standard	1.8 acres
Setbacks		
Front	10 feet	40 feet
Side	No side setback required	30 feet
Rear	No rear setback required	70 feet
Height	35 feet	Approximately 25 feet
Signs	100 square feet	No new signs proposed

Site Development

The application proposes to utilize the existing entry point at Highway 46 East and a loop circulation route within the site for truck traffic. An additional office modular building is proposed perpendicular to the highway and existing shop building. Outdoor storage and use areas take up most of the site. Major issues involved the disposition of the previous wrecking yard use concerning hazardous materials and potential pollution, safe access to and from Highway 46 East, ensuring the safe handling of hazardous materials, and bringing the site into consistency with contemporary standards for compatibility with the rural, open character of the surrounding setting.

The applicant has supplemented his efforts refurbishing the site by establishing good community relations with organizations such as the school district and others, as evidenced by letters of support attached in Exhibit D. The use is seen within Shandon as potentially enhancing employment and income within the community. Remaining issues are to achieve full compliance with Land Use Ordinance standards and meeting mitigation measures of the Mitigated Negative Declaration. A potential problem with the site's location is that Highway 46 East is planned to be realigned approximately one-quarter mile west within the next 10 years, which would place the site well away from the highway and thus needing a new access drive and point of entry. A condition

is proposed to create an access easement and drive with an entry point to the realigned Highway 46 East with the approval of Caltrans before completion of the new route.

Landscaping
The applicant has proposed screening landscaping within the 10-foot front setback as shown on the site plan (Exhibit A). In the environmental determination, the visual assessment indicated that a landscape screen on the other north, west and south sides of the site is necessary to minimize aesthetic impacts. The project has been conditioned to provide a new landscaping plan to adequately screen the site from views from Highway 46 East, in its current and pending alignments. Internal landscaping is also required to provide 60 percent shading of the parking areas.

Fencing and Screening
Solid fencing is required on the side and rear property lines of a commercial site that is bounded by another land use category. Since the site is surrounded by the Agriculture land use category and is a portion of a larger property, the standard is applied to the boundaries of the project site, to be set back within a landscape screen.

Exterior Lighting
Exterior lighting cannot create off-site glare and shall be directed downward. The project has been conditioned to provide a lighting plan to comply with these standards and the negative declaration.

Access
Caltrans will require an encroachment permit for the new use; additional improvements were not identified as necessary by a traffic study. A condition requires approval of an encroachment permit before operations begin.

Planning Area Standards
22.112.020.C.1 Service Commercial Area Defined. The site is within the required boundaries. *22.112.020.C.2 Limitation on Use.* The proposed use is within the allowed Fabricated Metal Industries use group. It is oriented to rural and agricultural tank installations.

Environmental Determination
The environmental determination was made for this project as well as the application for the Land Use Ordinance amendment, which was approved by the Board of Supervisors on October 5, 2004. Subsequent to the Board of Supervisors' approval of the amendment and its mitigated negative declaration, revisions were made for this project and circulated within the required time frame. The revisions include information provided during the ordinance application hearings, and address the project-specific impacts that were identified.

The initial study found that potentially significant impacts could occur to aesthetics, air quality, biological resources (kit fox habitat), safe use of hazardous materials, and water quality. Mitigation measures were identified that will reduce levels of impacts to below significance. The measures are included as conditions of approval, reflecting the agreement of the applicant in the developer's statement, which is attached to the mitigated negative declaration.

COMMUNITY ADVISORY GROUP COMMENTS: Shandon Advisory Committee provided comments twice in support of the ordinance amendment and project, attached.

AGENCY REVIEW:
Environmental Health - Concerns about soil conditions and hazardous materials usage
Agriculture Department - Concerns about dust impacts to agriculture that are mentioned in June 1, 2004 memo are met by APCD review, per phone conversation October 25, 2004 with Lynda Auchinachie.

CDF - See attached fire safety plan
APCD - Concerns regarding construction phase and operational emissions. A permit to operate was completed on September 8, 2004.
Cal Trans - Concerns about traffic impacts on Highway 46 East

LEGAL LOT STATUS:
The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

EXHIBITS

Exhibit A -	Findings
Exhibit B -	Conditions of Approval
Exhibit C -	Vicinity, LUC Maps and Site Plan
Exhibit D-	Revised Mitigated Negative Declaration
Exhibit E -	Correspondence

FINDINGS - EXHIBIT A

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Revised Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 14, 2004 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Hazards/Hazardous Materials, and Water Quality and are included as conditions of approval.

Conditional Use Permit

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use in the Commercial Service land use category and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the tank construction business will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

E. The proposed project or use will be consistent with the character of the immediate neighborhood and not contrary to its orderly development because the tank construction business will occupy an existing Commercial Service site, be screened with additional landscaping, and will not conflict with surrounding lands and uses.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project, because the project is located on Highway 46 East, a State highway constructed to a level able to handle any additional traffic associated with the project.

EXHIBIT B - CONDITIONS OF APPROVAL
PACIFIC TANK & CONSTRUCTION (DRC 2003-00094)

Note: Mitigation measures from the Revised Mitigated Negative Declaration (MND) are incorporated in the conditions with referencing notations.

Approved Development

1. This approval authorizes a tank fabrication, construction and installation business on a 1.8-acre portion of a 10-acre site within an identified Commercial Service land use category. Signs shall be subject to a separate sign permit.

2. All development shall be consistent with the approved site plan, floor plan, and architectural elevations.

Site Development

3. **Prior to issuance of a construction permit or establishment of the use,** submit elevations or product information that depicts the design, colors and materials of the proposed office building and of the waste enclosure. Colors shall be consistent with the existing structure and be subdued earth tones rather than white. Reflective surfacing shall not be utilized.

4. **Prior to issuance of a construction permit and occupancy or start of operations,** submit a landscape and fencing plan to the Department of Planning and Building for review and approval. The plan shall provide solid fencing and screening landscaping at the entrance and all sides, to screen the site and structures from public view from the existing and realigned Highway 46 East.
   a. Solid fencing shall be shown on all sides of the site, at a minimum six-foot height, to be located outside a 10-foot landscape setback.
   b. Extensive screening landscaping shall be shown within a 10-foot landscape setback on all sides of the project site, to be comprised of native and/or drought-tolerant shrubs and trees that are typical of or similar to the North County climate and the Shandon area.
   c. Shade tree installations shall be shown to screen sixty percent of parking areas within 10 years of planting.

   (AE-1 of the MND)

5. **Before final building inspection or occupancy and start of operations,** landscaping in accordance with the approved landscaping plan shall be installed or bonded for If bonded for, landscaping shall be installed within 60 days after final building inspection or start of operations and thereafter maintained in a viable condition in perpetuity, except that landscaping on the west side of the site may be bonded for installation at the time that the realignment of Highway 46 East commences in construction.
   (AE-1 of the MND)

6. **Prior to issuance of construction permits and/or start of operations,** the applicant shall provide details on all proposed exterior lighting, if applicable. The details shall include the type, height, location, and intensity of all exterior lighting. All lighting fixtures shall be downward directed and shielded at full cut-off so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

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7. **Prior to issuance of construction permits and/or start of operations,** all utilities on-site shall be installed underground. Back-flow preventer and other related valves shall be installed inconspicuously within the limitations of the respective agencies and codes. Where necessary to install them within setbacks, they shall be screened with landscaping.

8. Site Surfacing shall be a minimum of four inches of decomposed granite in all outdoor use and storage areas, to be maintained in good and serviceable condition at all times.

9. **Prior to final building inspection or occupancy and start of operations,** 23 parking spaces shall be provided as shown on the site plan, to be marked and/or signed and provided wheel stops or concrete curbing in accordance with the Land Use Ordinance parking construction standards.

10. Removal of existing trees is not approved at this time; future removal of trees for this project shall be subject to first obtaining Planning Department review and approval.

11. **Prior to issuance of a construction permit/establishment of the use,** Obtain an encroachment permit from Caltrans to allow access to and work to be done on state Highway 46 East.

12. **Upon the realignment of Highway 46 East and prior to closure of the existing alignment,** obtain an access easement across intervening property to the new aligned highway, and obtain an encroachment from Caltrans for access prior to completion of construction of the new alignment.

Drainage/Water Quality/Hazardous Materials

13. **Prior to issuance of construction permits and/or start of operations,** the applicant shall submit a drainage plan to the Public Works Department to provide drainage, erosion and sedimentation controls in compliance with Land Use Ordinance, Section 22.52.080.

14. **Prior to issuance of construction permits**, the applicant shall submit documentation of a Waste Discharge Report (WDR) permit and/or National Pollutant Discharge Elimination System (NPDES) permit, and Stormwater Pollution Prevention Plan (SWPPP) approved by the Regional Water Quality Control Board (RWQCB) and State Water Quality Control Board (SWQCB), or documentation stating why these permits and plans were not required.
(W-1 of the MND)

15. **Prior to issuance of construction permits**, the applicant shall prepare a Hazardous Materials Business Plan and a Spill Prevention and Contingency Plan for the review and approval of the County Department of Environmental Health Services. The plans shall address an inventory of on-site hazardous materials, emergency response procedures, usage training, safe storage and handling, and spill prevention of oils, paint, and any other hazardous materials.
(HM-1 of the MND)

Air Quality

16. **During ground disturbing activities,** the applicant agrees to adhere to the following dust control measures:
    1. Reduce the amount of the disturbed area where possible;
    2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would

4-8

be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;

3. All dirt stock-pile areas should be sprayed daily as needed;

17. **Prior to final inspection**, the applicant shall submit copies of all Permit to Operate permits issued by the County of San Luis Obispo Air Pollution Control District (APCD). *(AQ-1 of the MND)*

Fire Safety

18. **At the time of application for construction permits and prior to occupancy**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated July 16, 2002.

19. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

Biological Resources
(BR1 - 11 of the MND)

11. **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:

    a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.5 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative (a.), requires that all aspects if this program must be in place before County permit issuance or initiation of any ground disturbing activities.

    b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

    Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Your fee, payable to The Nature Conservancy, would total $3,750.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.

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c. Purchase 1.5 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 1.5 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

12. **Prior to issuance of grading and/or construction permits**, the applicant shall retain a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. **Before commencing with project activities**, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or

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known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:

1. Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

   a) Potential kit fox den: 50 feet
   b) Known or active kit fox den: 100 feet
   c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

13. **Prior to issuance of grading and/or construction permit,** the applicant shall clearly delineate as a note on the project plans, that: *Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox.* In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of your Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

14. **During the site disturbance and/or construction phase,** grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

15. **Prior to issuance of grading and/or construction permit,** all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed and distributed to all contractors, employers and other personnel involved with the construction of the project.

16. **During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end

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of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

17. **During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

18. **During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

19. **Prior to, during and after the site-disturbance and/or construction phase,** use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

20. **During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

21. **Prior to final inspection or occupancy, whichever comes first,** should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:

    a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";

    b. If a more solid wire mesh or a solid fence or wall is used, 8" x 12" openings near the ground shall be provided every 100 yards.

    Any fencing constructed after issuance of a final permit shall follow the above guidelines.
    (BR1-11 in MND)

<u>Site Operation</u>

22. The location of accessory site development, such as antennas, shall be located to minimize its appearance from Highway 46 East.

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23. Storage of materials shall be maintained below the height of the solid fencing at all times.

Miscellaneous

24. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

25. **Prior to final construction inspection or start of operations,** the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

26. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070.

27. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Report prepared by James Lopes, Planner III and reviewed by Warren Hoag, Division Manager, Current Planning.

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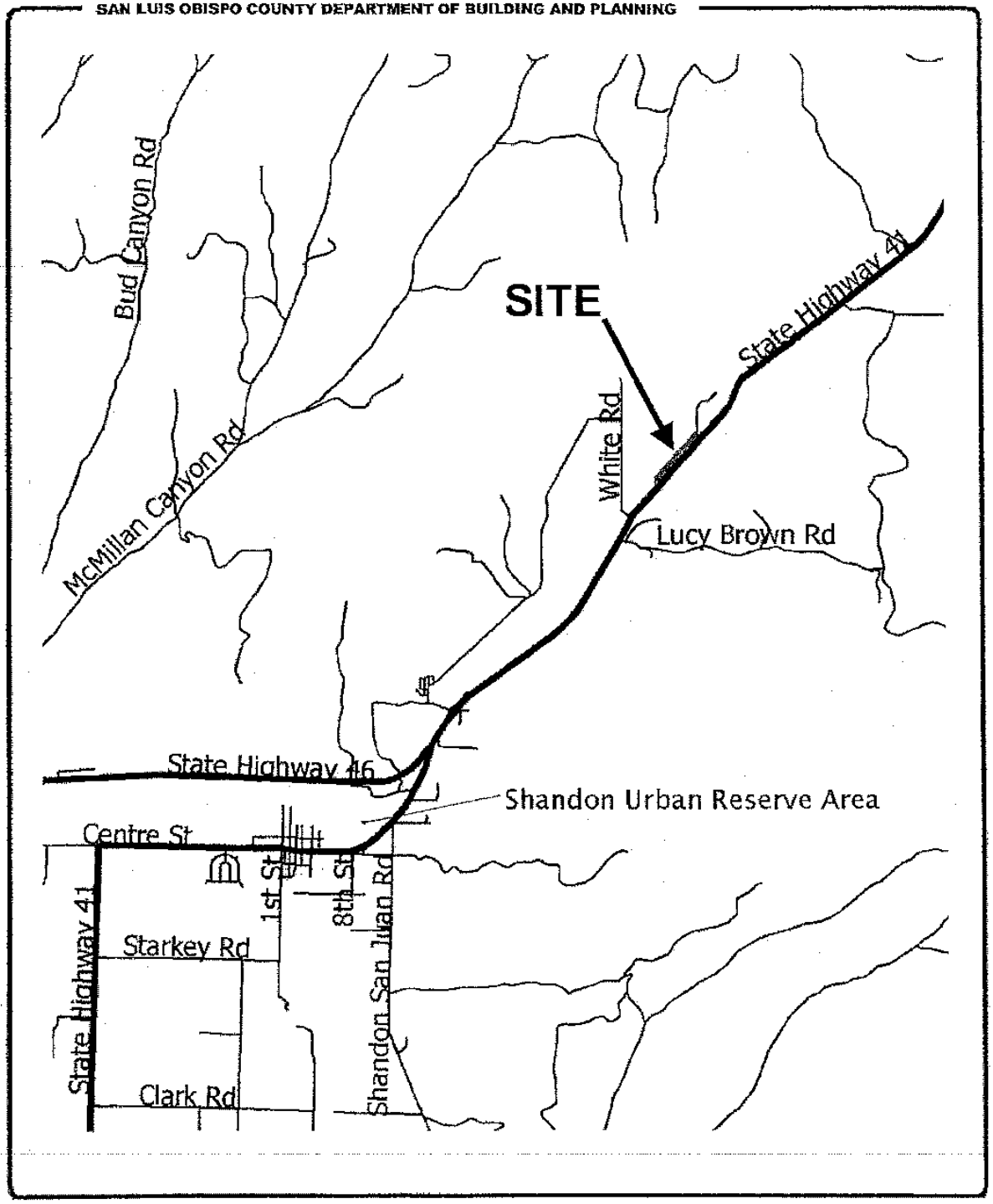
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

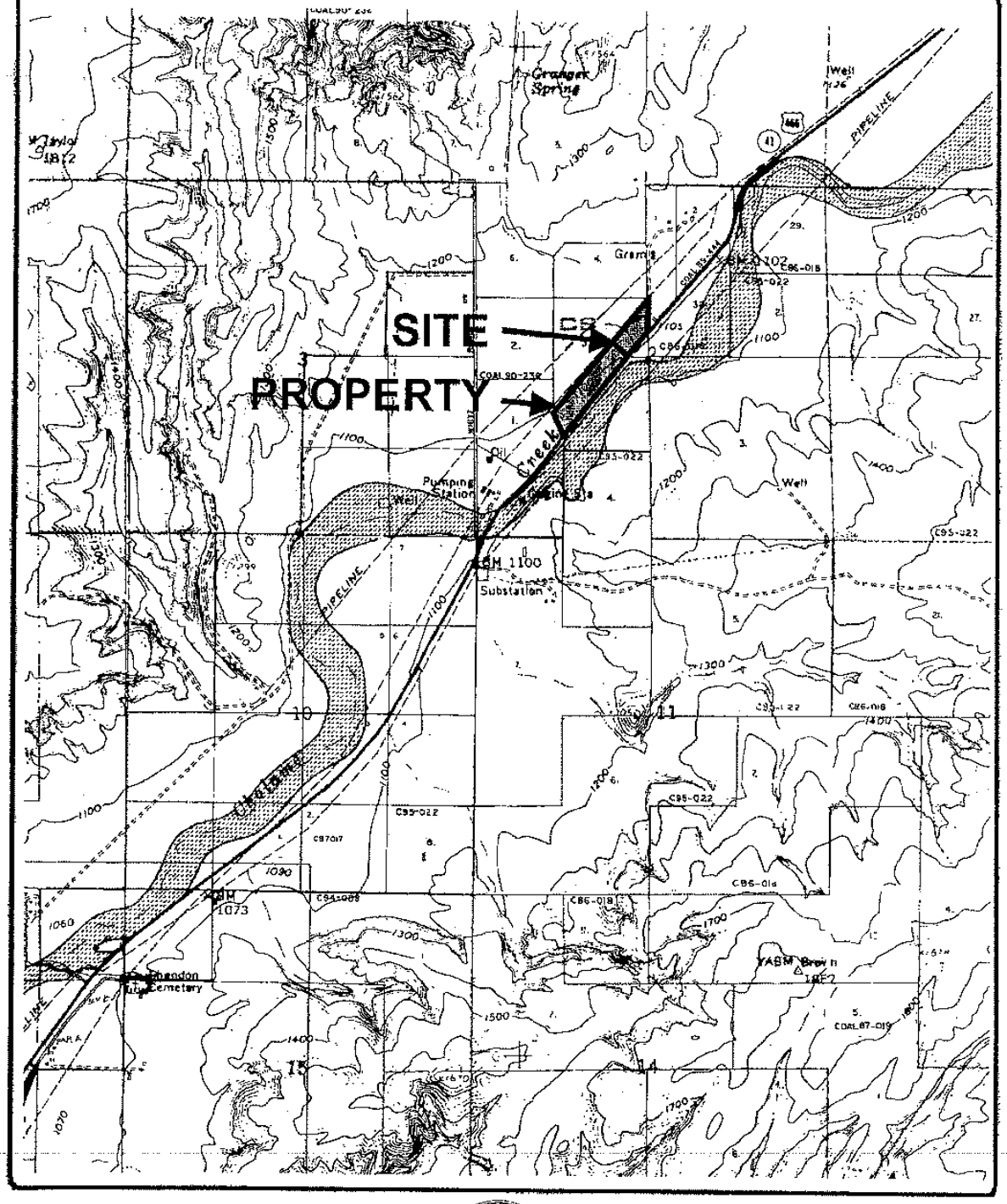


PROJECT
Conditional Use Permit
Paso Pacific Properties –
DRC2003-00094

EXHIBIT C
Vicinity Map

4-14

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
Conditional Use Permit
Paso Pacific Properties –
DRC2003-00094

EXHIBIT C
Land Use Category Map

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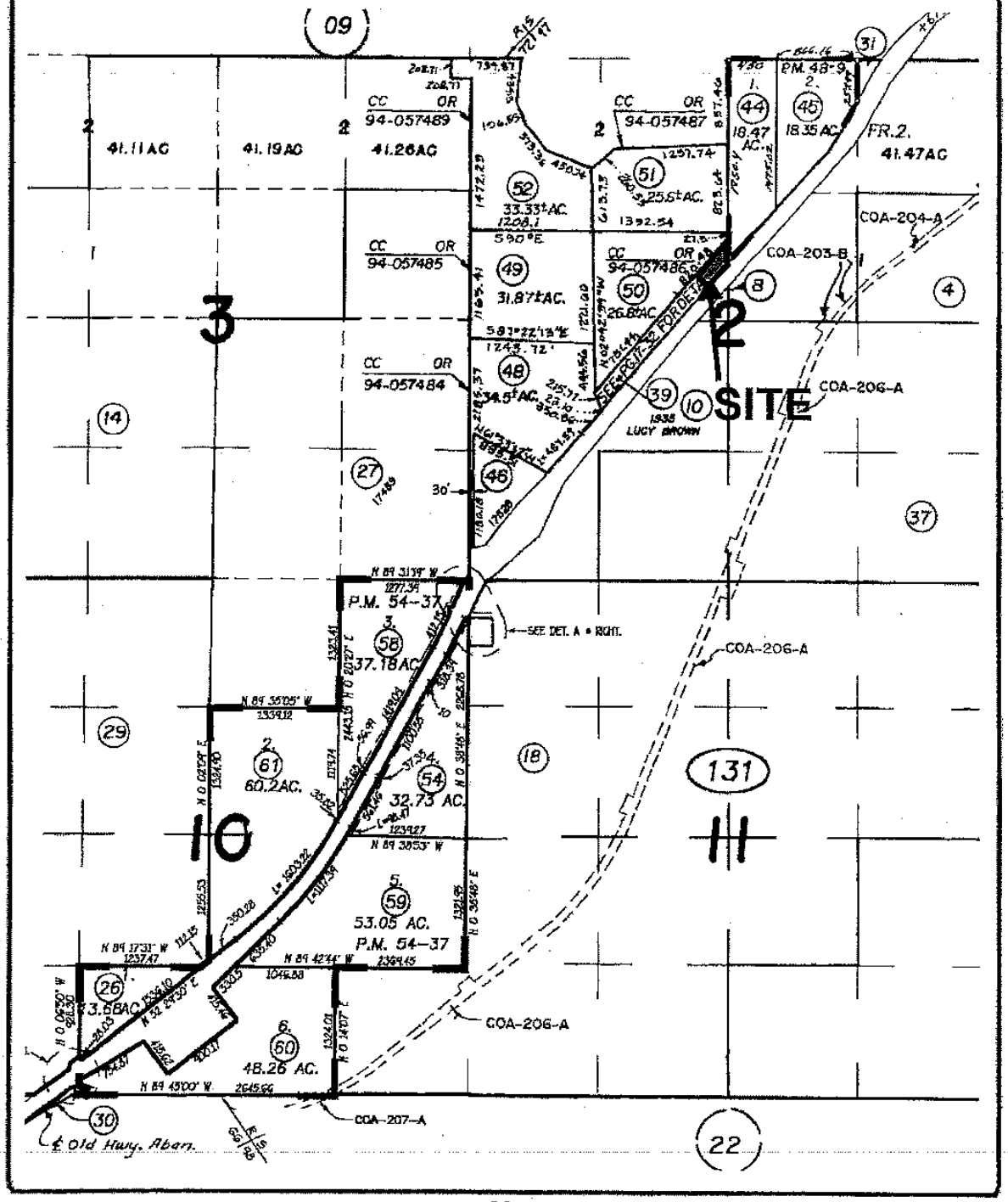
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
Conditional Use Permit
Paso Pacific Properties –
DRC2003-00094

EXHIBIT C
APN Map

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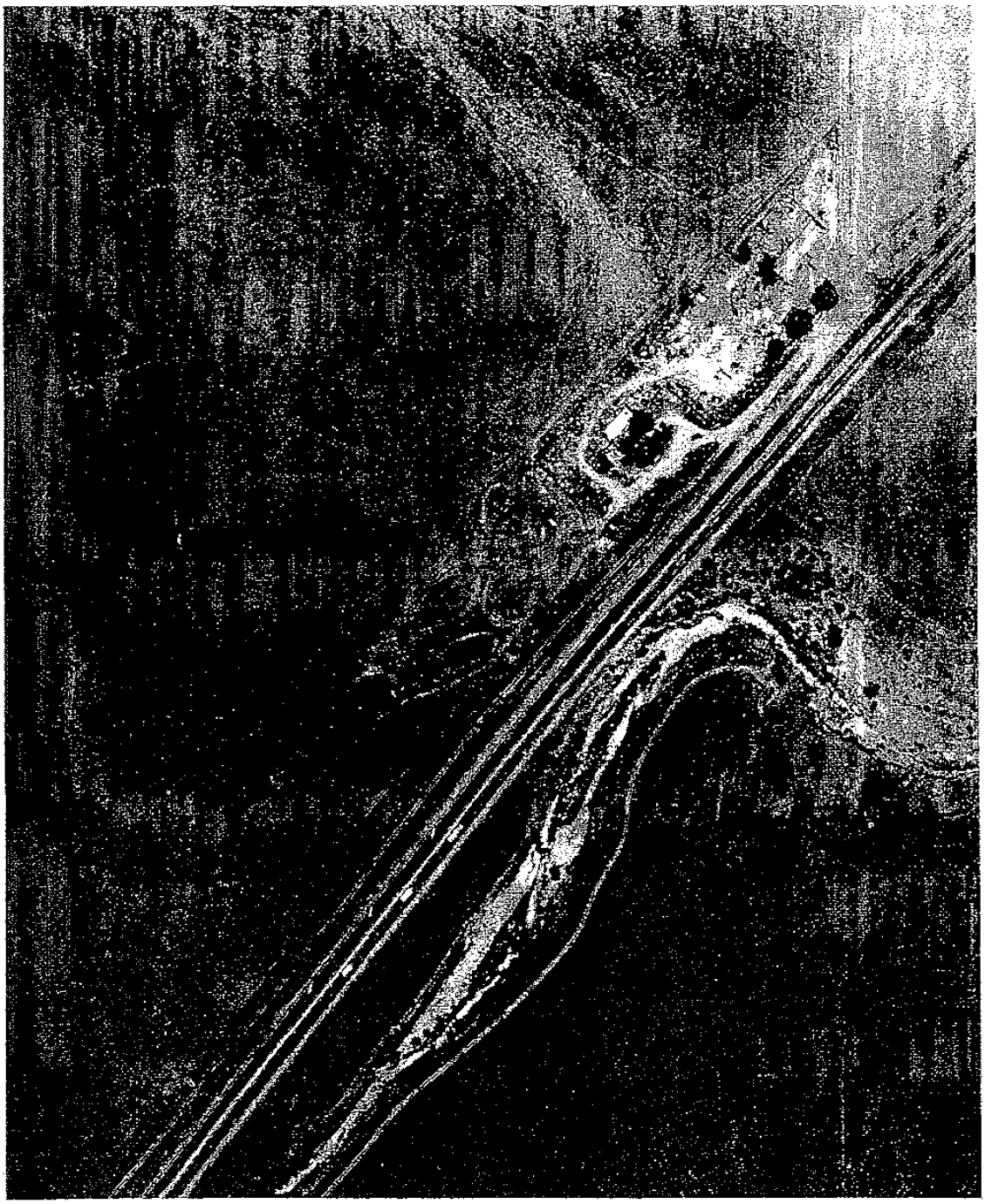
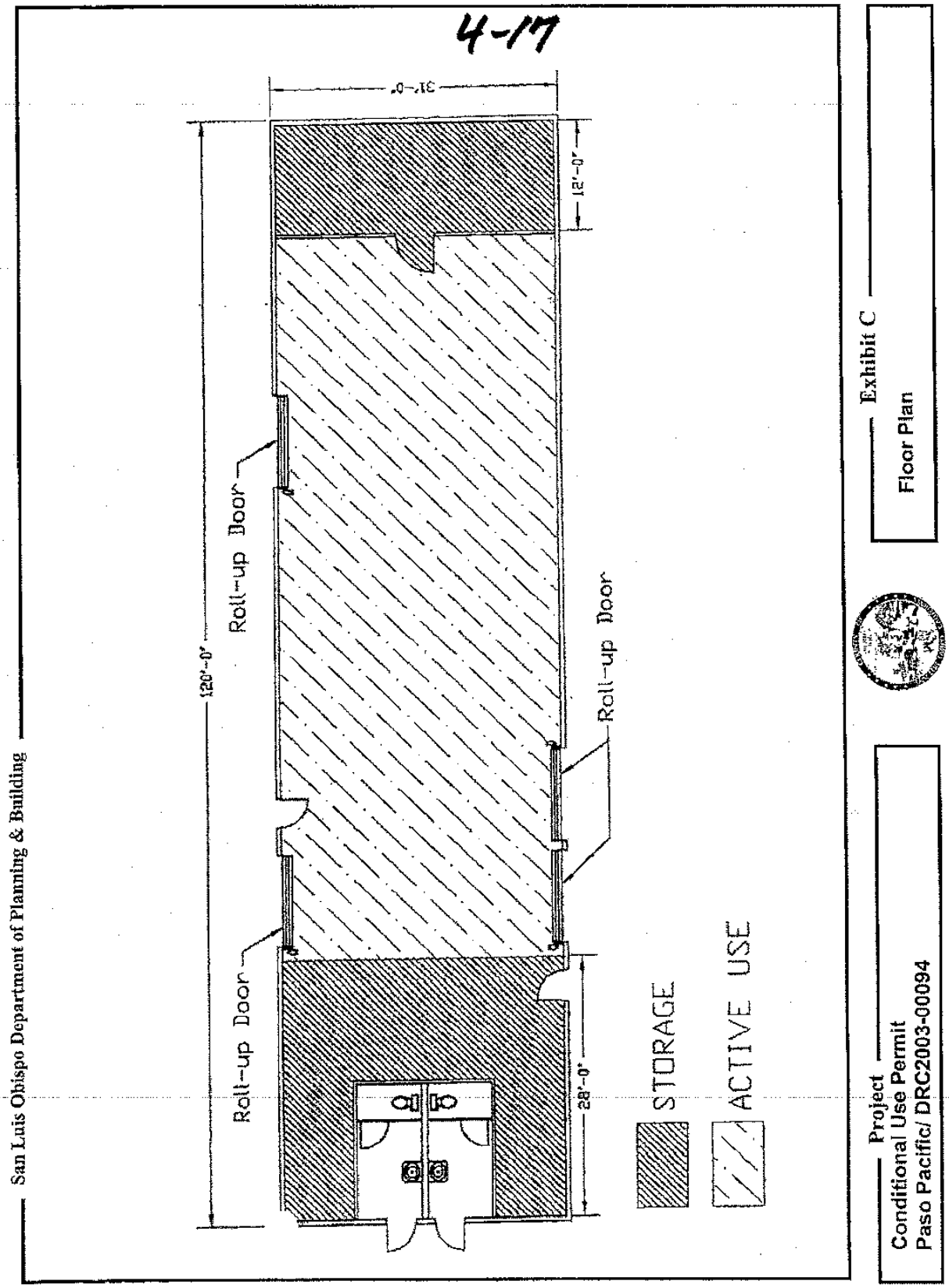
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
Conditional Use Permit
Paso Pacific Properties –
DRC2003-00094

EXHIBIT C
2003 Aerial Photo


4-17
31'-0"
12'-0"
120'-0"
28'-0"
Roll-up Door
Roll-up Door
Roll-up Door
STORAGE
ACTIVE USE
San Luis Obispo Department of Planning & Building
Exhibit C
Floor Plan
Project
Conditional Use Permit
Paso Pacific/ DRC2003-00094

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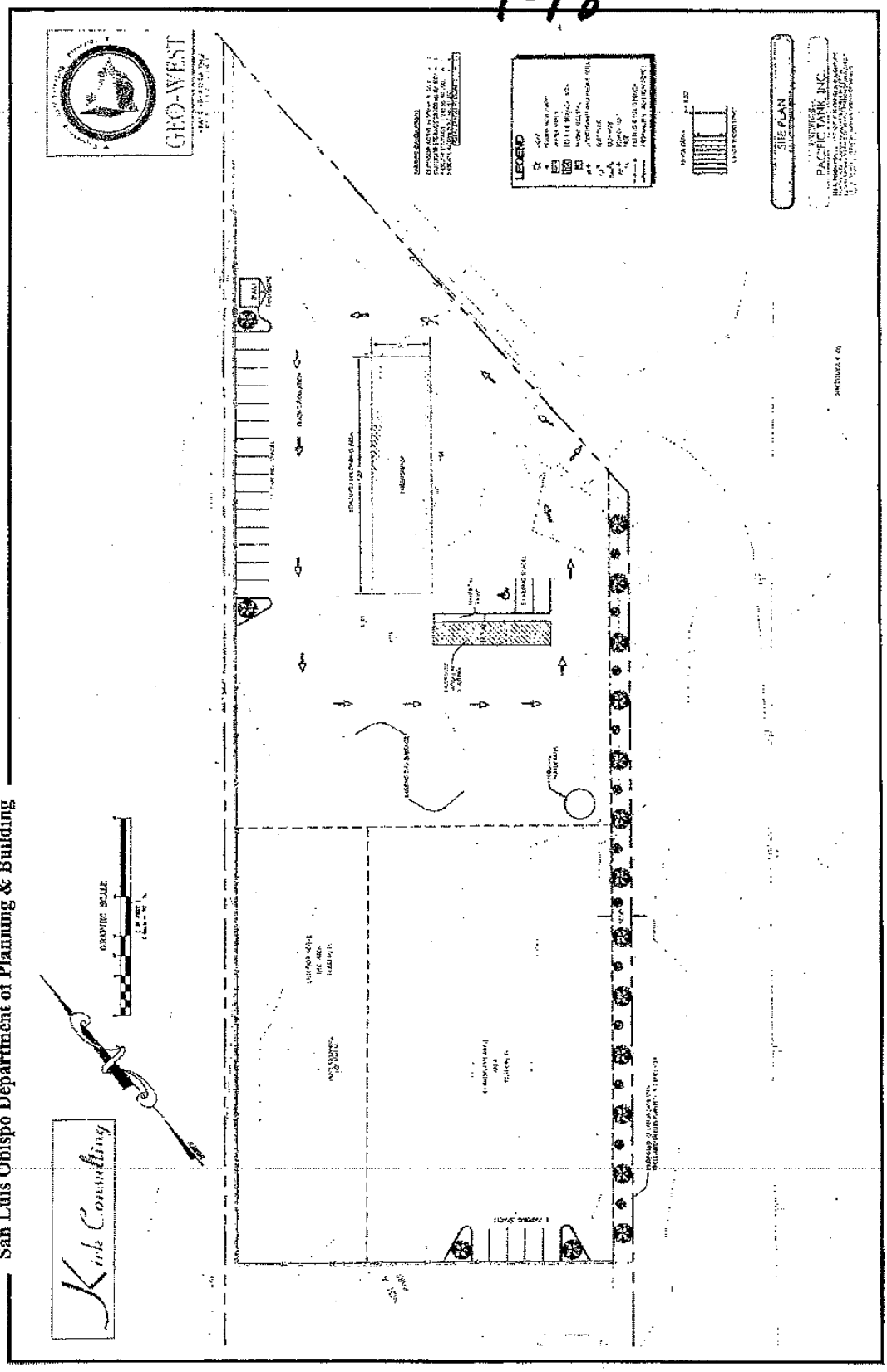

San Luis Obispo Department of Planning & Building

Exhibit C

Site Plan

Project

Conditional Use Permit
Paso Pacific/ DRC2003-00094

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EXHIBIT D

REVISED MITIGATED NEGATIVE DECLARATION

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COUNTY OF SAN LUIS OBISPO
REVISED INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No: Paso Pacific Ordinance Amendment, ED03-425, G030016L And Conditional Use Permit DRC2003-00094

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

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

☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

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

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

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

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

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

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

James Lopes	James Lopes	10-13-04
Prepared by(Print)	Signature	Date
John Nall	John Nall (for) Ellen Carroll, Environmental Coordinator	10/13/04
Reviewed by(Print)	Signature	Date

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Project Environmental Analysis

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

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: - Proposal by Paso Pacific Properties, LLC to amend Section 22.110.020.C. of the Land Use Ordinance Shandon-Carrizo Planning Area Standards. The proposed amendment would replace a current limitation on use for the Commercial Service land use category that limits the uses on the site to only an automobile recycling and scrap operation with a new limitation on use standard that would allow metal industries (fabricated), small scale manufacturing, construction contractors, and farm equipment and supplies. Other potential uses considered include Agricultural Processing, Warehousing and Caretakers Quarters and Residential Accessory Uses. The uses are described below.

Metal Industries (Fabricated): Manufacturing establishments engaged in assembly of metal parts, including blacksmith and welding shops, sheet metal shops, machine shops and boiler shops, which produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

Small Scale Manufacturing: Manufacturing establishments not classified in another major manufacturing group, including: jewelry, silverware and plated ware; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; caskets; and other miscellaneous manufacturing industries. Also included are artisan and craftsman-type operations which are not home occupations and which are not secondary to on-site retail sales. Also includes small-scale blacksmith and welding services when accessory to another use.

Construction Contractors: Service establishments primarily engaged in construction, including new work, additions, alterations, and repairs. Construction activities are generally administered or managed from a relatively fixed place of business, but actual construction work is performed at one or more different sites that may be dispersed geographically. Three broad types of construction activity are covered: (1) building construction by general contractors or by operative builders; (2) other construction by general contractors; and (3) construction by special trade contractors such as electrical, air conditioning and plumbing contractors, or others such as well drilling services. The installation of prefabricated buildings and equipment is also included. Business offices for such establishments which are not on the same site as work crew dispatching, equipment, vehicle or material storage for the establishment may also be considered under the definition of offices.

Farm Equipment and Supplies: Establishments primarily engaged in sale, rental or repair of agricultural machinery and equipment for use in the preparation and maintenance of the soil, the

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planting and harvesting of crops, and other operations and processes pertaining to work on the farm; also dairy and other livestock equipment. Includes agricultural machinery (except the sale of trailers, tractors and other motorized, self-propelled farm vehicles, which are included under "Auto, Mobile home and Vehicle Dealers and Supplies"), dairy farm machinery and equipment, irrigation equipment, poultry equipment and frost protection equipment; hay, grain and feed sales; retail sales of prepackaged fertilizer and agricultural sprays. Sales may include the final assembly of farm machinery, implements or equipment from component parts received from the manufacturer in a partially assembled state, but not the creation of such components from raw materials.

Ag Processing. Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area, including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables, tree nut hulling and shelling; cotton ginning; wineries and alcohol fuel production. Note: any of the above activities performed in the field with mobile equipment not involving permanent buildings are included under "Crop Production and Grazing.'

Warehousing. Establishments primarily engaged in the storage of farm products, furniture, household goods, or other commercial goods of any nature for later distribution to wholesalers and retailers. Does not include warehouse facilities where the primary purpose of storage is for goods for wholesaling distribution. Does not include terminal facilities for handling freight (classified in "Vehicle and Freight Terminals"). Also includes warehouse, storage or mini-storage facilities offered for rent or lease to the general public.

Caretaker Residence. A permanent residence that is secondary or accessory to the primary use of the property. A caretaker dwelling is used for housing a caretaker employed on the site of any non-residential use where a caretaker is needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment or other conditions on the site.

Residential Accessory Uses. Includes any use that is customarily part of a residence and is clearly incidental and secondary to a residence and does not change the character of the residential use. Residential accessory uses include the storage of vehicles and other personal property, and accessory structures including swimming pools, workshops, studios, greenhouses, garages, and guesthouses (without cooking or kitchen facilities). Includes non-commercial TV and radio broadcasting and receiving antennas, including equipment for satellite broadcast reception.

The applicant is also requesting a Conditional Use Permit to allow the operation of a pre-fabrication metal tank parts facility. Proposed site improvements would include the replacement of an existing 800-square foot modular office building with a 1,500-square foot office, outdoor maintenance, assembly, and storage areas, and 23 parking spaces, resulting in the disturbance of an approximate 74,000-square foot area. The project site is located at 179954 Highway 46/41, on the north side of the highway, approximately 2.6 miles northeast of the intersection of Highway 46 and Highway 41 and the community of Shandon, in the Shandon-Carrizo (rural) planning area..

ASSESSOR PARCEL NUMBER: 017-131-039 SUPERVISORIAL DISTRICT #: 1

B. EXISTING SETTING

PLANNING AREA: Shandon/Carrizo (Rural)

LAND USE CATEGORY: Commercial Service

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COMBINING DESIGNATION(S):	None applicable
EXISTING USES:	Shop building, modular office, concrete slab, fencing, water well, septic system and leachfield
TOPOGRAPHY:	Nearly level
VEGETATION:	Shade trees; grasses
PARCEL SIZE:	± 1.8 Acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture/ Dry farming; grazing

East: Agriculture/ Dry farming; grazing

South: Agriculture/ Dry farming; grazing

West: Agriculture/ Dry farming; grazing

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

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COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

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

Setting. The proposed project site is an approximately 1.8-acre area located on the north side of Highway 46/41, approximately 2.6 miles northeast of the Highway 46 and Highway 41 intersection, northeast of the community of Shandon (refer to Figures 1 through 3). The surrounding area is characterized by gently to moderately sloping hillsides, grassland, and Cholame Creek. *A few rural houses and ranches are located within the small valley around the site.* An oil pumping station and associated tanks are located approximately 1.25-mile to the southwest, on the north side of Highway 46/41. The proposed project site, referred to as the Cockrum Commercial Area by the Shandon-Carrizo Area Plan, was historically developed by an automobile storage facility and used car lot. Existing structures onsite include a 3,600-square foot shop building, an 800-square foot modular office, a concrete slab, interior fencing, utility lines, and an eight-foot tall solid wooden fence along the north, east, and south sides of the site.

Ordinance Amendment

The applicant is proposing to amend the Land Use Ordinance by replacing a current limitation on use for the Commercial Service land use category that limits the uses on the site to only an automobile recycling and scrap operation with a new limitation on use standard that would allow metal industries (fabricated), small scale manufacturing, construction contractors, and farm equipment and supplies. Other potential uses considered include agricultural processing, warehousing and caretakers quarters and residential accessory uses.

Conditional Use Permit

The applicant is also requesting a Conditional Use Permit to allow the operation of a pre-fabrication metal tank parts facility. Proposed site improvements would include the replacement of an existing 800-square foot modular office building with a 1,500-square foot office, and outdoor maintenance, assembly, and storage areas. *The applicant also proposes to install screening landscaping within the 10-foot front setback.*

Impact. The proposed project site is located adjacent to Highway 46/41, and is visible from both the eastbound and westbound travel lanes. Existing structures, fencing and landscaping are visible and silhouette into the skyline for approximately one mile from the westbound travel lane, and approximately

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one mile from the eastbound travel lane. *The un-screened appearance of the site is an existing negative impact on views that are otherwise scenic to backdrops of hills that have moderately vivid, incised drainage patterns, and together with the surroundings, constitute a high degree of intact rural and undeveloped appearance.*

Ordinance Amendment
Implementation of the proposed ordinance amendment would eliminate the use restriction on the proposed project site, and allow the future development of metal industries (fabricated), small scale manufacturing, construction contractors, and farm equipment and supplies. Future development of the project site would result in development visible from Highway 46/41. Depending on the number and size of proposed structures and equipment associated with the proposed development, potentially significant visual impacts may occur.

Conditional Use Permit
Existing development is visible from Highway 46/41. A majority of existing structures and equipment are screened from view by an existing eight-foot tall solid fence, and landscaping consisting of trees and shrubs. The project site is located adjacent to the highway on nearly level topography. The applicant is proposing to replace an existing building with a new office, and operate existing machinery. Additional landscaping is proposed along the highway frontage *within the required 10-foot front setback in front of the existing fence,* as shown in Figure 4. Implementation of the improvements requested in the Conditional Use Permit application would not result in a significant *improvement* in existing visual character due to the historical and current industrial appearance of the project site.

Mitigation/Conclusion. To minimize potential impacts associated with future development of the project site, a landscape and fencing plan *shall be submitted before issuance of construction permits and occupancy* demonstrating that all structures, equipment, and materials will be screened from public view *from the existing and realigned Highway 46 East.*

2. AGRICULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Convert prime agricultural land to non-agricultural use?*	☐	☐	■	☐
b) *Impair agricultural use of other property or result in conversion to other uses?*	☐	☐	■	☐
c) *Conflict with existing zoning or Williamson Act program?*	☐	☐	■	☐
d) *Other* _____	☐	☐	☐	☐

Setting. The proposed project is located within the Commercial Service land use category. The adjacent land use category is Agriculture. The soil types mapped for the project site by the Natural Resources Conservation Service (NRCS) Soil Survey are Mocho Clay Loam (0-2% slope) and San Emigdio Fine Sandy Loam (2-9% slope). As described in the NRCS Soil Survey, these soils are considered Class IV for "non-irrigated" soil, and Class I & II for "irrigated" soil. The project site is not irrigated, and was historically developed by a automobile storage and used car lot facility. Surrounding properties have historically supported livestock grazing and hay production.

Impact.
Ordinance Amendment
The proposed ordinance amendment was referred to the County Department of Agriculture for review. Based on the historical use of the proposed project site, no significant impacts associated with the

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proposed amendment were identified (L. Auchinachie; June 1, 2004). Potential impacts associated with the future development of the project site consist of agricultural incompatibility impacts, such as the creation of dust and debris, and lack of buffers between the adjacent agricultural use and the project site. Future development of the project site would be reviewed by the Agricultural Department. At that time, project-specific impacts would be determined, and buffers and mitigation measures would be recommended if necessary.

Conditional Use Permit
The proposed project was referred to the County Department of Agriculture for review. Based on the continued use of the project site, no significant impacts to agricultural soils would occur as a result of the proposed project. Potential incompatibility impacts would consist of the generation of dust and debris from proposed sandblasting and metal surface coating affecting adjacent livestock grazing and hay production. A caretakers unit is not proposed, therefore an agricultural buffer is not necessary (L. Auchinachie; June 1, 2004 and July 14, 2004). The operation of sandblasting and metal paint equipment is permitted by the Air Pollution Control District (APCD; *July 17, 2003*). Permit conditions include measures to reduce particulate dust and volatile organic compound (VOC) emissions (refer to Section 3 Air Quality). Based on implementation of APCD permit conditions, no significant agricultural impacts would occur as a result of the proposed project.

Mitigation/Conclusion. No significant agricultural impacts were identified, therefore no mitigation measures are recommended.

3. AIR QUALITY - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) ***Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?***	☐	■	☐	☐
b) ***Expose any sensitive receptor to substantial air pollutant concentrations?***	☐	☐	■	☐
c) ***Create or subject individuals to objectionable odors?***	☐	☐	■	☐
d) ***Be inconsistent with the District's Clean Air Plan?***	☐	☐	■	☐
e) ***Other*** _____	☐	☐	☐	☐

Setting. In 1989, the State Air Resources Board (ARB) designated San Luis Obispo County a non-attainment area for exceeding the State's air quality standards set for ozone and dust (small particulate matter or PM10). In 2003, the State ARB determined that the county was in attainment for ozone. Based on the latest air monitoring station information (per the County's RMS annual report, 2003), the trend in air quality in the general area is improving where unacceptable PM10 levels were not exceeded in 2002 at the Paso Robles monitoring station, which is down from the previous year (2 exceedances). The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

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Impact.

Ordinance Amendment

The proposed ordinance amendment was referred to the APCD for review. It is likely that establishment of the proposed uses would result in substantial short-term construction and long-term operational emission impacts on air quality. Standard construction mitigation measures for air quality would be required during the development phase of the proposed project that would substantially reduce construction-related air quality impacts. Once the future development is constructed, there will be operational emissions. These potential emissions would be determined when the applicant proposes a specific development. At that time, the APCD CEQA Handbook and consultation with the APCD would determine potential air quality impacts and appropriate mitigation measures.

Conditional Use Permit

Operation of the proposed facility would include the use of sand blasting and metal coating equipment, which would potentially emit air pollutants including particulates (PM10) and volatile organic compounds (VOC). The proposed project was referred to the APCD for review. The APCD did not identify any potentially significant impact associated with the proposed ordinance amendment and project proposal; however the referral response noted that operational permits would be required for the use of buildings and equipment that may cause the issuance of air contaminants (A. Mutziger; March 23, 2004). The applicant has obtained permits to construct an abrasive blasting and surface coating operation (L. Allen; July 17, 2003). The authorization includes requirements for a testing program and compliance inspection by APCD staff to ensure that particulate and VOC emissions to not exceed thresholds established by the APCD and Environmental Protection Agency (EPA). Prior to operation of the sand blasting and metal coating equipment, the applicant is required to obtain a *Permit to Operate* from the APCD.

Mitigation/Conclusion.

Ordinance Amendment

Implementation of the proposed ordinance amendment is likely to result in significant air pollutant emission levels during the construction and operational phases of the proposed project. Specific impacts can be determined following application for a proposed use. To mitigate for these impacts, the County would consult with the APCD and refer to the APCD CEQA Handbook for reference. Implementation of these measures would reduce potential air quality impacts to a level of insignificance, and no planning area standards are necessary.

Conditional Use Permit

To ensure that operation of the proposed facility would not result in air emissions exceeding thresholds established by the APCD, the applicant has agreed to submit a copy of all *Permit to Operate* permits prior to final inspection by County staff.

4.	**BIOLOGICAL RESOURCES -** *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	*Result in a loss of unique or special status species or their habitats?*	☐	■	☐	☐
b)	*Reduce the extent, diversity or quality of native or other important vegetation?*	☐	☐	■	☐
c)	*Impact wetland or riparian habitat?*	☐	☐	■	☐
d)	*Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?*	☐	■	☐	☐
e)	*Other* _____	☐	☐	☐	☐

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Setting. The proposed project site is within a non-native grasses habitat area. The project site is currently developed by buildings, equipment, fencing, and decomposed granite fill. Landscaping trees are present along the southern, western, and eastern perimeter of the site, and native scrub is present to the north. Cholame Creek generally follows the alignment of Highway 46, and is located on the opposite (southeast) side of the highway from the project site, as shown in Figures 1 through 3. The creek crosses under the highway approximately 1.5 miles southwest of the project site.

The California Natural Diversity Database (CNDDB) (2003) identified the following special-status species within close proximity of the proposed project site: Southwestern pond turtle (*Clemmys marmorata pallida*) and San Joaquin kit fox (*Vulpes macrotis mutica*). Southwestern pond turtle is a State Species of Special Concern. The project site does not contain any areas suitable for Southwestern pond turtle. San Joaquin kit fox is a Federal Endangered and State Threatened species. The project site is located within an identified San Joaquin kit fox habitat area.

Impact. Implementation of future land uses, including the proposed conditional use permit, on the proposed project site may result in impacts to San Joaquin kit fox and their habitat.

Mitigation/Conclusion.

Ordinance Amendment

Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Shandon-Cholame area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. This means that for every acre of new disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of three acres of habitat. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio.

The applicant would be required to mitigate the loss of kit fox habitat by one of the following ways: Deposit of funds to an approved in-lieu fee program; provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or purchase credits in an approved conservation bank. At this time, there is no approved Conservation Bank which is operational in San Luis Obispo County. If none of the other three alternatives are available, the applicant may enter into a Mitigation Agreement with the Department of Fish and Game, including depositing funds into an escrow account (or other means of securing funds acceptable to the Department), which would assure the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management. To prevent inadvertent harm to kit fox, the applicant would be required to retain a biologist for a pre-construction survey and monitoring activities and implement cautionary construction measures. Implementation of these required measures would mitigate potential impacts to a level of insignificance, and no additional planning area standards are necessary.

Conditional Use Permit

Approximately 0.1 acre consists of existing structures previously located on the project site. 1.7 acres are currently, and would be, permanently affected by placement of structures and equipment associated with the proposed metal fabrication facility, including placement of decomposed granite. The applicant has chosen to accept the standard San Joaquin kit fox mitigation ratio of 3:1, which requires that a total compensatory acreage of 5.1 acres (1.7 acres multiplied by a 3:1 ratio) be mitigated. The applicant has agreed to mitigate the loss of kit fox habitat by implementing mitigation measures discussed above. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

The implementation of the above measures will mitigate biological impacts to a level of insignificance.

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5. CULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Disturb pre-historic resources?*	☐	☐	■	☐
b) *Disturb historic resources?*	☐	☐	■	☐
c) *Disturb paleontological resources?*	☐	☐	■	☐
d) *Other* _____	☐	☐	☐	☐

Setting. The proposed project site is located within an area historically occupied by the Obispeño Chumash and Southern Salinian Native Americans. The project site is located in the vicinity of Cholame Creek. The proposed project site is currently disturbed and developed by structures, equipment, concrete pads, and the placement of decomposed granite and fill soils throughout the site. No native soils or cultural resources were observed within the project site. No historical structures are present on the proposed project site. Paleontological resources are not anticipated to be present.

The County archaeological maps and California Department of Transportation (Caltrans) were consulted to determine if significant archaeological resources are documented in the immediate vicinity of the project site. Caltrans recently completed an archaeological records search and surface survey of the Highway 46 corridor during preparation of the *Route 46 Corridor Improvement Project Environmental Assessment/Draft Environmental Impact Report* (Caltrans; February 2003). Based on correspondence with the Caltrans project manager, one significant archaeological site is located approximately one mile to the east, and isolated deposits were discovered approximately one mile to the west of the project site. No resources were discovered in the immediate vicinity of the proposed project site (L. Bonner; July 20, 2004).

Impact. Based on the disturbed and developed nature of the project site, and lack of native soils and cultural resources in the immediate vicinity of the proposed project site, significant cultural resources would not likely be encountered during future development of the project site.

Mitigation/Conclusion. No significant cultural resources impacts were identified; therefore no planning area standards or mitigation measures are necessary.

6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?*	☐	☐	■	☐
b) *Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?*	☐	☐	☐	■
c) *Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?*	☐	☐	■	☐

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6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) *Change rates of soil absorption, or amount or direction of surface runoff?*	☐	☐	■	☐
e) *Include structures located on expansive soils?*	☐	☐	■	☐
f) *Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?*	☐	☐	■	☐
g) *Involve activities within the 100-year flood zone?*	☐	☐	☐	■
h) *Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?*	☐	☐	■	☐
i) *Preclude the future extraction of valuable mineral resources?*	☐	☐	■	☐
j) *Other* _____	☐	☐	☐	☐

Setting/Impact.
Geology. The topography of the proposed project site is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered high. No active faulting is known to exist on or near the subject property. There is a capable fault located approximately 3.1 miles northeast. The project is not within a known area containing serpentine rock. There is no evidence that measures above what will already be required by ordinance or code are needed.

Drainage. Cholame Creek is located approximately 50 feet to the southeast, on the opposite side of Highway 46/41 as the proposed project site. The area proposed for development is outside of the 100-year Flood Hazard designation. As described in the NRCS Soil Survey, the soils mapped for the project site are moderately drained. The project site covered by decomposed granite, and no native soils are present on the surface. There is no evidence that measures above what will already be required by ordinance or code are needed.

Erosion and Sedimentation. The soil types mapped for the proposed project site are Mocho Clay Loam (0-2% Slope) and San Emigdio Fine Sandy Loam (2-9% Slope). As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodability and has a low to moderate shrink-swell characteristic. Based on the nearly level topography of the project site, it is unlikely that erosion and sedimentation would occur as a result of future projects. If a substantial amount of site disturbance is proposed by future land uses and a grading permit is required, the applicant would be required by the County Land Use Ordinance to submit an erosion and sedimentation plan including both temporary and permanent erosion control measures.

Mitigation/Conclusion.
Ordinance Amendment
If a substantial amount of site disturbance is proposed by future applicants, implementation of required standards and the County-approved erosion and sediment control plan would mitigate potential erosion and sedimentation impacts to a level of insignificance. No additional planning area standards are necessary.

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Conditional Use Permit
The applicant is not proposing any grading activities; therefore erosion and sedimentation impacts would not be significant. No mitigation measures are necessary.

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?*	☐	■	☐	☐
b) *Interfere with an emergency response or evacuation plan?*	☐	☐	■	☐
c) *Expose people to safety risk associated with airport flight pattern?*	☐	☐	■	☐
d) *Increase fire hazard risk or expose people or structures to high fire hazard conditions?*	☐	☐	■	☐
e) *Create any other health hazard or potential hazard?*	☐	☐	■	☐
f) *Other* _____	☐	☐	☐	☐

Setting. The proposed project site was historically utilized as the Cockrum Garage, an automobile dismantling facility and used car lot. The applicant has removed automobiles, trash, debris, and contaminated soils, and placed decomposed granite fill material throughout the project site. The proposed project site is located within a moderate fire hazard area. *On September 15, 2004, the applicant provided a Phase I Environmental Site Assessment, which was prepared by Helianthus, Inc. on August 8, 2003. The report was an investigation of records and visual conditions to determine the extent of hazardous materials. The report found that the site is not within any regulatory database listing or listed as an Resource Conservation and Recovery (RCRA) hazardous waste generators/handler, nor is the surrounding area within .25 mile of the site. Four aboveground storage tanks existed that appeared empty and which had no evidence of leaks. The site historically had four underground storage tanks, which were operated with permits from the county Environmental Health Division. The tanks were reportedly removed, although no closure letter was available from the Environmental Health Division. The age of the garage structure indicated that it could possibly contain lead based paint; no evidence of blistering or peeling was found on the structure. The report made four recommendations, listed below with information about their status following each in parens:*

1. *Remove the empty 55-gallon drums, non-operational aboveground storage tanks and miscellaneous debris and dispose of them property in accordance with State and Federal hazardous materials regulations (The applicant had these removed from the site by San Miguel Roll-Off Company, Inc. and disposed of at either the Paso Robles or Chicago Grade Landfill).*

2. *The removal of four underground storage tanks should be verified by Environmental Health Services (These tanks were removed and acknowledged in the Caltrans Phase II study, which was reviewed and approved by Environmental Health Services (see attached letter)).*

3. *Prior use of a covered pit within the garage structure should be identified (The applicant provided documentation on September 29, 2004 by Helianthus, Inc. that the contents of the pit were identified as mechanisms for a car hoist).*

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4. *Properly licensed professionals should conduct future tests for any evidence of lead-based paint and asbestos (The applicant has painted the building, and was informed of this need by the Phase I study. No further investigation is necessary.)*

On September 15, 2004, the applicant also provided a copy of a Phase II Preliminary Site Investigation Report dated January 2001. Caltrans, District 6, had the report prepared by Geocon Consultants, Inc. as part of a larger investigation of several sites in the vicinity of a proposed realignment of Highway 46 East. The purpose was to determine the potential presence of petroleum constituents at Cockrum"s Garage (the former business name of this site). Geocon performed nine direct-push soil borings at Cockrum's Garage and tested soil samples. The borings were located adjacent to former underground storage tank locations and former fuel dispensers at the site. The study concluded that generally low concentrations of diesel and motor oil range hydrocarbons and low to background metals concentrations existed. The report recommended that, "If any release of petroleum is encountered during excavation, the impacted soil is to be stockpiled and sampled to determine whether disposal or reuse restrictions apply to the material." The conclusion from these reports is that the existing conditions on the site as studied in the Phase I and II reports are not causing significant hazardous materials impacts.

Impact.

Ordinance Amendment

The proposed ordinance amendment was referred to the County Department of Environmental Health for review. The Department did not identify any potentially significant impacts associated with the proposed amendment (R. Williams; March 10, 2004). The referral response noted that soil testing for metals and hydrocarbons may be required prior to approval of a project-specific land use permit. The storage of hazardous materials including oil and paint would be regulated by Section 22.10.070 of the Land Use Ordinance (flammable and combustible liquids storage). A project specific Fire Safety Plan would be required pursuant to the County Land Use Ordinance Section 22.50.030.

Conditional Use Permit

The applicant is proposing to store approximately 20 to 25 gallons of paint at any time during operation of the facility. Up to 50 gallons of waste oil from proposed equipment would be stored onsite before being picked up by a hazardous materials company for proper disposal. These liquids would be stored within the existing shop until use or proper disposal. In the event of a spill, potential impacts could occur including the release of hazardous materials. *On September 15, 2004, the applicant's representative provided additional information about the hazardous materials that would be stored and used on the site, including acetylene, oxygen and argon to be used for welding and cutting; threading oil in a one-gallon container; hydraulic oil, in a 10-gallon container and thinner for paint, in a 5-gallon container.*

The proposed project was referred to the California Department of Forestry/County Fire for review. CDF did not respond with any concerns; however a Fire Safety Plan would be required prior to issuance of construction permits and operation of the facility. The Fire Safety Plan would consist of conditions including, but not limited to, through access for fire trucks, a fire extinguishing system/sprinklers, the installation of portable fire extinguishers, and an accessible water storage tank. CDF would conduct an inspection of the facility prior to operation.

Mitigation/Conclusion.

Ordinance Amendment

Based on implementation of existing ordinance requirements, no significant impacts would occur as a result of the proposed ordinance amendment, and no additional planning area standards are necessary.

Conditional Use Permit

To avoid or minimize the effects of a potential *hazardous materials* spill, the applicant has agreed to prepare a Spill Prevention and Contingency Plan. The plan shall address the prevention of release of oils,

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paint, and any other hazardous materials. *A Hazardous Materials Business Plan should also be prepared by the applicant and approved by Environmental Health Services to authorize the storage and use of hazardous materials in accordance with the California Health and safety Code and the California Code of Regulations.* Preparation and implementation of these plans would mitigate potential hazardous materials impacts to a level of insignificance.

8. NOISE - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Expose people to noise levels which exceed the County Noise Element thresholds?*	☐	☐	■	☐
b) *Generate increases in the ambient noise levels for adjoining areas?*	☐	☐	■	☐
c) *Expose people to severe noise or vibration?*	☐	☐	■	☐
d) *Other* _____	☐	☐	☐	☐

Setting/Impact.
Noise Exposure. The proposed project site is located adjacent to Highway 46/41. The highway is the primary source of transportation-related noise in the area. The topography between the project site and the highway is nearly level. According to the *County Noise Element,* the uses proposed by the ordinance amendment and conditional use permit are not noise-sensitive land uses, and are not subject to noise thresholds (May 5, 1992). No impacts are a result of transportation-related noise would occur as a result of the proposed ordinance amendment or conditional use permit.

Noise Generation. The proposed project site is surrounded by undeveloped land utilized primarily for livestock grazing and hay production. Based on the lack of noise-sensitive land uses in the vicinity of the project site, the proposed ordinance amendment and conditional use permit would not result in significant operational noise impacts.

Mitigation/Conclusion. No significant noise impacts were identified; therefore no planning area standards or mitigation measures are necessary.

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

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Setting/Impact. The proposed project site is located on a parcel currently within the Commercial Services land use category. The project site was historically utilized as the Cockrum Garage, and no housing is present on or in the immediate vicinity of the project site. Implementation of the proposed ordinance amendment and conditional use permit would not induce growth, displace existing housing or people, create the need for new housing in the area, or use a substantial amount of fuel or energy to construct and operate.

Mitigation/Conclusion. Based on the above discussion, no significant population and housing impacts are expected to occur as a result of the proposed ordinance amendment and conditional use permit.

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

Setting. The closest CDF/County fire station is Shandon station 31, located approximately 3.4 miles southwest of the proposed project site. The closest Sheriff substation is in Templeton, located approximately 25 miles west of the proposed project site. Highway 46/41 is also patrolled by the California Highway Patrol. The project site is located within the Shandon Unified School District.

Impact. This proposed project, along with numerous others in the area would have a cumulative effect on police/sheriff and fire protection.

Mitigation/Conclusion. Public facility programs have been adopted to address this impact and would reduce the cumulative impact to a level of insignificance. No significant project-specific impacts to utilities or public services were identified.

11. RECREATION - ***Will the project:***	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	☐	☐	■	☐
b) Affect the access to trails, parks or other recreation opportunities?	☐	☐	■	☐
c) Other _____	☐	☐	☐	☐

Setting/Impact. The County Trails Plan does not show a future trail being considered on the proposed

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project site. Implementation of the proposed ordinance amendment and conditional use permit would not increase the use or demand for parks or other recreation opportunities or affect access to recreational resources.

Mitigation/Conclusion. No planning area standards or mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Increase vehicle trips to local or areawide circulation system?*	☐	■	☐	☐
b) *Reduce existing "Levels of Service" on public roadway(s)?*	☐	■	☐	☐
c) *Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?*	☐	■	☐	☐
d) *Provide for adequate emergency access?*	☐	☐	■	☐
e) *Result in inadequate parking capacity?*	☐	☐	■	☐
f) *Result in inadequate internal traffic circulation?*	☐	☐	■	☐
g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?*	☐	☐	■	☐
h) *Result in a change in air traffic patterns that may result in substantial safety risks?*	☐	☐	■	☐
i) *Other* _____	☐	☐	☐	☐

Setting. The proposed project site is accessed from Highway 46/41, which is currently operating at an acceptable level of service. The affected section of highway is within a California Department of Transportation (Caltrans) "Safety Corridor". This designation indicates a higher than normal rate of accidents, and posted signage includes requests for daytime headlights, and warnings of extra fees for speed violations. Existing highway improvements consist of an eight-foot shoulder, which is located adjacent to the project site frontage and flares out at the existing driveway entrance onto Highway 46. A stop sign is posted for traffic existing the project site, and there is an existing left turn lane in the center of the highway to accommodate left turns from travelers in the eastbound traffic lane of Highway 46.

Impact.

Ordinance Amendment

The proposed ordinance amendment would allow an expansion of allowable uses on the project site. The proposed project was referred to Caltrans for review. Caltrans responded to the referral with concerns regarding additional traffic trips, high-speed traffic through the area, and safety hazards (J. Klimer; April 26, 2004). Caltrans requested submittal of a traffic study for proposed land uses on the project site.

Conditional Use Permit

The applicant submitted a traffic study pursuant to Caltrans' referral response to the ordinance amendment. The traffic study (Orosz Engineering Group, Inc.; June 25, 2004) evaluated the difference

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between trips generated by the existing allowable land use and the proposed land use, and the adequacy of the left turn access into the project site. Based on the traffic report, the existing allowable land use (automobile storage and used car sales) would generate approximately 45 trips per day, with four AM and four PM peak hour trips. The proposed project is estimated to generate 19 trips per day, with four AM and four PM peak hour trips. Based on the similar rates of trip generation, there would be no significant traffic impacts related to trip generation (Orosz Engineering Group, Inc.; June 25, 2004). The traffic study report states that operation of the proposed project would generate approximately 20 truck trips per week to deliver or deposit materials. These truck trips would occur during off-peak hours of 9:00 a.m. to 3:00 p.m. Monday through Friday. Based on the frequency of the off-peak hour truck trips, the existing left turn lane design would be adequate (Orosz Engineering Group, Inc.; June 25, 2004). Caltrans reviewed and approved the submitted traffic study report (J. Kilmer; July 7, 2004). Based on the results of the traffic study report, and Caltrans review and approval of the report, no significant traffic impacts would occur as a result of the proposed project.

Mitigation/Conclusion. To ensure that future land uses do not result in a significant safety hazard or traffic impact, planning area standards shall be adopted requiring approval of a discretionary permit (Minor Use Permit at a minimum) and the submittal of a traffic study report for review and approval by the County of San Luis Obispo and Caltrans at the time of application for the discretionary permit. If improvements are necessary, the applicant shall be required to obtain an encroachment permit from Caltrans.

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

Setting. Existing development on the proposed project site includes a septic system and leachfield. Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the underlying soil types are Mocho Clay Loam (0-2% slope) and San Emigdio Fine Sandy Loam (2-9% slope). For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the soil's ability to percolate or "filter" effluent, the soil's depth and the slope on which the system is placed. To assure a successful system that meets the Central Coast Basin Plan, additional analysis or engineering is needed when one or more factors exist: the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics)or is too slow (slower or more than 120 minutes per inch); the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or the separation between the bottom of the leach line to bedrock or high groundwater is less than five feet.

Impact. Based on the NRCS Soil Survey, the main limitation(s) of this soil for wastewater effluent is slow percolation. This characteristic indicates that fluids may percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch.

Ordinance Amendment
There is an existing septic system and leachfield onsite. If an additional system is determined necessary in a alternate location on the project site, the project applicant would be required by Title 19 of the County

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Code (Building and Construction), the Uniform Plumbing Code, and the Central Coast Basin Plan to submit additional information that shows the leach area can adequately percolate. Based on implementation of existing County Code and State standards, no significant impacts would occur as a result of the proposed ordinance amendment.

Conditional Use Permit
The applicant is proposing to utilize an existing septic system and leach field. No impacts are anticipated.

Mitigation/Conclusion. Based on compliance with County Code, the Uniform Building Code, and Central Coast Basin Plan, no additional planning area standards are required.

14. WATER - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	☐	■	☐	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	☐	■	☐	☐
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☐	■	☐
d) Change the quantity or movement of available surface or ground water?	☐	☐	■	☐
e) Adversely affect community water service provider?	☐	☐	☐	■
f) Other _____	☐	☐	☐	☐

Setting.
Surface Water. Cholame Creek is located approximately 50 feet to the southwest on the opposite side of Highway 46/41 from the proposed project site.

Water Supply. There is an existing well onsite. The water source for this well is the Paso Robles Groundwater Basin. According to the *Annual Resource Summary Report* (2003), water levels have declined along the Highway 46 corridor east of Paso Robles, likely due to increased pumping associated with the development of rural ranchettes, vineyards, and golf courses (2003). The report does not recommend a level of severity at this time, and an update report is currently underway.

Impact.
Water Supply. Based on the continued use of the existing well onsite, no significant impacts to water supply would occur as a result of the proposed ordinance amendment and conditional use permit.

Surface Water.
Ordinance Amendment
Implementation of the proposed ordinance amendment is not likely to result in impacts to Cholame Creek due to the highway barrier between the creek and the proposed project site. The project site is nearly level, and development is unlikely to result in erosion and off-site sedimentation. If future land uses propose the use or storage of hazardous materials, the project would be reviewed by County staff to ensure that these materials are stored and disposed of consistent with Section 22.10.070 of the Land Use Ordinance (Flammable and combustible liquids storage), and may require a discharge permit pursuant to the National Pollutant Discharge Elimination System (NPDES) permit program, which would include preparation of a Storm Water Pollution Prevention Plan (SWPPP) to be approved by the State Water

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Quality Control Board (SWQCB). The SWPPP would include measures to avoid or minimize pollutant discharge during a rain event. Based on implementation of the County Ordinance and compliance with NPDES and SWQCB requirements, no significant water pollution impacts would occur as a result of the proposed ordinance amendment.

Conditional Use Permit
Operation of the proposed facility would include the use and storage of oils and paint. The applicant is proposing to store approximately 20 to 25 gallons of paint at any time during operation of the facility. Up to 50 gallons of waste oil from proposed equipment would be stored onsite before being picked up by a hazardous materials company for proper disposal. During a rain event, oils and other pollutants may be carried off-site by stormwater, potentially discharging into Cholame Creek located on the opposite side of the highway, resulting in a potentially significant impact.

Mitigation/Conclusion.
Ordinance Amendment
Based on implementation of local, State, and Federal guidelines established by the County of San Luis Obispo, the State Water Quality Control Board, and Environmental Protection Agency, no additional planning area standards are necessary.

Conditional Use Permit
To minimize the potential for stormwater and surface water pollution during operation of the proposed facility, the applicant has agreed to submit a Waste Discharge Report (WDR) permit application and Stormwater Pollution Prevention Plan (SWPPP) to the Central Coast Regional Water Quality Control Board (RWQCB) for review and approval.

Surface Water. Implementation of an approved erosion and sedimentation control plan including best management practiced and pollution prevention measures would reduce impacts to surface water to a level of insignificance (refer to Section 6).

15. LAND USE - *Will the project:*	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) ***Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?***	☐	☐	■	☐
b) ***Be potentially inconsistent with any habitat or community conservation plan?***	☐	☐	■	☐
c) ***Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?***	☐	☐	■	☐
d) ***Be potentially incompatible with surrounding land uses?***	☐	☐	■	☐
e) ***Other*** _____	☐	☐	☐	☐

Setting/Impact. The proposed ordinance amendment and conditional use permit were reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g. County Land Use Ordinance, and the Shandon-Carrizo Land Use Element). The project was found to be consistent with these documents. The proposed project is not within or adjacent to a Habitat Conservation Plan area.

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The surrounding land uses consist of livestock grazing and hay production. The proposed project site is within the Commercial Service land use category, and was historically developed as a automobile storage and used car sales facility. The proposed ordinance amendment and proposed metal fabrication facility are consistent with the historic use of the project site.

Mitigation/Conclusion. No significant land use impacts would occur as a result of the proposed ordinance amendment and conditional use permit, and no planning area standards or mitigation measures are required.

16. MANDATORY FINDINGS OF SIGNIFICANCE - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*	☐	■	☐	☐
b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project's, and the effects of probable future projects)*	☐	■	☐	☐
c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*	☐	☐	■	☐

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

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Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
X	County Public Works Department	**In File***
X	County Environmental Health Division	***Attached; pers. comm.09/16/2003***
X	County Agricultural Commissioner's Office	**Attached; pers. comm. 07/14/04**
___	County Airport Manager	**Not Applicable**
___	Airport Land Use Commission	**Not Applicable**
X	Air Pollution Control District	**Attached**
___	County Sheriff's Department	**Not Applicable**
X	Regional Water Quality Control Board	**None**
___	CA Coastal Commission	**Not Applicable**
X	CA Department of Fish and Game	**Pers. comm. 03/23/04**
X	CA Department of Forestry	**In File***
X	CA Department of Transportation	**Attached**
X	Shandon Community Service District	**In File***
X	Shandon Advisory Group	**Attached**

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

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

✔ Project File for the Subject Application

County documents

___ Airport Land Use Plans
✔ Annual Resource Summary Report
✔ Building and Construction Ordinance
___ Coastal Policies
✔ Framework for Planning (Coastal & Inland)
✔ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
  - ✔ Agriculture & Open Space Element
  - ✔ Energy Element
  - ✔ Environment Plan (Conservation, Historic and Esthetic Elements)
  - ✔ Housing Element
  - ✔ Noise Element
  - ___ Parks & Recreation Element
  - ✔ Safety Element
✔ Land Use Ordinance
___ Real Property Division Ordinance
✔ Trails Plan
___ Solid Waste Management Plan
✔ Shandon-Carrizo Area Plan and Update EIR
___ _____ Circulation Study

Other documents

✔ Archaeological Resources Map
✔ Area of Critical Concerns Map
✔ Areas of Special Biological Importance Map
✔ California Natural Species Diversity Database
✔ Clean Air Plan
✔ Fire Hazard Severity Map
✔ Flood Hazard Maps
✔ Natural Resources Conservation Service Soil Survey for San Luis Obispo County
✔ Regional Transportation Plan
✔ Uniform Fire Code
✔ Water Quality Control Plan (Central Coast Basin - Region 3)
___ Other _____
___ Other _____

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

Orosz Engineering Group, Inc. June 25, 2004. *Traffic Assessment for Proposed Relocation on Highway 46 East of Shandon.*

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Loretta Gale Morgan, Helianthus, Inc. August 8, 2003. Phase I Environmental Site Assessment, Cockrum Garage, 17995 E Hwy 46, Shandon, California

Geocon Consultants, Inc. January 2001. Preliminary Site Investigation Report, Highway 46.

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Exhibit B - Mitigation Summary Table

Ordinance Amendment:

The following planning area standards shall be incorporated into the *Shandon-Carrizo Area Plan* for the 1.8-acre project site:

1. At a minimum, Minor Use Permit approval is required for all proposed new land uses.

2. At the time of Minor Use Permit or Conditional Use Permit application, the applicant shall submit a landscaping and fencing plan showing how all structures, equipment, and materials would be screened from public view.

3. At the time of Minor Use Permit or Conditional Use Permit application, the applicant shall submit a traffic study report to the County Departments of Planning and Building and California Department of Transportation for review. The report shall document existing conditions on the Highway 46 corridor, identify any impacts associated with the proposed development, and recommend mitigation measures.

Conditional Use Permit:

Aesthetics

AE-1 Prior to issuance of construction permits and occupancy, the applicant shall submit a landscape and fencing plan that provides solid fencing and screening landscaping at the entrance and all sides, to screen the site and structures from public view from the existing and realigned Highway 46 East. Landscaping and fencing is to be installed according to the approved landscape and fencing plan prior to final inspection and occupancy permit. Landscaping on the west side of the site may be bonded for installation at the time that the realignment of Highway 46 East commences in construction.

Air Quality

AQ-1 Prior to final inspection *or issuance of a business license and occupancy of the site*, the applicant shall submit copies of all *Permit to Operate* permits issued by the County of San Luis Obispo Air Pollution Control District (APCD).

Biological Resources

Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Shandon-Cholame area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 3:1, which requires that a total compensatory acreage of 5.1 (1.7 acres multiplied by a 3:1 ratio) be mitigated. Total compensatory mitigation required for the project is 5.1acres, based on 3 times 1.7 acres impacted. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

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BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 5.1 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects if this program must be in place before County permit issuance or initiation of any ground disturbing activities.

b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Your fee, payable to The Nature Conservancy, would total $12,750.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase 5.1 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 5.1 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation

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Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

BR-2 Prior to issuance of grading and/or construction permits, the applicant shall retain a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. Before commencing with project activities, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:

1. Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

a) Potential kit fox den: 50 feet

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b) Known or active kit fox den: 100 feet

c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 Prior to issuance of grading and/or construction permit, the applicant shall clearly delineate as a note on the project plans, that: Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox. In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BR-3 through BR-11 of your Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5 Prior to issuance of grading and/or construction permit, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed and distributed to all contractors, employers and other personnel involved with the construction of the project.

BR-6 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-7 During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

4-46

BR-8 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-9 Prior to, during and after the site-disturbance and/or construction phase, use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-10 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

BR-11 Prior to final inspection or occupancy, whichever comes first, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";

b. If a more solid wire mesh or a solid fence or wall is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

4-47

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason

Hazards/Materials

HM-1 Prior to issuance of construction permits *final inspection of any outstanding permits and occupancy through a business license*, the applicant shall prepare a Spill Prevention and Contingency Plan *and a Hazardous Materials Business Plan* for the review and approval of the County Departments of Planning and Building and Environmental Health. The plans shall address the *safe storage and handling, and the* prevention of release of oils, paint, and any other hazardous materials.

Water

W-1 Prior to issuance of construction permits, *final inspection of any outstanding permits and occupancy through a business license*, the applicant shall submit documentation of a Waste Discharge Report (WDR) permit and/or National Pollutant Discharge Elimination System (NPDES) permit, and Stormwater Pollution Prevention Plan (SWPPP) approved by the Regional Water Quality Control Board (RWQCB) and State Water Quality Control Board (SWQCB), or documentation stating why these permits and plans were not required.

DATE: October 12, 2004

DEVELOPER'S STATEMENT FOR
PASO PACIFIC CONDITIONAL USE PERMIT
DRC2003-00094; ED03-425

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

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

The following mitigation measures address impacts that may occur as a result of the development of the project.

Aesthetics

AE-1 Prior to issuance of construction permits and occupance, the applicant shall submit a landscape and fencing plan that provides solid fencing and screening landscaping at the entrance and all sides, to screen the site and structures from public view from the existing and realigned Highway 46 East. Landscaping and fencing is to be installed according to the approved landscape and fencing plan prior to final inspection and occupancy permit. Landscaping on the west side of the site may be bonded for installation at the time that the realignment of Highway 46 East commences in construction.

> **Monitoring:** The County Planning and Building Department shall review and approve the landscape and fencing plan prior to issuance of construction and occupancy permits and inspect and approve the required installation(s) prior to final construction inspection and occupancy permit.

Air Quality

AQ-1 Prior to final inspection, the applicant shall submit copies of all Permit to Operate permits issued by the County of San Luis Obispo Air Pollution Control District (APCD).

> **Monitoring:** The County Planning and Building Department shall verify receipt of required permits.

Biological Resources

Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Shandon-Cholame area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 3:1, which requires that a total compensatory acreage of 1.5 (0.5 acres multiplied by a 3:1 ratio) be mitigated. Total compensatory mitigation required for the project is 1.5 acres, based on 3 times 0.5

acres impacted. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

BR-1 **Prior to issuance of grading and/or construction permits,** the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.5 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative (a.), requires that all aspects if this program must be in place before County permit issuance or initiation of any ground disturbing activities.

b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

   Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Your fee, payable to The Nature Conservancy, would total $3,750.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase 1.5 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

   At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 1.5 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

BR-2 **Prior to issuance of grading and/or construction permits**, the applicant shall retain a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities,** if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. **Before commencing with project activities**, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, **before project activities commence,** the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:

1. Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

   a) Potential kit fox den: 50 feet
   b) Known or active kit fox den: 100 feet
   c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been

terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

BR-3 **Prior to issuance of grading and/or construction permit,** the applicant shall clearly delineate as a note on the project plans, that: *Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox.* In addition, **prior to permit issuance and initiation of any ground disturbing activities,** conditions BR-3 through BR-11 of your Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

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BR-6 **During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

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BR-10 **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

BR-11 **Prior to final inspection or occupancy, whichever comes first,** should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";

b. If a more solid wire mesh or a solid fence or wall is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Monitoring (San Joaquin Kit Fox Measures BR-3 – BR-11): Compliance will be verified by the County Division of Environmental and Resource Management in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason

Hazards/Materials

HM-1 **Prior to issuance of construction permits,** the applicant shall prepare a Hazardous Materials Business Plan and a Spill Prevention and Contingency Plan for the review and approval of the County Department of Environmental Health Services. The plans shall address an inventory of on-site hazardous materials, emergency response procedures, usage training, safe storage and handling, and spill prevention of oils, paint, and any other hazardous materials.

> **Monitoring:** The County Department of Planning and Building shall verify receipt and approval of the required plan.

Water

W-1 **Prior to issuance of construction permits,** the applicant shall submit documentation of a Waste Discharge Report (WDR) permit and/or National Pollutant Discharge Elimination System (NPDES) permit, and Stormwater Pollution Prevention Plan (SWPPP) approved by the Regional Water Quality Control Board (RWQCB) and State Water Quality Control Board (SWQCB), or documentation stating why these permits and plans were not required.

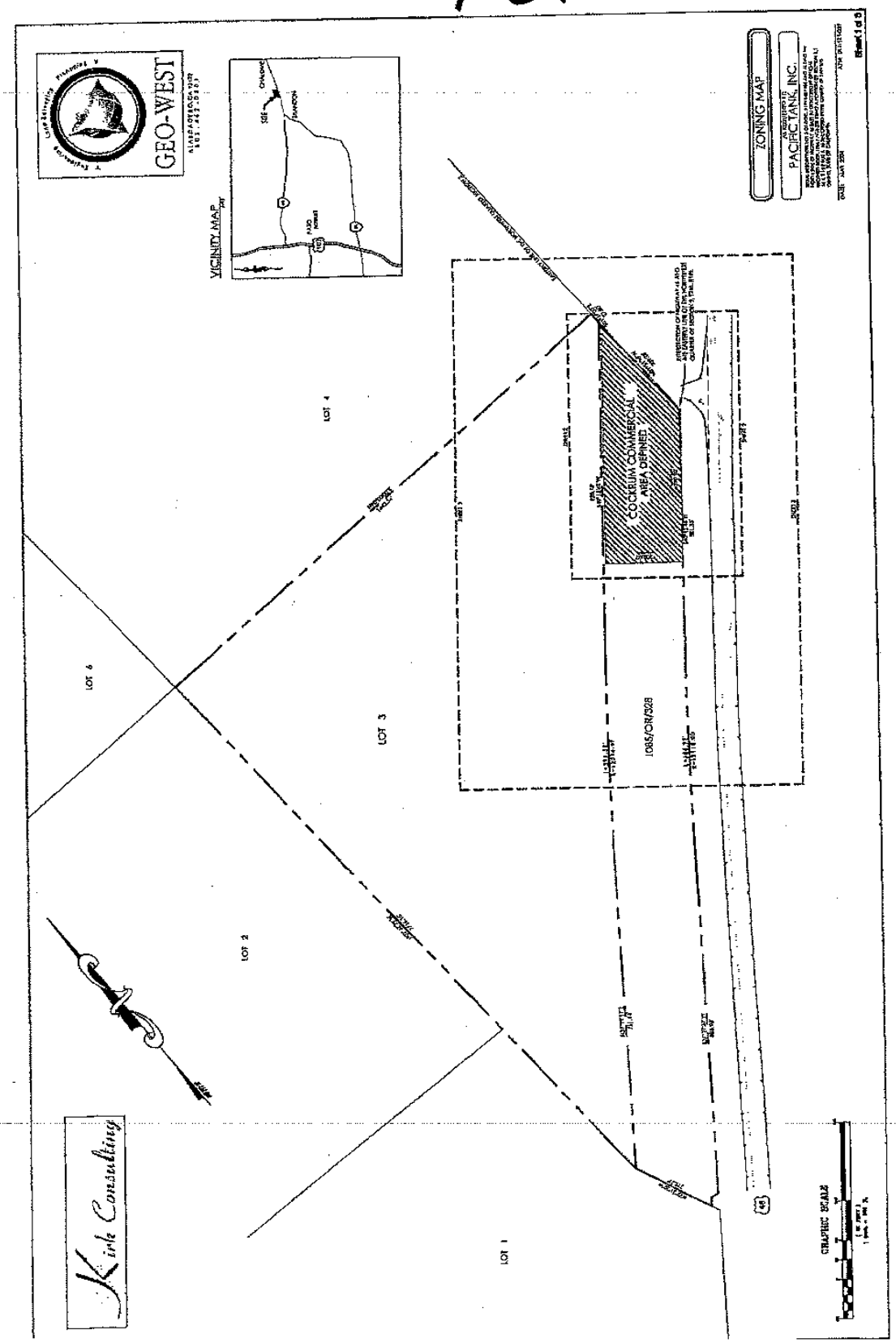
> **Monitoring:** The County Department of Planning and Building shall verify receipt of required permits, authorizations, and plans.

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

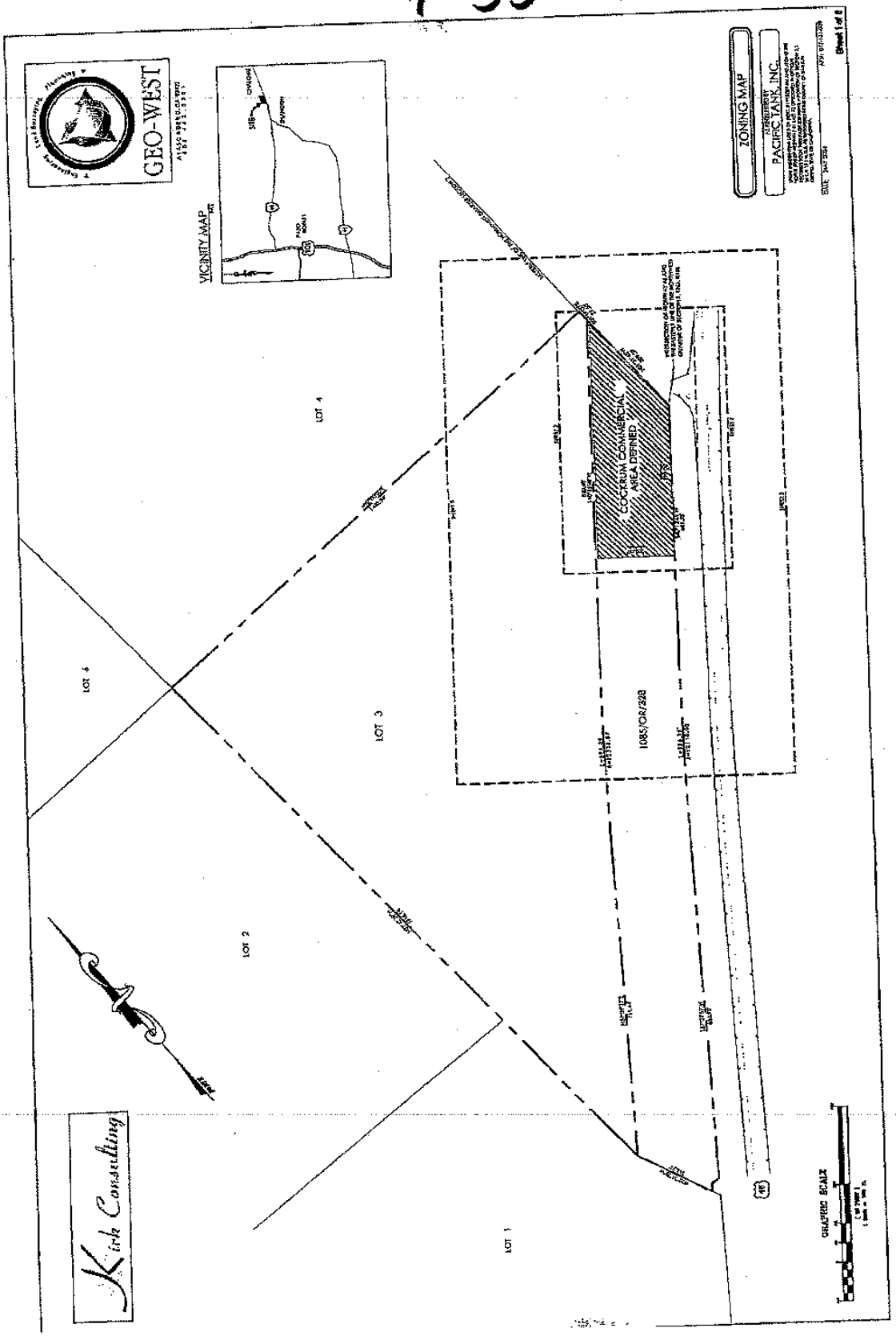
Signature of Owner(s) 10-12-04
Date

Rusty Pauls
Name (Print)

4-54


GEO-WEST
VICINITY MAP
ZONING MAP
PACIFIC MINE, INC.
COCHELLA COMMERCIAL AREA DEFINED
LOT 1
LOT 2
LOT 3
LOT 4
LOT 6
1085/OR/328
Kirk Consulting
GRAPHIC SCALE

4-55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VICINITY MAP
ZONING MAP
PACIFIC TANK, INC.
LOT 1
LOT 2
LOT 3
LOT 4
LOT 4
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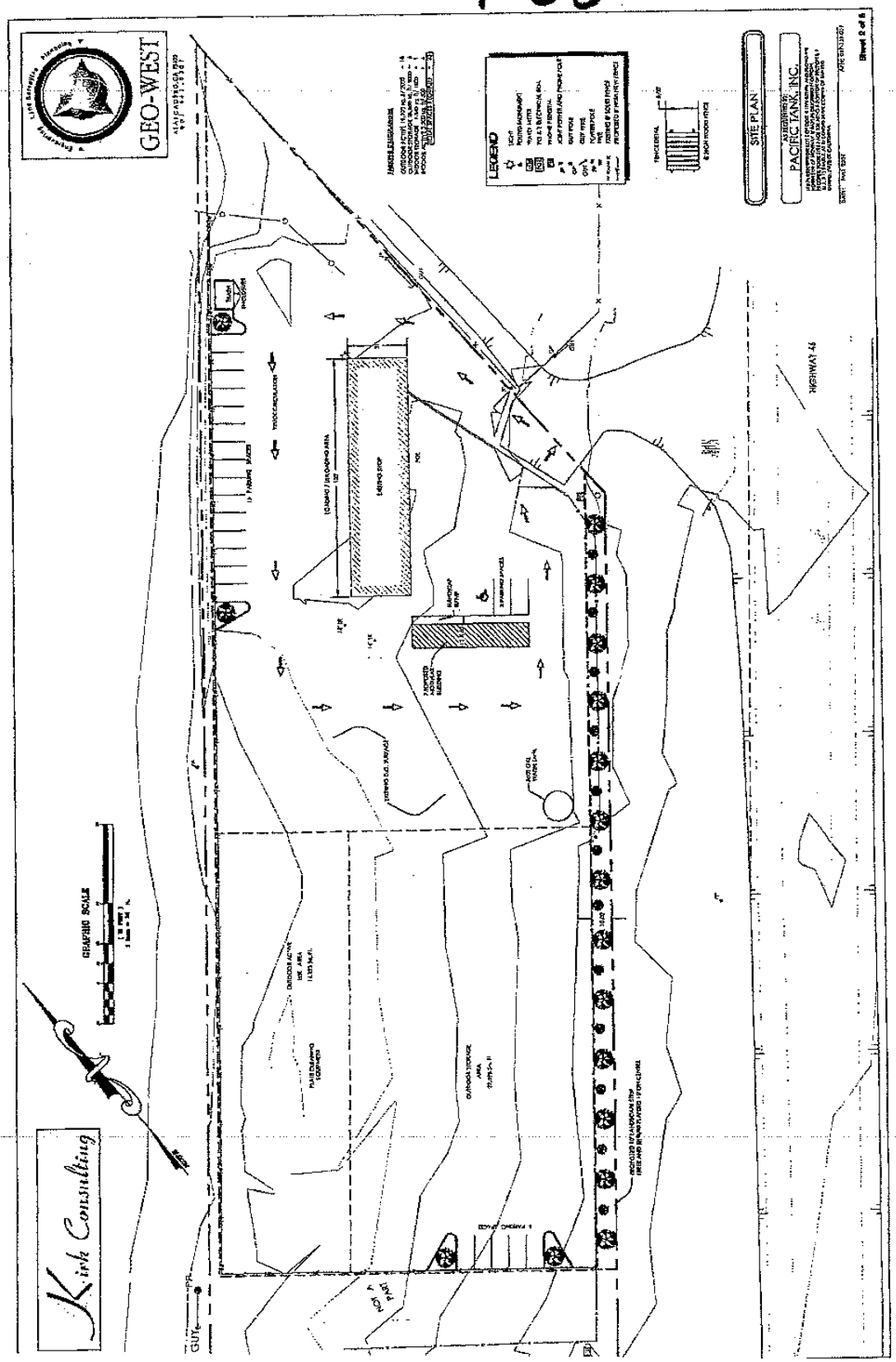
1085/OR/228
GRAPHIC SCALE
Kirk Consulting

4-56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LEGEND
SITE PLAN
PACIFIC TANK, INC.
HIGHWAY 46
GRAPHIC SCALE
Kirk Consulting

County of San Luis Obispo • Public Health Department

Environmental Health Services
2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

4-57

September 16, 2003

Paso Pacific Properties, LLC
c/o The Walker Law Firm
David T. Sanford
1301 Dove St., Suite 450
Newport Beach, CA 92660-2464

Re: Preliminary Site Investigation Report for Cockrum's Garage, 17995 E. Highway 46, Shandon, CA 93461

Dear Mr. Sanford,

I have reviewed the Preliminary Site Investigation Report for Cockrum's Garage, 17995 E. Highway 46, Shandon, CA 93461, dated January 18, 2001 prepared by Geocon Consultants, Inc., and have concluded the following:

1. Nine direct-push soil borings were advanced to depths ranging from 0.5 to 6.0 meters below ground surface adjacent to the former underground storage tank and dispenser locations.
2. The soil samples collected were analyzed for California Code of Regulations, Title 22 Metals; total petroleum hydrocarbons as gasoline, diesel, motor oil; benzene; toluene; ethylbenzene; xylene; fuel oxygenated compounds; volatile organic compounds; ethylene glycol; and pH.
3. The analytical results for the soil samples collected are well below regulatory limits and recommended action levels.
4. The site investigation has adequately characterized the site.
5. No further action is required at this time.

This decision is based on the information provided in the listed report and is subject to the provision that the information provided therein is accurate and representative of site conditions. Please be advised that if site conditions change or hazardous materials from this site impact soil or groundwater, remedial action could be required.

If you have questions regarding this matter, please contact me at (805) 781-5557.

Sincerely,

Scott Milner
Environmental Health Specialist III
Hazardous Materials Section

cc: Kevin J. Brown, RG; Geocon Consultants, Inc.

4-58

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

RECEIVED
MAR 19 2004
Planning & Bldg

RECEIVED
MAR 11 2004
ENVIRONMENTAL HEALTH

THIS IS A NEW PROJECT REFERRAL

DATE: March 10, 2004

TO: Env. Health

G030016L - Paso Pacific Properties
Project Name & Number

FROM: Jim Lopes
Development Review Section (PHONE: 781-5975)

PROJECT DESCRIPTION: A request by Pacific Tank and Construction / Paso Pacific Properties to amend a Land Use Ordinance standard (Section 22.110.020.C, Article 9) to replace a current limitation on use with one that allows Metal Industries (Fabricated), Small Scale Manufacturing, Contract Construction, and Farm Equipment and Supplies, in the Commercial Service category at a site 2.6 miles north of the Shandon Highway 41/46 intersection.

STATUS: The Board of Supervisors authorized the application to be processed on March 9, 2004. The initial study of the application will proceed next. Comments on the amendment should address your agency's technical concerns at this time.
Should previous pollution from former wrecking yard be considered and cleaned up?
Return this letter with your comments attached no later than March 23, 2004
Soils Test?

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

✓ YES (Please go on to PART II.)
___ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

✓ NO (Please go on to PART III.)

___ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. **IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.**

Environmental Health has no comments or conditions to amend the Land Use Ordinance. If a Development Plan or C.U.P. or M.U.P. is requested then soil testing for metals and hydrocarbons may be required.

3/18/04 — Date
Robert Wilson — Name
x5551 — Phone

REF.ltr\1/23/96/lj
G:\A_files\General Plan Amendments\Fiscal 2003-2004\G030016L - Paso Pacific\Letters\Referral letter Paso Pacific.wpd

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • 1-(800) 834-4636
EMAIL: ipcopling@slonet.org • FAX: (805) 781-1242 • WEBSITE: http://www.slonet.org/vv/ipcopling

Bob Morenza

4-59

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

RECEIVED
MAR 1 1 2004
Planning & Bldg

THIS IS A NEW PROJECT REFERRAL

DATE: March 10, 2004

TO: Building Division

G030016L - Paso Pacific Properties
Project Name & Number

FROM: Jim Lopes
Development Review Section (PHONE: 781-5975)

PROJECT DESCRIPTION: A request by Pacific Tank and Construction / Paso Pacific Properties to amend a Land Use Ordinance standard (Section 22.110.020.C, Article 9) to replace a current limitation on use with one that allows Metal Industries (Fabricated), Small Scale Manufacturing, Contract Construction, and Farm Equipment and Supplies, in the Commercial Service category at a site 2.6 miles north of the Shandon Highway 41/46 intersection.

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→ Should pollution from previous wrecking yard be determined for clean up? Soil Test?

Return this letter with your comments attached no later than March 23, 2004

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PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. **IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.**

The building Division doesn't have jurisdiction over clean up. (ENVIRO. HEALTH / APCD) IF GRADING IS REQUIRED BY ABOVE DETERMINATION A PERMIT WILL BE REQUIRED

Date 3/15/03 Name BOB MORENZA Phone 781-5709

REF.ltr\\1/23/96/lj
G:\A_files\General Plan Amendments\Fiscal 2003-2004\G030016L - Paso Pacific\Letters\Referral letter Paso Pacific.wpd

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • 1-(800) 834-4636
EMAIL: ipcoplng@slonet.org • FAX: (805) 781-1242 • WEBSITE: http://www.slonet.org/vv/ipcopln

AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

4-60

DATE: March 23, 2004

TO: Jim Lopes, Development Review Section
San Luis Obispo County Department of Planning and Building

FROM: Andy Mutziger AJM
San Luis Obispo County Air Pollution Control District

SUBJECT: Paso Pacific Properties Land Use Amendment & for the Pacific Tank and Construction Relocation (G030016L)

Thank you for including the Air Pollution Control District (District) in the environmental review process. We have completed our review of the proposed relocation of the Pacific Tank and Construction Inc. operation from Paso Robles to 179954 East Highway 46 near Shandon. There are use restrictions on the property that need to be modified to allow the proposed metal fabrication, small scale manufacturing, construction contractors, and farm equipment and supplies. We have the following comments on the proposal.

SPECIFIC COMMENTS

The District appreciates this business move as it will reduce the vehicle miles traveled and associated emissions because Pacific Tank and Construction will be closer to the company tank manufacturing site in Fresno and closer to many of the rural customers for whom they will serve.

Operational Phase Permitting

District Rule 202 identifies that any person building or erecting equipment, the use of which may cause the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer. If painting operations will be part of the tasks accomplished at the 179954 East Highway 46 location, the company will have to apply for a permit with the District and implement Reasonable Available Control Technology to the coating operation. Contact David Dixon of the District's Engineering Division at (805) 781-5912 for assistance in this process.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

AJM/lmg

cc: David Dixon, APCD Engineering Division

H:\ois\plan\response\2850.doc

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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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

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.ca.gov/dist05

4-61

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Flex your power!
Be energy efficient!

April 26, 2004

SLO – 46 PM 51.40
Paso Pacific Properties
GL030016L – Amend
Land Use Ordinance

New Project Referral

Mr. Jim Lopes, Long Range Planning
San Luis Obispo County Govt. Center
Department of Planning & Building
San Luis Obispo, CA. 93408

Dear Mr. Lopes:

Thank you for submitting the Paso Pacific Properties New Project Referral. The California Department of Transportation (Department) Development Review Staff has reviewed the above referenced document and as result, the following comments were generated.

The Department requests that the applicant for this project be conditioned to perform a traffic study (prepared by a Licensed Traffic Engineer) to determine traffic related impacts to State Route 46. Due to the anticipated increases in the number of trips and the types of vehicles (e.g. large feed/alfalfa and steel tank component trucks) associated with those trips, the traffic study will need to document existing conditions, and existing + project conditions. Increases in trip generation (project peak hour trips) will need to be based on Institute of Traffic Engineer (ITE) Trip Generation, 7th Edition tables.

The traffic study will also need to verify if the geometrics of the existing left-turn channelization is sufficient enough to accommodate existing traffic plus the proposed project's traffic. Similarly, the study will need to document if right-turn channelization will be required. The traffic study will need to document the ambient (85th percentile) traffic speeds in a speed zone survey for this location. This will help gauge the appropriate length of the deceleration taper that may be needed for both the left and right-turn channelization.

"Caltrans improves mobility across California"

4-62

The Department feels that requiring the applicant to perform the traffic study is a prudent course of action. Increased traffic volumes, high-speed traffic and the fact that this section of State Route 46 is a "Safety Corridor", dictates that all precautions be taken to insure the traveling public's safety.

Thank you submitting this New Project Referral for our review. If you have any further questions, please feel free to contact me at 549-3683.

Sincerely,

James Kilmer
District 5
Development Review

Enclosure/Attachment

cc: File, D. Murray, R. Barnes

"Caltrans improves mobility across California"

COUNTY OF SAN LUIS OBISPO 4-63

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Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY
AGRICULTURAL COMMISSIONER/SEALER
(805) 781-5910
FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

DATE: **June 1, 2004**

TO: **Jim Lopes, Planner III**

FROM: **Lynda L. Auchinachie, Agriculture Department**

SUBJECT: **Paso Pacific Properties Land Use Ordinance Amendment G030016L (0849)**

Executive Summary

The proposed Land Use Ordinance (LUO) amendment to change the existing limitation on use to allow for Metal Industries, Small Scale Manufacturing, Contract Construction, and Farm Equipment and Supplies would not result in significant impacts to on-site or adjacent agricultural resources or operations.

The following report is in response to your request for comments on the proposed Paso Pacific Land Use Ordinance Amendment. The comments and recommendations in our report are based on agricultural policies in the San Luis Obispo County Agriculture and Open Space Element and current departmental goals to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

A. Project Description and Agricultural Setting

The applicant is requesting to change the existing limitation on use to allow for Metal Industries, Small Scale Manufacturing, Contract Construction, and Farm Equipment and Supplies on an approximately 1.8 acre site within the Commercial Service land use category. The project site is located at 179954 Highway 46 East, approximately 2.6 miles northeast of the intersection of Highway 46 East and Highway 41 at Shandon. The applicant's intent is to serve the needs of the north county rural area. The surrounding properties are within the Agriculture land use category and have historically supported grazing and hay production activities. The majority of properties are under Williamson Act contract.

The 1.8 acre project site consists of Class I irrigated soil (Class IV non-irrigated) that have previously been developed with a towing service/storage yard and used car sales lot.

4-64

B. Evaluation of Agricultural Issues

Introduction

Our evaluation and comments concerning the proposed LUO amendment includes impacts to on-site and adjacent agricultural resources and operations. Projects which lead to the conversion of land capable of production agriculture, or causes a direct or indirect impact to adjacent agricultural lands are not supported.

1. Impacts to On Site Agricultural Capability

The proposal to allow additional uses on the 1.8 acre project site would not further impact/convert prime soils as the site has been previously developed with a towing service/storage yard and used car sales lot.

2. Impacts to Adjacent Agricultural Lands

Agricultural lands surround the project site. The properties have historically supported grazing and hay production activities. The proposed uses may create dust and pollutants if such practices as sandblasting and surface coating of metal are utilized. Such dust and pollutants may impact agricultural resources and operations. These type of activities often require permitting from the Air Pollution Control District (APCD). Such permitting aims to reduce impacts to surrounding areas. For these reasons, site specific development should be referred to the APCD. Additionally, the Agriculture and Open Space Element, Agricultural Policy 17: Agricultural Buffers, addresses such concerns in accordance with the agricultural buffer policy. Agricultural buffers and other mitigation measures may be needed to address dust concerns and should be determined by the Agriculture Department at the time development plans are submitted.

If we can be of further assistance please call, 781-5914.

7/14 → [illegible] unit: buffer 2. [illegible]

[illegible] dust [illegible]

4-65

Orosz Engineering Group, Inc
1627 Calzada Avenue
Santa Ynez, California 93460
Phone/FAX 805-688-7814
email oeg@quixnet.net

OEG Ref 060304

June 25, 2004

Mr. Rusty Pauls
Pacific Tank and Construction
P.O. Box 2298
Paso Robles, CA 93447

Subject: Traffic Assessment for Proposed Relocation on Highway 46 East of Shandon

Dear Mr. Pauls:

In response to Caltrans comments on the proposed project, Orosz Engineering Group, Inc (OEG) has conducted this traffic assessment for the proposed project. We have visited the project site and have reviewed Caltrans comments.

There are two primary concerns identified by Caltrans. The first issue is regarding trip generation, comparing the existing site uses with the proposed site uses. The second issue is the adequacy of the left turn access into the project site.

Proposed Project Location

The proposed project is located on the northside of Highway 46 east of Shandon at Postmile 51.40 in the County of San Luis Obispo. The existing site contains a towing service, car sales office and storage facility. To the east of the project site, Highway 46 provides two vehicular lanes in each direction separated by a concrete barrier. To the west of the project site, Highway 46 narrows to one lane in each direction with a painted center stripe. The speed limit is 55 MPH and vehicles travel at or slightly above this speed.

Trip Generation

The existing site uses consist of a towing service, used car sales and storage of wrecked vehicles. Structures on-site consist of a 3,600 square foot shop/warehouse and 800 sf office. The best fit estimate of the existing trip generation is based on car sales ITE Code 841 and warehousing ITE Code 150. Using the trip generation data from the 7th edition of the ITE Trip Generation Reference (as requested by Caltrans), the existing site could generate approximately 45 trips per day with four AM and four PM peak hour trips.

The proposed project uses include a manufacturing facility and related offices. The best fit estimate for trip generation for the proposed project would be ITE Code 140 – Manufacturing. Using the same trip generation rate source, the proposed project is estimated to generate 19 trips per day with four AM and four PM peak hour trips.

Based on the similar trip generation for the existing and proposed uses, there would be no significant impact on the operation of Highway 46 in the vicinity of the project.

4-66

Mr. Rusty Pauls
June 25, 2004
Page 2

Access

Access to the existing Highway 46 mainline will remain unchanged with the proposed project. There is an eight foot (2.4 meter) shoulder adjacent to the project frontage. This shoulder flares at the project driveway. A STOP sign is posted for traffic exiting the project site. Left turns from the highway are accommodated by the existing left turn lane. The sight distance is unobstructed in both directions.

With no change in the number of vehicles entering or leaving the site being anticipated, the existing access should operate acceptably. With the proposed project, approximately 20 trucks per week will deposit materials or deliver finished products to other destinations. These truck trips will occur during off-peak hours 9 AM to 3 PM Monday through Friday. Based on the frequency of the truck trips, no significant impacts are expected. Further as it is unlikely that more than one truck would be making a left turn into the site from the left turn lane at the same time, the existing left turn lane design would be able to accommodate the truck and not impede through traffic.

Conclusion

The proposed project is expected to result in approximately the same trip generation as the existing site uses. As such, the operation of the site access would remain unchanged. Based on the frequency of the off-peak hour truck trips, the existing left turn lane design should be adequate to store one truck and not block the adjacent through lane.

Should you have any questions, feel free to contact me.

Sincerely,

Orosz Engineering Group, Inc

cc. Ms. Jamie Kirk, Kirk Construction and Consulting

REGISTERED PROFESSIONAL ENGINEER
STEPHEN A. OROSZ
No. 1269
Exp. 9/30/04
TRAFFIC
STATE OF CALIFORNIA

4-67

RECEIVED JUL 14 2004 ENV. HEALTH

AUG - 4 20

PROJECT REFERRAL

MORRO GROUP, INC.
Environmental Services

DATE: July 12, 2004

TO: County Department of Environmental Health

FROM: Shawna Scott, Resource Specialist

SUBJECT: Applicant: Paso Pacific Properties, LLC
File Number: General Plan Amendment (G030016L)
Conditional Use Permit (DRC2003-00094)

PROJECT DESCRIPTION: Refer to attached Supplemental Development Statement.

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

_____ YES (Please go on to Part II)

_____ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

_____ NO (Please go on to Part III)

_____ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. **IF YOU HAVE "NO COMMENT", PLEASE INDICATE OR CALL 543-7095 extension 111.**

Please have Paso Pacific submit hazardous materials business plans to this office prior to final approval.

Response Date: 7-30-04 Name: Laurie Sale

Please return this letter with your comments as soon as possible.

1422 MONTEREY STREET, SUITE C200 • SAN LUIS OBISPO, CA 93401 • (805) 543-7095 • FAX 543-2367

4-68

Helianthus, Inc.
Geographical & Environmental Sciences
11240 N. Rodeo Drive
Flagstaff, AZ 86004-1080
PH: (928) 527-1265/FAX: (928) 527-0221

September 29, 2004

Pacific Tank
P.O. Box 2298
Paso Robles, California 93447
PH: (805) 237-2929/FAX: (805) 238-7403

Re:
Cockrum Garage
17995 E Hwy 46
Shandon, California
Parcel or ID# 017-13-039

To Whom It May Concern,

As per the recommendation number three (3) of the Phase I Site assessment conducted by this company in August of 2003, the mentioned pit was opened on Tuesday, August 19, 2003 with Thomas N. Yanaga and Chris Cockrum in attendance. This pit was, at that time, identified as containing the mechanisms for a pneumatic hydraulic car hoist, utilized in the past for car repair.

Sincerely,

Carol Haines

Carol Haines

4-69

Orosz Engineering Group, Inc

1627 Calzada Avenue
Santa Ynez, California 93460
Phone/FAX 805-688-7814
email oeg@quixnet.net

OEG Ref 060304

October 4, 2004

Mr. Rusty Pauls
Pacific Tank and Construction
P.O. Box 2298
Paso Robles, CA 93447

Subject: Trip Generation Summary for Project Site on Highway 46 East of Shandon

Dear Mr. Pauls:

In response to County comments on the proposed project, Orosz Engineering Group, Inc (OEG) has conducted this trip generation summary for the variety of uses that are permitted under the zoning proposed for the project site.

Trip Generation

The existing site uses consist of a towing service, used car sales and storage of wrecked vehicles. Structures on-site consist of a 3,600 square foot shop/warehouse and 800 sf office. The best fit estimate of the existing trip generation is based on car sales ITE Code 841 and warehousing ITE Code 150. Using the trip generation data from the 7th edition of the ITE Trip Generation Reference (as requested by Caltrans), the existing site could generate approximately 45 trips per day with four AM and four PM peak hour trips.

The proposed project uses include a manufacturing facility and related offices. The best fit estimate for trip generation for the proposed project would be ITE Code 140 – Manufacturing. Using the same trip generation rate source, the proposed project is estimated to generate 19 trips per day with four AM and four PM peak hour trips.

The County has inquired on the potential changes that could occur within the zoning designation proposed for the project. The zoning proposed could result in a variety of land uses being permitted on the site. These include: Metal Fabrication, Small Scale Manufacturing, Ag Processing/winery, Warehousing, Caretaker and ancillary uses, Construction Contractor, and Farm Equipment Sales.

These uses generally fall into five general land use categories in the ITE trip generation data files - Light Industrial, Manufacturing, Warehousing, Vehicle Sales and Residential. Application of the trip generation rates for these land use codes to the site square footage proposed (4,400 square feet) would yield a range of traffic volumes that the site could expect. This summary is provided in Table 1. For the potential ag processing/winery use, data collected at a number of wineries was used to estimate the potential trips generated by the site.

4-70

Table 1
Trip Generation Summary

Land Use	Daily	AM Peak Hour	PM Peak Hour
Light Industrial	30	4	4
Manufacturing	16	3	3
Warehousing	22	2	2
Vehicle Sales	146	9	12
Ag Processing/Winery	16	0	2
Residential/Caretaker	10	1	1
Existing Site Uses	45	4	4
Proposed Project	19	4	4

Conclusion

The proposed project and zoning is expected to result in approximately the same or fewer trips being generated as the existing site uses. As such, the operation of the site access would remain unchanged. The only land use proposed that could generate more traffic than the existing uses is the vehicle sales use.

Should you have any questions, feel free to contact me.

Sincerely,

Stephen A. Orosz, PE, PTOE
Orosz Engineering Group, Inc

cc. Ms. Jamie Kirk, Kirk Construction and Consulting

4-71

Table 1
Trip Generation Analysis

Project Statistics
4.4 Total Facility Size - Per 1000 sf
employees (FTE)
Acres of Vineyard
1.8 acre site
0.8 tasting room (KSF)
cases per year (1000)

ADT	TRIP RATES (Trips per unit)	PHT
2.49	Total Facility Size (ksf)	0.61
4.79	FTE	0.61
0.44	Vineyard Acreage	0.15
0.33	Property Acreage	0.11
44.45	Tasting Room Size (ksf)	4.79
1.85	Per 1000 Cases	0.46

ADT	PROJECT TRAFFIC	PHT
11	Total Facility Size (ksf)	3
0	FTE	0
0	Vineyard Acreage	0
1	Property Acreage	0
36	Tasting Room Size (ksf)	4
0	Per 1000 Cases	0
16	Average	2

4-72

EXHIBIT E

CORRESPONDENCE

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

4-73

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: Dec. 15, 2003

TO: Shandon Advisory

FROM: No. County Team (Please direct response to the above)

G030016 / Paso Pacific, LLC
Project Name and Number

Development Review Section (Phone: 788-2009)

PROJECT DESCRIPTION: Remove existing use restrictions on Cochrum Garage parcel and allow allowable uses in the Commercial Service Zone.

Return this letter with your comments attached no later than: 12-26-03

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

X YES (Please go on to Part II)
___ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

X NO (Please go on to Part III)
___ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III **INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.**

SAC has held multiple discussions on this topic and there seems to be overwhelming support for this project.

12/26/03
Date

Name

748-6500
Phone

M:\PI-Forms\Project Referral - #216 Word.doc
Revised 4/4/03

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600
EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.slocoplanbldg.com

4-74

Shandon Advisory Committee
Post Office Box 92
Shandon CA 93461-0092

October 12, 2002

Rusty Pauls
Tom Yanaga
Pacific Tank and Construction Inc.
Post Office Box 2298
Paso Robles CA 93447-2298

Rusty and Tom,

Thank you both for attending the Shandon Community Advisory meeting on October 2. We appreciate that you took time from your busy schedules to come to Shandon and inform the community about your project. We understand that you are contemplating the purchase of approximately 155 acres off of Hwy 46 behind the Cockrums Garage site. You want to relocate a metal tank fabrication facility to that location and would need approximately 10 acres rezoned from agricultural to a commercial or industrial use to facilitate that relocation.

Our advisory committee is only a liasion between the community of Shandon and the County of San Luis Obispo. Our area of influence are the boundaries of Shandon Unified School District. Your project is within that boundary. The advisory committee and the local residents of Shandon attending the October 2 meeting offered wholehearted support for your proposed project. We are, however, only an advisory committee and can only offer our opinion to county government, we decide nothing, and unlike yourselves we take no financial risk as to the outcome. **We wish we could do more to affect the rezoning other than just offering you our support. Should you need us to attend any county meetings on your behalf please do not hesitate to contact us we would like to be part of the process.**

Shandon residents liked your project for numerous reasons;

1 - Location,location,location!! We liked that the site is adjacent to Hwy 46 and that any truck traffic for your facility would not be routed thru our downtown. We also liked that you are right by Cockrums Garage and the old Tosco site. Although the property you are looking at is Ag. zoned it is in the vicinity of an existing commercial/industrial zoning. We in Shandon like the location as an enclave for other future business applications. There is no better location close to our town for such use. We do not wish to remain only a bedroom community. We like that others could be bringing their dollars to Shandon during their workday and we also like the idea of jobs for locals. Your defunct company San Luis Tank hired many a Shandon High graduate in it's day and we would look forward to your partnering with our school for apprenticeship possibilities.

4-75

2 - Money,money,money!! Your facility would triple or quadruple the tax revenues for that property. Once again, we want business in Shandon that bring dollars to our town. If you build it, hopefully, more commerce will come providing additional commercial/industrial jobs. That is a great location with great Hwy access and high visibility.

3 - Improvements !! The area is currently a highly visible eyesore what with the abandoned garage and abandoned refinery. Anything that you could do to improve the nearby property would be very much appreciated by those of us in Shandon.

Presumably industry will come to Shandon sooner or later. We in Shandon would like that to be sooner than later and we welcome the oppourtunity to have your company become part of our community.

Good luck as you endeavor to wade thru the processes involved and please keep us informed as to your progress. We have found our county supervisor Harry Ovitt and his aide Cliff Smith to be very helpful in guiding our committee thru proper channels in county government. I suggest you work with them as their guidance would be invaluable.

Sincerely,

Donna Ellis
Secretary, Shandon Advisory

4-76

Shandon Advisory Committee
Post Office Box 92
Shandon CA 93461-0092

March 5, 2004

Board of Supervisors
Rm 370, County Government Center
San Luis Obispo, CA 93408-2040
tarritt@co.slo.ca.us

Ladies and Gentlemen:

This letter is in support of the project being embarked on by Pacific Tank and Construction on their property located on Hwy 46, east of Shandon. This project has been discussed at length at our Shandon Advisory Committee meetings and has our absolute support. As far as the community is concerned, the benefits are many, while the negatives, if there are any, are few.

As you may or may not be aware, this project is taking place on property known by locals as the "Cockrum Garage" site, which was garage and wrecking yard condoned by the County. Although we have been told the permit was only for 5 vehicles, there were far more than that (50 would be a conservative number) in all forms of immobility present for many years. The Pacific Tank people have done a tremendous job of cleaning up this eyesore and we now have a relatively attractive location there. The location also differs, pleasantly, from most job sites in this area in that it directs traffic to the east of us, countering the dominant traffic flow.

The establishment of this sort of commercial/industrial economy in the Shandon area is welcomed with open arms. This diversification will only serve to strengthen our community's economy, which is traditionally agrarian based. Pacific Tank's predecessor, San Luis Tank, has hired many Shandon High School graduates in the past as welders. Pacific Tank has even been in discussions with the teachers at Shandon High regarding the donation of surplus material to the high school as well as the establishment of an ROP program.

Projects like this will help diversify and balance Shandon's economy. The Board recently considered the allowance of developing up to 1500 homes in Shandon. If we are going to be a viable community, we must be allowed to have head of household type jobs located in the Shandon area, not be solely a "bedroom community." This project has the potential to create some of these jobs. Shandon is completely in support of this project and, in fact, would love to find more like it. Please support this project when it is brought to you, as we believe it is one step in the right direction for Shandon in many respects.

Thank you for your consideration,

Randy Diffenbaugh
Secretary, Shandon Advisory Committee

4-77

Kennedy Maintenance & Repair
Post Office Box 420
465 Peaceful Valley Road
Shandon, California 93461
Office/Fax 805.238.4449

March 5, 2004

San Luis Obispo County Board of Supervisors
San Luis Obispo County Planning Dept.

Dear Sirs,

This is a letter of endorsement for Pacific Tank & Construction, Inc. I understand that Pacific Tank & Construction, Inc. is applying for a change in their use permit to include a welding shop at their facility at 17995 East Highway 46, Shandon, CA. I feel this would be of a great asset for the Community of Shandon. By Pacific Tank & Construction, Inc. moving their tank fabrication facility from Paso Robles, to the Shandon area it will bring an employee base that Shandon so badly needs.

I also know that Pacific Tank & Construction, Inc. supports the schools, and youth programs in the Paso Robles area. I am sure they will continue such activities for Shandon.

Please issue any and all permits required for their move to Shandon. It would be of a terrible loss for Pacific Tank & Construction, Inc. to move to another city out of our area.

Respectfully,

Mike Kennedy

4-78

Cerro Alto

Atascadero 4H

March 4, 2004

Tom Ynaga
Pacific Tank & Construction
816 26th Street
Paso Robles, CA 93446

Dear Tom:

On behalf of Cerro Alto 4-H Club of Atascadero I would like to thank you for your generous gifts to our youth organization. We greatly appreciate the time and expense you have put into helping our club projects over the last several years by building and then donating various equipment for our livestock projects. These items included tool racks for all livestock species, carding tables and show racks. Your gifts have been invaluable, especially for the youth exhibiting at the California Mid-State Fair. Thank you for your continued support. We truly appreciate it!

Sincerely,

Evelyn M. Rockwell

Evelyn M. Rockwell
Community Leader
Cerro Alto 4-H

I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, my health to better living for my club, my community, my country & my world.

4-79

Box 1, McMillan Cyn Road

(805) 238-3307

White RANCH Co.
GRAIN Shandon, Calif CATTLE

March 4,2004

Pacific Tank
P.O. Box 2298
Paso Robles, CA 93447

ATTN: Keith Bowers

Keith, I fully support your companys request to the SLO County Planning Department to add a welding shop use to your use permit on the property you purchased in the Shandon area. The property sure looks a lot better after you cleaned it up from the last owner.

Sincerely,

Jerry White

4-80

Jack Ranch
76903 Cholame Valley Rd.
Cholame, Ca. 93461
805 463-2386

March 4, 2004

San Luis Obispo County
Planning Commission

Dear Sirs,

Please accept this letter of support for the zoning change requested by Pacific Tank Construction, with regard to the property at 17995 Hwy 46, Shandon. As a neighbor, the Jack Ranch is in total support of the establishment of any shop facilities needed by Pacific Tank Construction. The property in question has been in complete disrepair and a terrible eye sore for years. Pacific Tank should be commended for the hard work and expense put forth in cleaning up the property. The Jack Ranch welcomes the company as a new neighbor. We believe granting this zoning change will only impact the area in a positive manner. Thank you for your time.

Sincerely,

Sonny & Roxanna Sanders, Mgrs.

4-81

February 19, 2004

Pacific Tank Construction:

Atascadero High Agriculture Department would like to thank your company for the metal you donated to the welding classes. The two tons of metal that you contributed to the students for learning a skill is greatly appreciated. In the future I hope we can rely upon people like you for further help.

Sincerely,

Jerry Dean

Jerry Dean
Atascadero Agriculture Department
Atascadero High School
One High School Hill
Atascadero, Ca 93422

4-82

Loretta Gale Morgan
PO Box 3537
Victorville, CA 92393-3537
APNs: 017-130-048, 017-130-049, 017-130-050, & 017-130-052

February 26, 2004

Board of Supervisors
San Luis Obispo County
San Luis Obispo, CA

To Whom it May Concern:

I am the owner of record for the parcels of land located immediately north and east of what is generally called the 'Cockrum Garage.' When I purchased this land I saw the condition of this parcel and was concerned over the possible health and safety issues that the previous owners created on the property. As I was purchasing the land, I found out that a company was working on acquiring the 'Cockrum Garage' and intended on cleaning up the site and relocating an already established company to this location.

In the past few months I have been watching the cleanup and renovation that has been going on at the garage site and have been pleased with what has been done there. I am not opposed to this company getting the necessary permits that it needs to conduct its business from this site (APN: 017-130-039). Considering what was previously located at this site, the cleanup efforts by this company has been a great improvement for Shandon and the surrounding areas.

Positive impacts that I have seen include the continuation of jobs for local residents, property value improvement, and the removal of a health and safety hazard from a site that was readily apparent to visitors traveling along I-46.

Again, I am in full support of this company and wish to see them continue as my neighbors.

Sincerely,

Loretta Gale Morgan

Cc: files; Tony Cullum, Esq.

4-83

HABITAT FOR HUMANITY
FOR SAN LUIS OBISPO COUNTY
Post Office Box 613
San Luis Obispo, CA 93406
805-782-0687 hfhsloco@kcbx.net

November 13, 2003

Pacific Tank
Mr. Thomas Yanaga
P.O. Box 2969
Paso Robles, CA 93447

Dear Mr. Yanaga,

On behalf of the Board of Directors of Habitat for Humanity for San Luis Obispo County, our Partner Families, and volunteers, I would like to thank you for your donation of welding services to refurbish Habitat's site storage trailer. The trailer will be used on the building site of our next Habitat home in Cambria. We greatly appreciate your s support.

We are making steady progress toward our goal of providing decent homes for people in need in our area. We have completed three Habitat homes in Paso Robles, and we held a "ground blessing" for our first house in Cambria on June 29. We will start construction in mid-November. We have submitted building plans to the County and will hear soon that we can start work. We have a second lot in Cambria and a lot in Los Osos and hope to build on them next year. We plan to reopen our ReStore building materials warehouse and thrift store later this year. It is through the compassionate support and goodwill of individuals, churches, and businesses throughout our county that Habitat's expanding venture of hope and love in action is possible.

May God bless you for your generosity.

Sincerely,

David G. Graham, EA. Treasurer
Habitat for Humanity for San Luis Obispo County

No goods or services were provided in consideration, in whole or in part, for this gift. Please retain this letter for tax purposes. EIN #77-0434147.

4-84

SHANDON
JOINT UNIFIED SCHOOL DISTRICT

101 SOUTH FIRST STREET, P.O. BOX 79, SHANDON CA 93461

MR. CHRIS CRAWFORD
SUPERINTENDENT

TELEPHONE (805) 238-0286
FAX (805) 238-0777

March 4, 2004

Rusty Pauls
Pacific Tank
816 26th Street
Paso Robles, California 93446

Dear Rusty,

As per our telephone conversation today, I understand your intent is to move your business into the Shandon area. We would be very interested in working out a mutual agreement where our welding students could receive on-the-job training to develop their career skills.

We are in support of this move that you are planning to make as it would be of great benefit to the Shandon community and students. If there is anything that the Shandon District can do to assist you in completing the process, please don't hesitate to contact me.

I look forward to hearing from you near the completion of your project so we can set up guidelines and arrangements for the fall class of students. Thank you for your interest in our district.

Sincerely,

Chris Crawford
Superintendent

CDF/San Luis Obispo County
Fire Department
635 N. Santa Rosa • San Luis Obispo • California, 93405

4-85

July 16, 2002

North County Team
Department of Planning & Building
County government Center
San Luis Obispo, CA 93408

Jim Lopez

COMMERCIAL FIRE SAFETY PLAN

Name: Paso Pacific Properties – Project Number: DRC2003-00094

The Department has reviewed the fire safety plans submitted for the proposed metal fabrication and parts assembly project located at 17995 East Highway 46, Shandon, CA. The property is located within the moderate fire hazard severity area, and will require a minimum 5 to 10 minute response time from the nearest County Fire Station.

The owner of the project shall meet the minimum fire and life safety require-ments of the California Fire Code (2001 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:

FIRE SAFETY DURING CONSTRUCTION

- Commercial and industrial type projects shall have installed, prior to the start of construction, water system and fire lanes.

FIRE EXTINGUISHING SYSTEM

- The proposed project is recommended to install a commercial fire/life safety sprinkler system.

FIRE ALARM SYSTEM

- The proposed project is required to install a total coverage heat\smoke alarm system.
- The system shall comply with NFPA Pamphlet 72.
- The system shall transmit to a central 24-hour monitoring point.
- Plans shall be submitted to the County Fire Department.

PORTABLE FIRE EXTINGUISHER(S)

- Portable fire extinguishers shall be installed and comply with the California Fire Code.
- The contractor shall be licensed by the State Fire Marshal.
- The minimum requirements will be determined during the building permit/fire safety plan process.

ROOF ACCESS

- The project shall provide vertical access to the roof from two points.
- Access can be provided by the use of landscaping or a fixed laddering system.
- Plans shall be submitted for approval to the County Fire Department.
- Presently the County Fire Department can provide a maximum 16-feet of vertical reach.

WATER STORAGE TANK

- A minimum of "10,000" gallons of water in storage shall be required.
- Emergency water tanks shall have a(n):
  1. automatic fill,
  2. sight gage,
  3. venting system,
  4. The minimum water main size shall not be less than four (4) inches.

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PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

WATER SUPPLY CONNECTION

4-86

- Fire hydrant shall be located with a spacing of 50 to 150 feet from the buildings and not more than eight (8) from the access road. .
- Fire hydrants shall have a minimum of one 2½-inch outlet with National Standard Fire thread.
- Signing: Each hydrant shall be identified by blue reflective dot.

ACCESS

- Access road width shall be 18 feet.
- The project shall provide a minimum 20-foot fire lane for emergency vehicle access.
- All road and driveway surfaces shall be all weather.
- All surfaces shall be constructed to meet a load capacity of 20 tons.

ADDRESSING

- Legible address numbers shall be placed on all structures.
- Legible address numbers shall be located at the driveway entrance.

FINAL INSPECTION

The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220,** to arrange for a final inspection. Currently South San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at www.cdfslo.org ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,

Chad T. Zrelak
Fire Captain Inspector

C: Paso Pacific Properties
Kirk Consulting

EXHIBIT A - FINDINGS
PACIFIC TANK & CONSTRUCTION (DRC 2003-00094)

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Revised Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 14, 2004 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Hazards/Hazardous Materials, and Water Quality and are included as conditions of approval.

Conditional Use Permit

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use in the Commercial Service land use category and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the tank construction business will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

E. The proposed project or use will be consistent with the character of the immediate neighborhood and not contrary to its orderly development because the tank construction business will occupy an existing Commercial Service site, be screened with additional landscaping, and will not conflict with surrounding lands and uses.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project, because the project is located on Highway 46 East, a State highway constructed to a level able to handle any additional traffic associated with the project.

EXHIBIT B – *REVISED* CONDITIONS OF APPROVAL
PACIFIC TANK & CONSTRUCTION (DRC 2003-00094)

Note: Mitigation measures from the Revised Mitigated Negative Declaration (MND) are incorporated in the conditions with referencing notations.

Approved Development

1. This approval authorizes a tank fabrication, construction and installation business *that is primarily for rural or agricultural applications or operations* on a 1.8-acre portion of a 10-acre site within an identified Commercial Service land use category. Signs shall be subject to a separate sign permit.

2. All development shall be consistent with the approved floor plan and architectural elevations, *and a revised site plan which is to show proposed operation areas, circulation, parking and landscaping and other pertinent required features.*

Site Development

3. ***Within 60 days of this approval,*** submit elevations or product information that depicts the design, colors and materials of the proposed office building and of the waste enclosure. Colors shall be consistent with the existing structure and be subdued earth tones rather than white. Reflective surfacing shall not be utilized.

4. ***Within 90 days of this approval,*** submit a landscape and fencing plan to the Department of Planning and Building for review and approval. The plan shall provide solid fencing and screening landscaping at the entrance and all sides, to screen the site and structures from public view from the existing and realigned Highway 46 East.
   a. Solid fencing shall be shown on all sides of the site, at a minimum six-foot height, to be located outside a 10-foot landscape setback.
   b. Extensive screening landscaping shall be shown within a 10-foot landscape setback on all sides of the project site, to be comprised of native and/or drought-tolerant shrubs and trees that are typical of or similar to the North County climate and the Shandon area.
   c. Shade tree installations shall be shown to screen sixty percent of parking areas within 10 years of planting.

   (AE-1 of the MND)

5. ***Within 60 days after approval of the landscape plan,*** landscaping in accordance with the approved landscaping plan shall be installed or bonded for If bonded for, landscaping shall be installed within 60 days after final building inspection or start of operations and thereafter maintained in a viable condition in perpetuity, except that landscaping on the west side of the site may be bonded for installation at the time that the realignment of Highway 46 East commences in construction.
   (AE-1 of the MND)

6. ***Within 60 days of this approval,*** the applicant shall provide details on all proposed exterior lighting, if applicable. The details shall include the type, height, location, and intensity of all exterior lighting. All lighting fixtures shall be downward directed and shielded at full cut-off so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

7. ***Prior to completion of landscaping,*** all utilities on-site shall be installed underground. Back-flow preventer and other related valves shall be installed inconspicuously within the limitations of the respective agencies and codes. Where necessary to install them within setbacks, they shall be screened with landscaping.

8. Site Surfacing shall be a minimum of four inches of decomposed granite in all outdoor use and storage areas, to be maintained in good and serviceable condition at all times.

9. ***Within 90 days of this approval,*** 23 parking spaces shall be provided as shown on the site plan, to be marked and/or signed and provided wheel stops or concrete curbing in accordance with the Land Use Ordinance parking construction standards.

10. Removal of existing trees is not approved at this time; future removal of trees for this project shall be subject to first obtaining Planning Department review and approval.

11. ***Within 60 days of this approval,*** Obtain an encroachment permit from Caltrans to allow access to and work to be done on state Highway 46 East, *or provide information that a permit is not required.*

12. **Upon the realignment of Highway 46 East and prior to closure of the existing alignment,** obtain an access easement across intervening property *if necessary* to the new aligned highway, and obtain an encroachment from Caltrans for access prior to completion of construction of the new alignment.

Drainage/Water Quality/Hazardous Materials

13. ***Within 90 days of this approval,*** the applicant shall submit a drainage plan to the Public Works Department to provide drainage, erosion and sedimentation controls in compliance with Land Use Ordinance, Section 22.52.080.

14. ***Within 60 days of this approval***, the applicant shall submit documentation of a Waste Discharge Report (WDR) permit and/or National Pollutant Discharge Elimination System (NPDES) permit, and Stormwater Pollution Prevention Plan (SWPPP) meeting or exceeding all standards and requirements of the General Permit for Stormwater Discharges Associated with Construction Activity (Water Quality Order No. 99-08-DWQ) approved by the Regional Water Quality Control Board (RWQCB) and State Water Quality Control Board (SWQCB), or documentation from those agencies stating why these permits and plans were not required.
(W-1 of the MND)

15. ***Within 60 days of this approval***, the applicant shall prepare a Hazardous Materials Business Plan and a Spill Prevention and Contingency Plan for the review and approval of the County Department of Environmental Health Services. The plans shall address an inventory of on-site hazardous materials, emergency response procedures, usage training, safe storage and handling, and spill prevention of oils, paint, and any other hazardous materials, and they shall meet or exceed all standards and requirements of the California Health and Safety Code, Chapter 6.95, Section 25500 and the California Code of Regulations, Title 19, Section 2729.
(HM-1 of the MND)

Air Quality

16. **During ground disturbing activities,** the applicant agrees to adhere to the following dust control measures:
    a. Reduce the amount of the disturbed area where possible;
    b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
    c. All dirt stock-pile areas should be sprayed daily as needed;

17. **Prior to final inspection**, the applicant shall submit copies of all Permit to Operate permits issued by the County of San Luis Obispo Air Pollution Control District (APCD). *(AQ-1 of the MND)*

Fire Safety

18. **At the time of application for construction permits and prior to occupancy,** all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated July 16, 2002.

19. ***Within 30 days of this approval***, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

Biological Resources
(BR1 - 11 of the MND)

20. ***Within 60 days of this approval,*** the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:

    a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.5 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative (a.), requires that all aspects if this program must be in place before County permit issuance or initiation of any ground disturbing activities.

    b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

    Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory

Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Your fee, payable to The Nature Conservancy, would total $3,750.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase 1.5 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 1.5 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

21. The applicant shall retain a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

a. ***Within 30 days of this approval***, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities,** if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. **Before commencing with project activities**, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance

on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, **before project activities commence,** the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:

(1). Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

i. Potential kit fox den: 50 feet
ii. Known or active kit fox den: 100 feet
iii. Kit fox pupping den: 150 feet

(2). All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

(3). If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

22. **Prior to issuance of *any* grading and/or construction permit,** the applicant shall clearly delineate as a note on the project plans, that: *Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox.* In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of your Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

23. Grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

24. ***Within 30 days of this approval,*** all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed and distributed to all contractors, employers and other personnel involved with the construction of the project.

25. **During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar

materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

26. **During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

27. **During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

28. **Prior to, during and after the site-disturbance and/or construction phase,** use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

29. **During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

30. **Prior to final inspection *of landscaping*,** should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage, *unless an alternative is approved by CDFG*:

    a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";

    b. If a more solid wire mesh or a solid fence or wall is used, 8" x 12" openings near the ground shall be provided every 100 yards.

    Any fencing constructed after issuance of a final permit shall follow the above guidelines. *(BR1-11 in MND)*

Site Operation

31. The location of accessory site development, such as antennas, shall be located to minimize its appearance from Highway 46 East.

32. Storage of materials shall be maintained below the height of the solid fencing at all times.

Miscellaneous

33. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

34. ***Upon completion of landscaping and other required improvements,*** the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

35. This permit is valid for a period of 24 months from its effective date *to commence the use* unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070.

36. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

37. The applicant shall as a condition of approval of this conditional use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents or employees, by a third party challenging either its decision to approve this conditional use permit or the manner in which the County is interpreting or enforcing the conditions of this conditional use permit, or any other action by a third party relating to approval or implementation of this conditional use permit. The applicant shall reimburse the county for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

38. *Among other signs that are allowed by the Land Use Ordinance, one free-standing or monument sign is permitted, limited to a height of eight feet and an area of 32 square feet.*

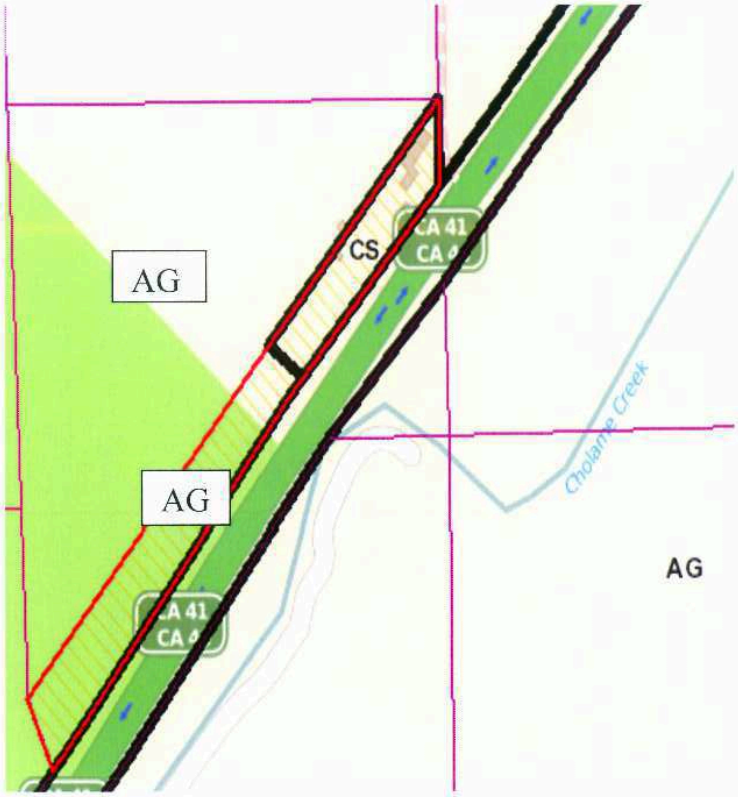
39. ***Within 6 months of this approval,*** *bring the mobilehome into conformance with County code or remove it from the site and restore the condition of its location to an undeveloped appearance.*

Kirk Consulting

Pacific Tank
General Plan /Ordinance Amendment Authorization
LLA, Williamson Act Contract Amendment Following Authorization
PROJECT DESCRIPTION

General Description

The project proposal is a General Plan Amendment to amend the land use designation from "Agriculture" to "Commercial Service" within the Shandon-Carrizo Rural Planning Area. A portion of the land located along HWY 46 east is currently zoned CS with uses limited to the producing, assembling, manufacturing, and storing of goods and products used for rural or agriculture operations. The proposal is to increase the amount of land used for commercial services by an additional +/- 8 acres. Following the general plan amendment authorization will be an application for a lot line adjustment with the adjacent 28.2 acre parcel so that the commercial service use of the site will be consolidated on a single parcel. The adjacent property is designated as Agriculture and is in the Williamson Act so the Williamson Act contract would also need to be amended.



Current Zoning

Proposed Zoning

Site Context

There are two parcels involved with this amendment and future applications. The first parcel is on a 9.95 acre parcel located at 17995 East Hwy 46, Shandon (APN 017-131-039). A portion of this parcel (+/-1.8 acres) is within the Commercial Services land use designation and the remaining portion is within the Agriculture land use category. This parcel has several structures and is being used for steel tank fabrication and storage of materials. The adjacent lot to the north is a 28.2 acre parcel located at 17999 East Hwy 46, Shandon (APN 017-131-050). This parcel is zoned for Agriculture and is in Williamson Act and is currently used for grazing.

Project Background

On October 5, 2004, The County Board of Supervisors authorized a Land Use Ordinance Amendment to amend the Planning Area Standard in the Shandon-Carrizo Area Plan to modify the use limitations on this property to include the following uses; Metal Industries (Fabrication), Small Scale Manufacturing, Construction Contractor's, and Farm Equipment and Sales. On November 16, 2004, The Planning Commission approved a conditional use permit to allow Pacific Tank and Construction to operate their business at this location.

Pacific Tank and Construction Inc. specializes in pre-fabrication of metal tank parts. The construction process includes assembly of tank parts, fabricating doors, vents, and other components and then delivering the assembled parts to the site for installation. Traffic generated by the project is minimal with approximately ten am/pm peak hour trips for employees traveling to and from the site and periodic deliveries of tank parts to the site from suppliers and then delivery of the finished product off the site to the installation location. No increase in water usage is anticipated.

The existing site improvements include a +/- 3,600 square foot shop building, a 756 square foot modular office, a concrete slab, power, water (well) sewer (septic system) and fencing. Outdoor uses include maintenance and assembly work, and storage areas. The site is currently fenced with an 8 foot high solid fence as required by the Planning Area Standard.

Since the establishment of their business at this location in 2004, Pacific Tanks operation has expanded onto the adjacent parcel with the landowner's consent. In order to consolidate the operation onto one parcel the applicant is proposing a lot line adjustment, and because the expansion area occurred in an area that is zoned AG, the applicant is filing for a general plan amendment to change the Ag zoning to CS.

Existing Configuration

Proposed Configuration

Site Soils

Nonirrigated Capability Class— Summary by Map Unit — San Luis Obispo County, California, Paso Robles Area (CA665)				
Map unit symbol	**Map unit name**	**Rating**	**Acres in AOI**	**Percent of AOI**
173	Mocho clay loam, 0 to 2 percent slopes	4	21.9	57.3%
195	San Emigdio fine sandy loam, 2 to 9 percent slopes	4	16.3	42.7%
Totals for Area of Interest			**38.2**	**100.0%**

The project site consists of Non-irrigated Capability Class 4. Between the two parcels there are approximately 16.3 acres of San Emigdio fine sandy loam soil towards the north and approximately 21.9 acres of Mocho clay loam soil make up the southern half of the site. The lot line adjustment will consolidate the majority of the better soils (Soils Unit173 soils) onto a single parcel.

General Plan Amendment

The portion of the proposed adjusted lot is zoned AG. A General Plan amendment is required In order to allow the existing use to continue its operation on the site. The applicant is requesting that the Ag zoning of the newly adjusted portion of the parcel be changed to CS to be consistent with the zoning required to allow the type of use occurring on the site, and to be consistent with the adjoining land use designation.

Planning Area Standard and Ordinance Amendment

Approximately 1.8 acres of the 9.95 acre site is currently utilized by Pacific Tank and Construction Inc. for their operations. A cooperative agreement between Pacific Tank and the adjacent property owner (Jerry White) allowed a portion of Pacific Tanks operation to occur on the adjacent 28.2 acre parcel which is currently zoned Ag.

The Land Use Ordinance Amendment would amend the Planning Area Standards contained in the Shandon-Carrizo Area Plan to modify the use limitations on the newly adjusted portion of the site (currently zoned AG) to include the following uses: Metal Industries (Fabricated), Small Scale manufacturing, Construction Contractor's, and Farm Equipment and Sales, similar to what was done previously by the Board of Supervisors on October 5, 2004 that allowed the existing use.

C. **Commercial Service (CS).** The following standards apply within the Commercial Service land use category.

1. **Highway 46 betweem Shandon and Cholame - Commercial Service area.** The following standards apply to the area located on the northwest side of Highway 46 between Shandon and Cholame, which is 200 feet wide with 390 feet of frontage on Highway 46 extending southwesterly from the intersection of the highway and the easterly line of the northwest quarter of Section 2, Township 26 South, Range 15 East as shown on Figure 110-5.

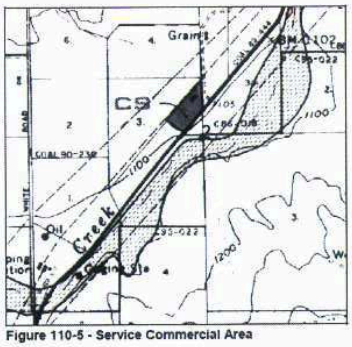


Figure 110-5 - Service Commercial Area

a. **Limitation on use - service commercial area.** Land uses shall be limited to the following, subject to the land use permit requirements of Section 22.06.030: Metal Industries - Fabricated; Small Scale Manufacturing; Agricultural Processing (excluding wine tasting and special events); Warehousing (no wholesale or retail sales from the site), Caretaker's Quarters and Residential Accessory Uses. All uses are limited to the producing, assembling, manufacturing and storing of goods and products that are for rural or agricultural applications or operations.

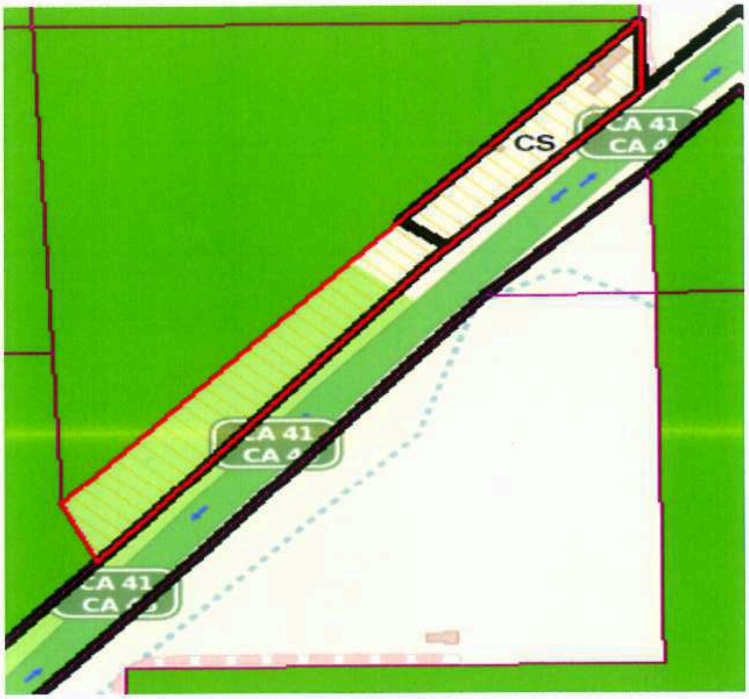
b. **Permit Requirement.** Minor Use Permit approval is required for all new or expanded uses, unless a Conditional Use Permit is otherwise required by this Title.

Lot Line Adjustment

Following the general plan amendment will be an application for a lot line adjustment. The purpose for the LLA is to adjust the two lots so that the business can operate on the parcel owned by Pacific Tank, and to consolidate the operation on a single parcel. The LLA will result in the exact amount of acreage that existed precious to the LLA, in other words, each parcel will remain at 28.2 acres and +/- 8 acres.

Williamson Act Contract

The adjacent lot is currently under the Williamson Act Preserve contract. The new configuration of the lots will impact the existing Williamson Act Preserve contract. The lot line adjustment will necessitate the removal of a small portion of the adjacent lot from the Williamson Act contract and include a portion of the newly adjusted lot to be entered into the Williamson Act Contract. An application for an amendment to the existing Ag preserve contract will follow this General Plan Amendment application.



Green represents all parcels currently under Williamson Act Preserve Contract

Biological Resources

The project site is within the San Joaquin Kit Fox corridor. The project site has been highly disturbed for many years and does not provide suitable kit fox habitat. The area has been fenced for over 20 years and the existing fencing does not allow passage of kit fox through the site. We are requesting that the project not be required to mitigate any loss of kit fox habitat because the use on the project expansion area has existed for

quite some time, and the proposed project is simply a request to change the zoning on the adjacent parcel from Agriculture to Commercial Service for consolidation purposes.

Traffic

A traffic report was conducted by Orosz Engineering Group (OEG) on October 4, 2004 for the original project that allowed Pacific Tank to establish their use on this site. The results of the trip generation summary estimated that the Pacific Tank will most likely generate 19 trips per day with 4 AM and 4 PM peak hour trips. No change in traffic is anticipated since the number of trips generated is expected to remain the same because the proposal is simply to change the zoning from Ag to CS. The existing uses will remain the same and no expansion to the operation is proposed.

PROJECT HISTORY

The proposed use is a metal storage tank construction business that delivers parts and constructs tanks primarily in rural locations around the state. The applicant's business receives metal tank components, makes modifications such as adding ladders and vents, and then delivers the components to customers' sites for installation. The applicant expects to employ approximately seven people, and have approximately 20 truck trips per week.

Since acquiring the property, the applicant had a Phase I Site Environmental Assessment prepared that evaluated the presence of hazardous materials. The applicant also removed vehicles and debris from the former wrecking yard, covered most of the site with decomposed granite, and refurbished the existing building. The applicant requested and received departmental approval to continue aspects of the previous vehicle recycling and scrap use during the review of the ordinance amendment and this permit. Operation has been limited to vehicle maintenance, refurbishing the site and building, and installing related equipment.

On October 5, 2004, the Board of Supervisors approved revisions to Land Use Ordinance planning area standards that apply to the site, to allow a broader range of uses that are limited to rural and agricultural operations, and to require a discretionary land use permit.

PROJECT ANALYSIS

Ordinance Compliance

Standard	Allowed/Required	Proposed
Minimum Site Area	No standard	1.8 acres
Setbacks		
Front	10 feet	40 feet
Side	No side setback required	30 feet
Rear	No rear setback required	70 feet
Height	35 feet	Approximately 25 feet
Signs	100 square feet	No new signs proposed

Site Development

The application proposes to utilize the existing entry point at Highway 46 East and a loop circulation route within the site for truck traffic. An additional office modular building is proposed perpendicular to the highway and existing shop building. Outdoor storage and use areas take up most of the site. Major issues involved the disposition of the previous wrecking yard use concerning hazardous materials and potential pollution, safe access to and from Highway 46 East, ensuring the safe handling of hazardous materials, and bringing the site into consistency with contemporary standards for compatibility with the rural, open character of the surrounding setting.

The applicant has supplemented his efforts refurbishing the site by establishing good community relations with organizations such as the school district and others, as evidenced by letters of support attached in Exhibit D. The use is seen within Shandon as potentially enhancing employment and income within the community. Remaining issues are to achieve full compliance with Land Use Ordinance standards and meeting mitigation measures of the Mitigated Negative Declaration. A potential problem with the site's location is that Highway 46 East is planned to be realigned approximately one-quarter mile west within the next 10 years, which would place the site well away from the highway and thus needing a new access drive and point of entry. A condition

is proposed to create an access easement and drive with an entry point to the realigned Highway 46 East with the approval of Caltrans before completion of the new route.

Landscaping
The applicant has proposed screening landscaping within the 10-foot front setback as shown on the site plan (Exhibit A). In the environmental determination, the visual assessment indicated that a landscape screen on the other north, west and south sides of the site is necessary to minimize aesthetic impacts. The project has been conditioned to provide a new landscaping plan to adequately screen the site from views from Highway 46 East, in its current and pending alignments. Internal landscaping is also required to provide 60 percent shading of the parking areas.

Fencing and Screening
Solid fencing is required on the side and rear property lines of a commercial site that is bounded by another land use category. Since the site is surrounded by the Agriculture land use category and is a portion of a larger property, the standard is applied to the boundaries of the project site, to be set back within a landscape screen.

Exterior Lighting
Exterior lighting cannot create off-site glare and shall be directed downward. The project has been conditioned to provide a lighting plan to comply with these standards and the negative declaration.

Access
Caltrans will require an encroachment permit for the new use; additional improvements were not identified as necessary by a traffic study. A condition requires approval of an encroachment permit before operations begin.

Planning Area Standards
22.112.020.C.1 Service Commercial Area Defined. The site is within the required boundaries. *22.112.020.C.2 Limitation on Use.* The proposed use is within the allowed Fabricated Metal Industries use group. It is oriented to rural and agricultural tank installations.

Environmental Determination
The environmental determination was made for this project as well as the application for the Land Use Ordinance amendment, which was approved by the Board of Supervisors on October 5, 2004. Subsequent to the Board of Supervisors' approval of the amendment and its mitigated negative declaration, revisions were made for this project and circulated within the required time frame. The revisions include information provided during the ordinance application hearings, and address the project-specific impacts that were identified.

The initial study found that potentially significant impacts could occur to aesthetics, air quality, biological resources (kit fox habitat), safe use of hazardous materials, and water quality. Mitigation measures were identified that will reduce levels of impacts to below significance. The measures are included as conditions of approval, reflecting the agreement of the applicant in the developer's statement, which is attached to the mitigated negative declaration.

COMMUNITY ADVISORY GROUP COMMENTS: Shandon Advisory Committee provided comments twice in support of the ordinance amendment and project, attached.

AGENCY REVIEW:
Environmental Health - Concerns about soil conditions and hazardous materials usage
Agriculture Department - Concerns about dust impacts to agriculture that are mentioned in June 1, 2004 memo are met by APCD review, per phone conversation October 25, 2004 with Lynda Auchinachie.

CDF - See attached fire safety plan
APCD - Concerns regarding construction phase and operational emissions. A permit to operate was completed on September 8, 2004.
Cal Trans - Concerns about traffic impacts on Highway 46 East

LEGAL LOT STATUS:
The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

EXHIBITS

Exhibit A -	Findings
Exhibit B -	Conditions of Approval
Exhibit C -	Vicinity, LUC Maps and Site Plan
Exhibit D-	Revised Mitigated Negative Declaration
Exhibit E -	Correspondence

FINDINGS - EXHIBIT A

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Revised Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 14, 2004 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Hazards/Hazardous Materials, and Water Quality and are included as conditions of approval.

Conditional Use Permit

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use in the Commercial Service land use category and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the tank construction business will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

E. The proposed project or use will be consistent with the character of the immediate neighborhood and not contrary to its orderly development because the tank construction business will occupy an existing Commercial Service site, be screened with additional landscaping, and will not conflict with surrounding lands and uses.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project, because the project is located on Highway 46 East, a State highway constructed to a level able to handle any additional traffic associated with the project.

EXHIBIT B - CONDITIONS OF APPROVAL
PACIFIC TANK & CONSTRUCTION (DRC 2003-00094)

Note: Mitigation measures from the Revised Mitigated Negative Declaration (MND) are incorporated in the conditions with referencing notations.

Approved Development

1. This approval authorizes a tank fabrication, construction and installation business on a 1.8-acre portion of a 10-acre site within an identified Commercial Service land use category. Signs shall be subject to a separate sign permit.

2. All development shall be consistent with the approved site plan, floor plan, and architectural elevations.

Site Development

3. **Prior to issuance of a construction permit or establishment of the use,** submit elevations or product information that depicts the design, colors and materials of the proposed office building and of the waste enclosure. Colors shall be consistent with the existing structure and be subdued earth tones rather than white. Reflective surfacing shall not be utilized.

4. **Prior to issuance of a construction permit and occupancy or start of operations,** submit a landscape and fencing plan to the Department of Planning and Building for review and approval. The plan shall provide solid fencing and screening landscaping at the entrance and all sides, to screen the site and structures from public view from the existing and realigned Highway 46 East.
   a. Solid fencing shall be shown on all sides of the site, at a minimum six-foot height, to be located outside a 10-foot landscape setback.
   b. Extensive screening landscaping shall be shown within a 10-foot landscape setback on all sides of the project site, to be comprised of native and/or drought-tolerant shrubs and trees that are typical of or similar to the North County climate and the Shandon area.
   c. Shade tree installations shall be shown to screen sixty percent of parking areas within 10 years of planting.

   (AE-1 of the MND)

5. **Before final building inspection or occupancy and start of operations,** landscaping in accordance with the approved landscaping plan shall be installed or bonded for If bonded for, landscaping shall be installed within 60 days after final building inspection or start of operations and thereafter maintained in a viable condition in perpetuity, except that landscaping on the west side of the site may be bonded for installation at the time that the realignment of Highway 46 East commences in construction.
   (AE-1 of the MND)

6. **Prior to issuance of construction permits and/or start of operations,** the applicant shall provide details on all proposed exterior lighting, if applicable. The details shall include the type, height, location, and intensity of all exterior lighting. All lighting fixtures shall be downward directed and shielded at full cut-off so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

4-7

7. **Prior to issuance of construction permits and/or start of operations,** all utilities on-site shall be installed underground. Back-flow preventer and other related valves shall be installed inconspicuously within the limitations of the respective agencies and codes. Where necessary to install them within setbacks, they shall be screened with landscaping.

8. Site Surfacing shall be a minimum of four inches of decomposed granite in all outdoor use and storage areas, to be maintained in good and serviceable condition at all times.

9. **Prior to final building inspection or occupancy and start of operations,** 23 parking spaces shall be provided as shown on the site plan, to be marked and/or signed and provided wheel stops or concrete curbing in accordance with the Land Use Ordinance parking construction standards.

10. Removal of existing trees is not approved at this time; future removal of trees for this project shall be subject to first obtaining Planning Department review and approval.

11. **Prior to issuance of a construction permit/establishment of the use,** Obtain an encroachment permit from Caltrans to allow access to and work to be done on state Highway 46 East.

12. **Upon the realignment of Highway 46 East and prior to closure of the existing alignment,** obtain an access easement across intervening property to the new aligned highway, and obtain an encroachment from Caltrans for access prior to completion of construction of the new alignment.

Drainage/Water Quality/Hazardous Materials

13. **Prior to issuance of construction permits and/or start of operations,** the applicant shall submit a drainage plan to the Public Works Department to provide drainage, erosion and sedimentation controls in compliance with Land Use Ordinance, Section 22.52.080.

14. **Prior to issuance of construction permits**, the applicant shall submit documentation of a Waste Discharge Report (WDR) permit and/or National Pollutant Discharge Elimination System (NPDES) permit, and Stormwater Pollution Prevention Plan (SWPPP) approved by the Regional Water Quality Control Board (RWQCB) and State Water Quality Control Board (SWQCB), or documentation stating why these permits and plans were not required.
(W-1 of the MND)

15. **Prior to issuance of construction permits**, the applicant shall prepare a Hazardous Materials Business Plan and a Spill Prevention and Contingency Plan for the review and approval of the County Department of Environmental Health Services. The plans shall address an inventory of on-site hazardous materials, emergency response procedures, usage training, safe storage and handling, and spill prevention of oils, paint, and any other hazardous materials.
(HM-1 of the MND)

Air Quality

16. **During ground disturbing activities,** the applicant agrees to adhere to the following dust control measures:
    1. Reduce the amount of the disturbed area where possible;
    2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would

4-8

be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;

3. All dirt stock-pile areas should be sprayed daily as needed;

17. **Prior to final inspection**, the applicant shall submit copies of all Permit to Operate permits issued by the County of San Luis Obispo Air Pollution Control District (APCD). *(AQ-1 of the MND)*

Fire Safety

18. **At the time of application for construction permits and prior to occupancy**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated July 16, 2002.

19. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

Biological Resources
(BR1 - 11 of the MND)

11. **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:

    a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.5 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative (a.), requires that all aspects if this program must be in place before County permit issuance or initiation of any ground disturbing activities.

    b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

    Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Your fee, payable to The Nature Conservancy, would total $3,750.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.

4-9

c. Purchase 1.5 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 1.5 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

12. **Prior to issuance of grading and/or construction permits**, the applicant shall retain a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. **Before commencing with project activities**, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or

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known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:

1. Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

   a) Potential kit fox den: 50 feet
   b) Known or active kit fox den: 100 feet
   c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

13. **Prior to issuance of grading and/or construction permit,** the applicant shall clearly delineate as a note on the project plans, that: *Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox.* In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of your Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

14. **During the site disturbance and/or construction phase,** grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

15. **Prior to issuance of grading and/or construction permit,** all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed and distributed to all contractors, employers and other personnel involved with the construction of the project.

16. **During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end

4-11

of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

17. **During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

18. **During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

19. **Prior to, during and after the site-disturbance and/or construction phase,** use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

20. **During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

21. **Prior to final inspection or occupancy, whichever comes first,** should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:

    a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";

    b. If a more solid wire mesh or a solid fence or wall is used, 8" x 12" openings near the ground shall be provided every 100 yards.

    Any fencing constructed after issuance of a final permit shall follow the above guidelines.
    (BR1-11 in MND)

<u>Site Operation</u>

22. The location of accessory site development, such as antennas, shall be located to minimize its appearance from Highway 46 East.

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23. Storage of materials shall be maintained below the height of the solid fencing at all times.

Miscellaneous

24. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

25. **Prior to final construction inspection or start of operations,** the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

26. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070.

27. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Report prepared by James Lopes, Planner III and reviewed by Warren Hoag, Division Manager, Current Planning.

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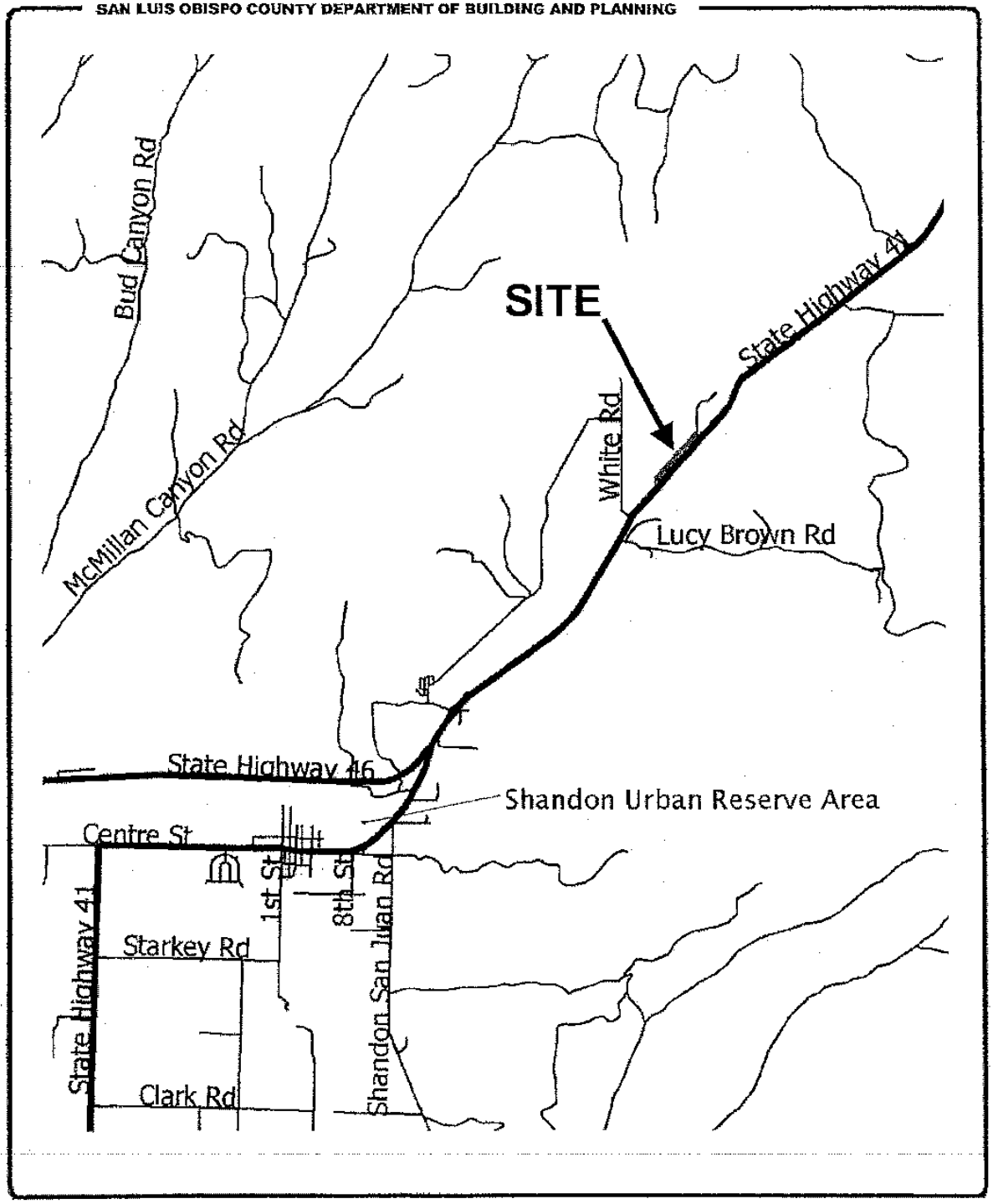
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

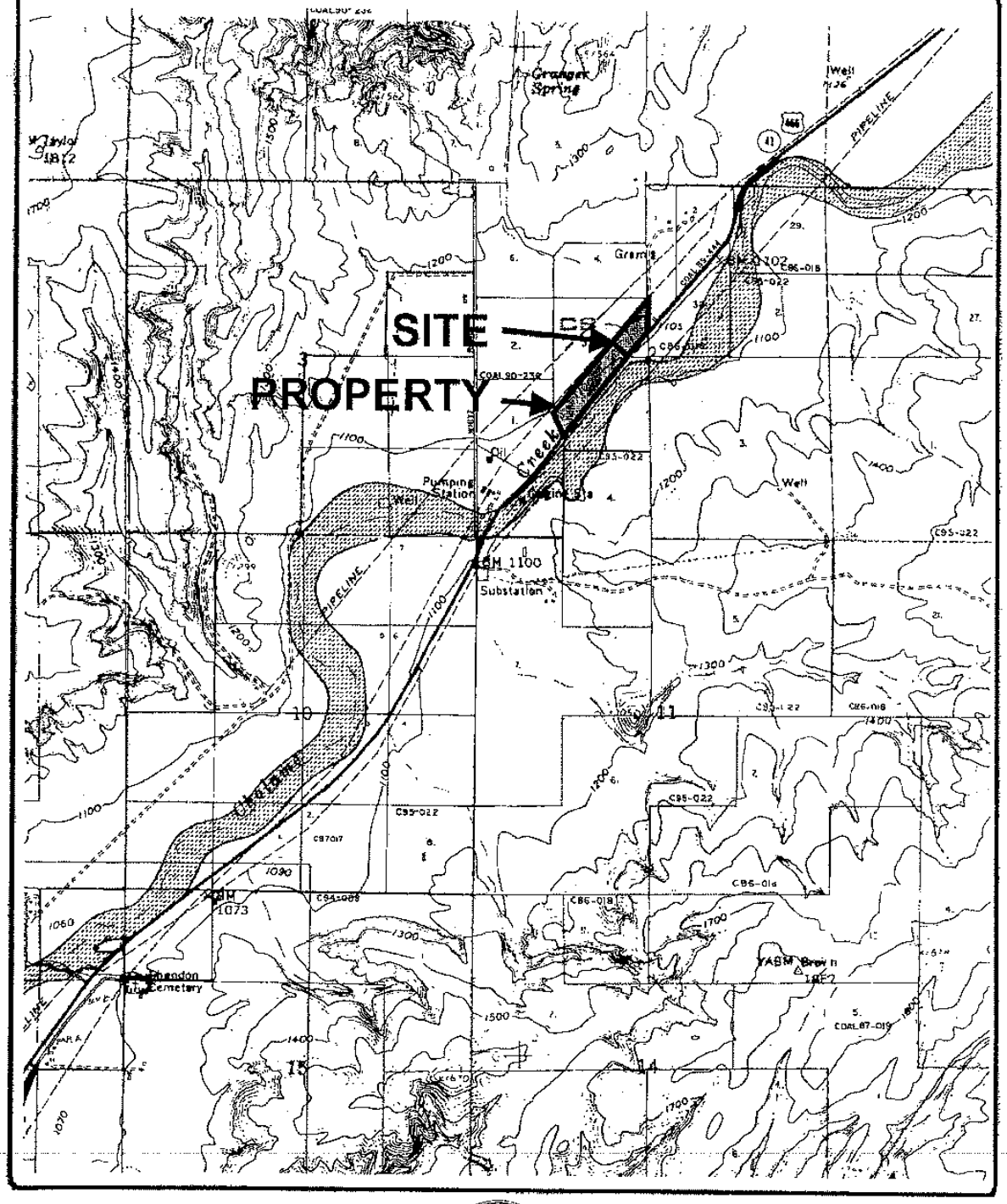


PROJECT
Conditional Use Permit
Paso Pacific Properties –
DRC2003-00094

EXHIBIT C
Vicinity Map

4-14

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
Conditional Use Permit
Paso Pacific Properties –
DRC2003-00094

EXHIBIT C
Land Use Category Map

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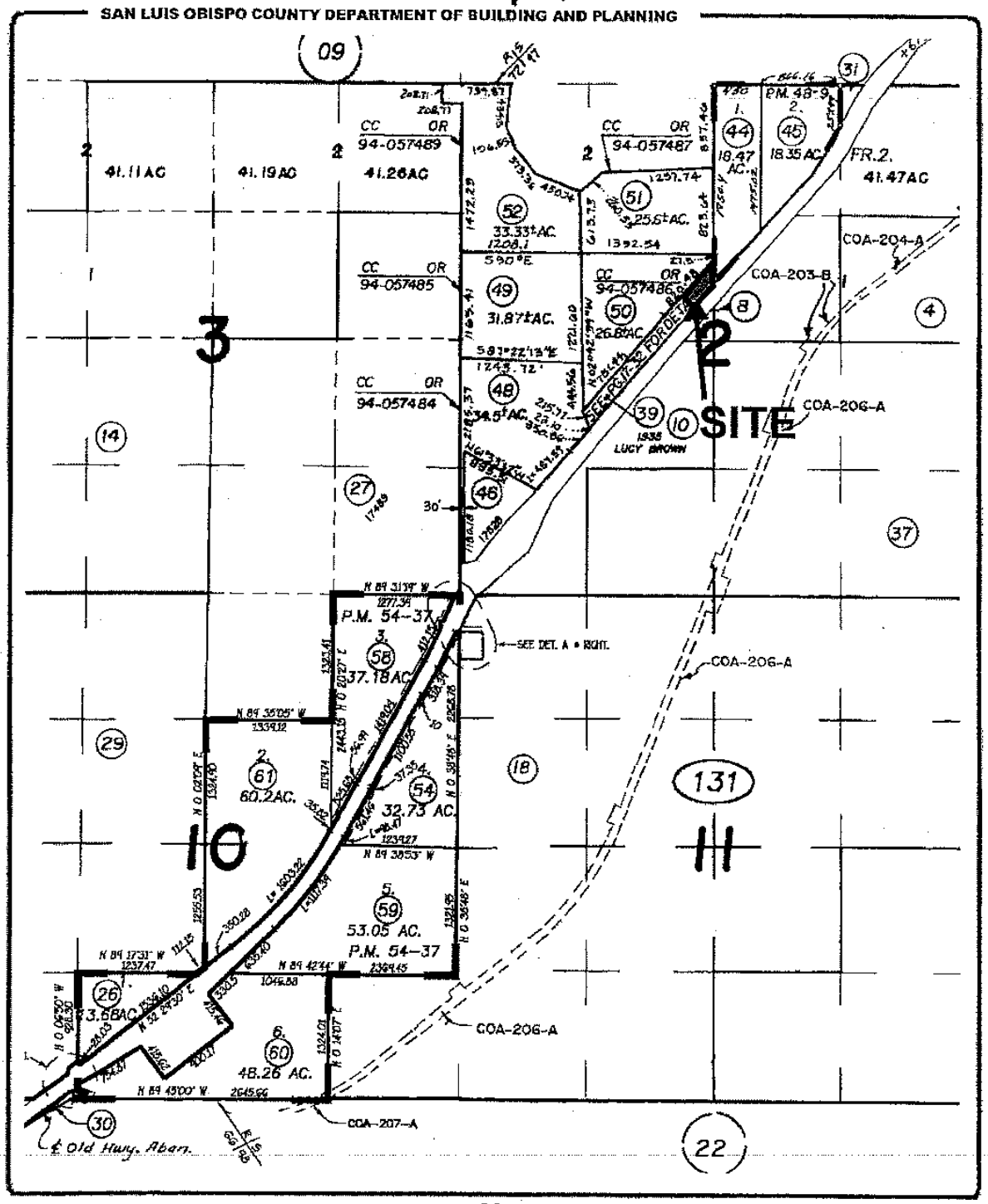

PROJECT
Conditional Use Permit
Paso Pacific Properties –
DRC2003-00094

EXHIBIT C
APN Map

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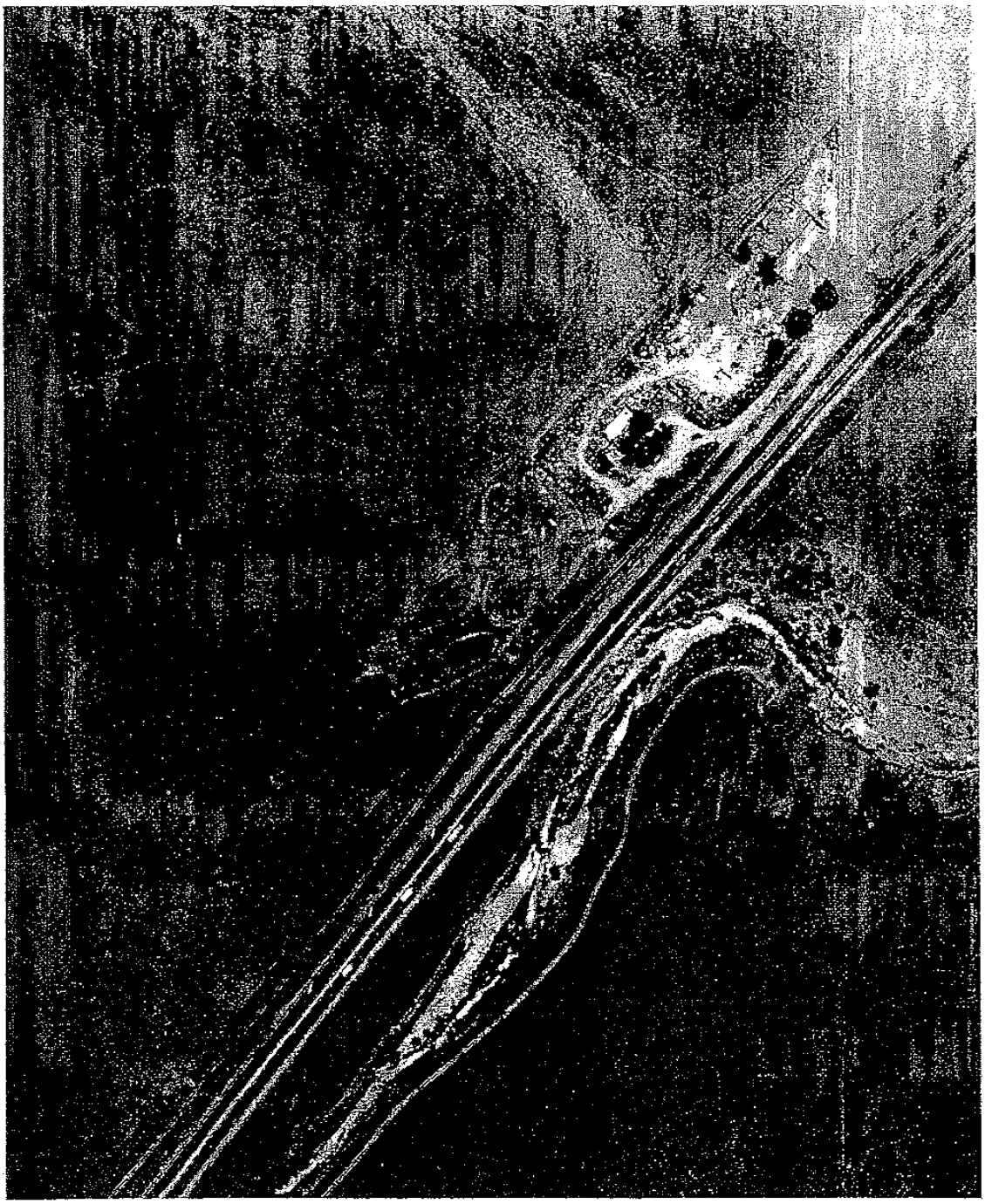
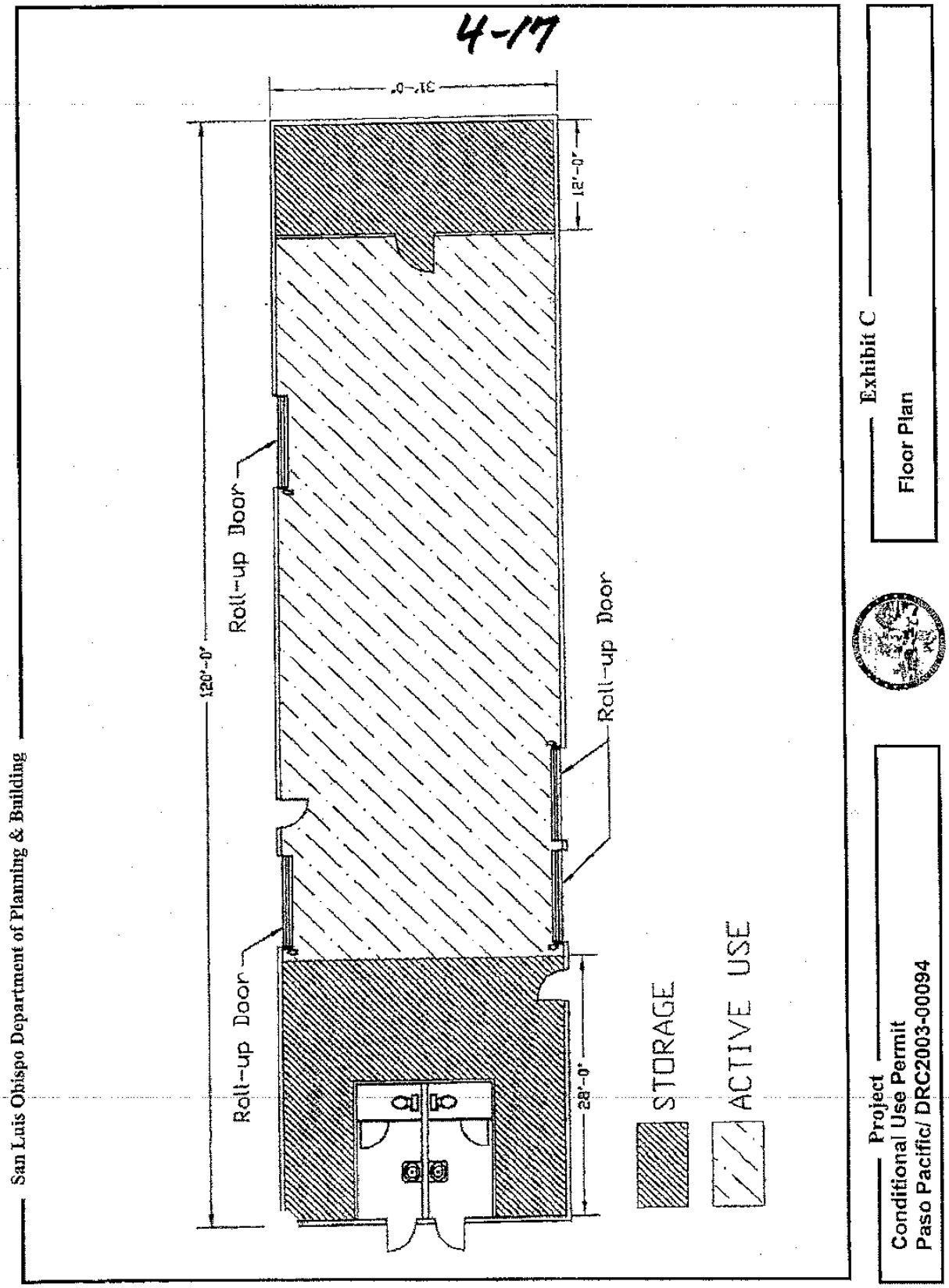
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
Conditional Use Permit
Paso Pacific Properties –
DRC2003-00094

EXHIBIT C
2003 Aerial Photo


4-17
31'-0"
12'-0"
120'-0"
28'-0"
Roll-up Door
Roll-up Door
Roll-up Door
STORAGE
ACTIVE USE
San Luis Obispo Department of Planning & Building
Exhibit C
Floor Plan
Project
Conditional Use Permit
Paso Pacific/ DRC2003-00094

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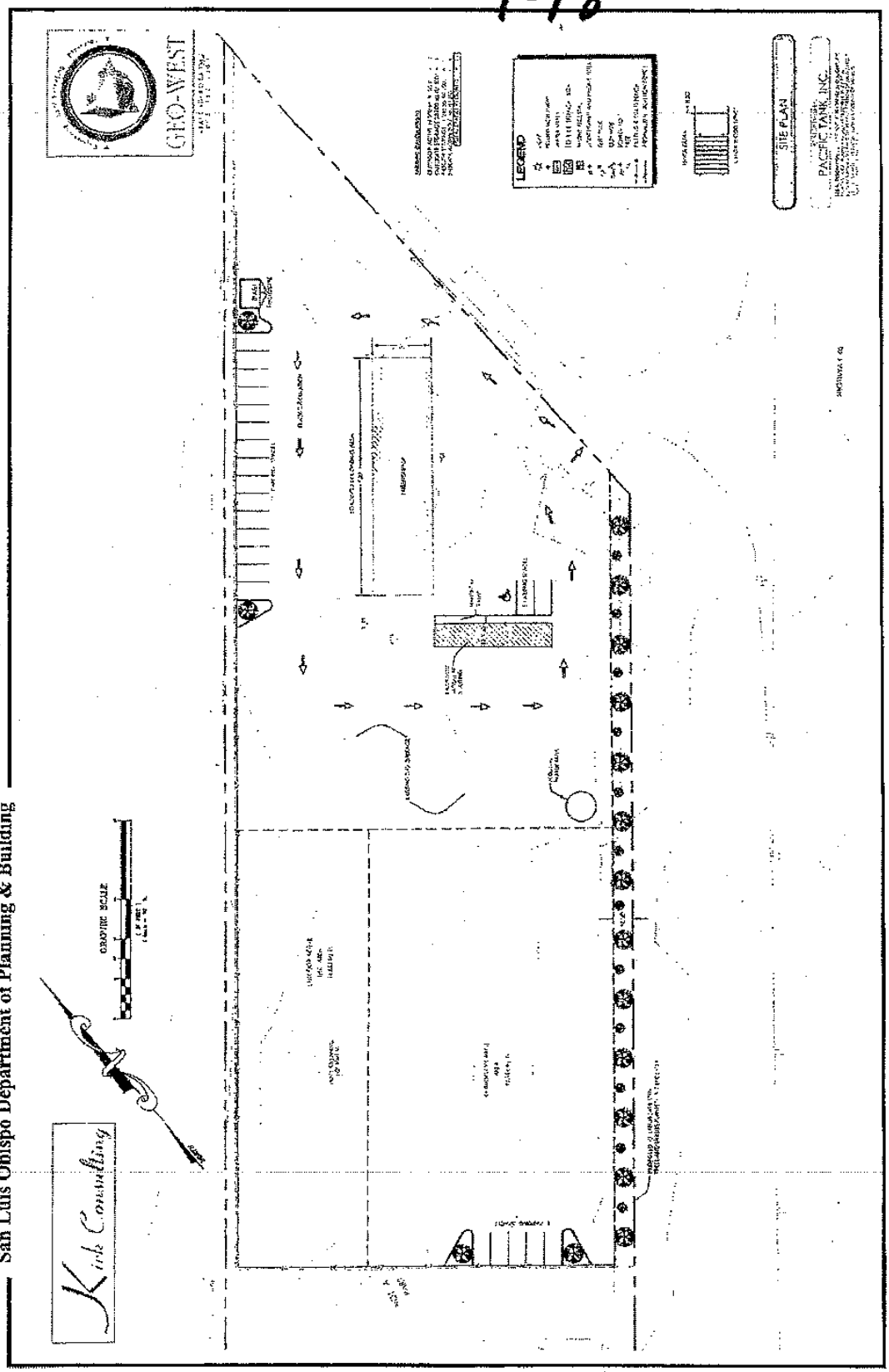

San Luis Obispo Department of Planning & Building

Exhibit C

Site Plan

Project

Conditional Use Permit
Paso Pacific/ DRC2003-00094

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EXHIBIT D

REVISED MITIGATED NEGATIVE DECLARATION

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COUNTY OF SAN LUIS OBISPO
REVISED INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No: Paso Pacific Ordinance Amendment, ED03-425, G030016L And Conditional Use Permit DRC2003-00094

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

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

❑ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

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

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

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

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

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

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

James Lopes	James Lopes	10-13-04
Prepared by(Print)	Signature	Date
John Nall	John Nall (for) Ellen Carroll, Environmental Coordinator	10/13/04
Reviewed by(Print)	Signature	Date

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Project Environmental Analysis

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

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: - Proposal by Paso Pacific Properties, LLC to amend Section 22.110.020.C. of the Land Use Ordinance Shandon-Carrizo Planning Area Standards. The proposed amendment would replace a current limitation on use for the Commercial Service land use category that limits the uses on the site to only an automobile recycling and scrap operation with a new limitation on use standard that would allow metal industries (fabricated), small scale manufacturing, construction contractors, and farm equipment and supplies. Other potential uses considered include Agricultural Processing, Warehousing and Caretakers Quarters and Residential Accessory Uses. The uses are described below.

Metal Industries (Fabricated): Manufacturing establishments engaged in assembly of metal parts, including blacksmith and welding shops, sheet metal shops, machine shops and boiler shops, which produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

Small Scale Manufacturing: Manufacturing establishments not classified in another major manufacturing group, including: jewelry, silverware and plated ware; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; caskets; and other miscellaneous manufacturing industries. Also included are artisan and craftsman-type operations which are not home occupations and which are not secondary to on-site retail sales. Also includes small-scale blacksmith and welding services when accessory to another use.

Construction Contractors: Service establishments primarily engaged in construction, including new work, additions, alterations, and repairs. Construction activities are generally administered or managed from a relatively fixed place of business, but actual construction work is performed at one or more different sites that may be dispersed geographically. Three broad types of construction activity are covered: (1) building construction by general contractors or by operative builders; (2) other construction by general contractors; and (3) construction by special trade contractors such as electrical, air conditioning and plumbing contractors, or others such as well drilling services. The installation of prefabricated buildings and equipment is also included. Business offices for such establishments which are not on the same site as work crew dispatching, equipment, vehicle or material storage for the establishment may also be considered under the definition of offices.

Farm Equipment and Supplies: Establishments primarily engaged in sale, rental or repair of agricultural machinery and equipment for use in the preparation and maintenance of the soil, the

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planting and harvesting of crops, and other operations and processes pertaining to work on the farm; also dairy and other livestock equipment. Includes agricultural machinery (except the sale of trailers, tractors and other motorized, self-propelled farm vehicles, which are included under "Auto, Mobile home and Vehicle Dealers and Supplies"), dairy farm machinery and equipment, irrigation equipment, poultry equipment and frost protection equipment; hay, grain and feed sales; retail sales of prepackaged fertilizer and agricultural sprays. Sales may include the final assembly of farm machinery, implements or equipment from component parts received from the manufacturer in a partially assembled state, but not the creation of such components from raw materials.

Ag Processing. Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area, including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables, tree nut hulling and shelling; cotton ginning; wineries and alcohol fuel production. Note: any of the above activities performed in the field with mobile equipment not involving permanent buildings are included under "Crop Production and Grazing.'

Warehousing. Establishments primarily engaged in the storage of farm products, furniture, household goods, or other commercial goods of any nature for later distribution to wholesalers and retailers. Does not include warehouse facilities where the primary purpose of storage is for goods for wholesaling distribution. Does not include terminal facilities for handling freight (classified in "Vehicle and Freight Terminals"). Also includes warehouse, storage or mini-storage facilities offered for rent or lease to the general public.

Caretaker Residence. A permanent residence that is secondary or accessory to the primary use of the property. A caretaker dwelling is used for housing a caretaker employed on the site of any non-residential use where a caretaker is needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment or other conditions on the site.

Residential Accessory Uses. Includes any use that is customarily part of a residence and is clearly incidental and secondary to a residence and does not change the character of the residential use. Residential accessory uses include the storage of vehicles and other personal property, and accessory structures including swimming pools, workshops, studios, greenhouses, garages, and guesthouses (without cooking or kitchen facilities). Includes non-commercial TV and radio broadcasting and receiving antennas, including equipment for satellite broadcast reception.

The applicant is also requesting a Conditional Use Permit to allow the operation of a pre-fabrication metal tank parts facility. Proposed site improvements would include the replacement of an existing 800-square foot modular office building with a 1,500-square foot office, outdoor maintenance, assembly, and storage areas, and 23 parking spaces, resulting in the disturbance of an approximate 74,000-square foot area. The project site is located at 179954 Highway 46/41, on the north side of the highway, approximately 2.6 miles northeast of the intersection of Highway 46 and Highway 41 and the community of Shandon, in the Shandon-Carrizo (rural) planning area..

ASSESSOR PARCEL NUMBER: 017-131-039 SUPERVISORIAL DISTRICT #: 1

B. EXISTING SETTING

PLANNING AREA: Shandon/Carrizo (Rural)

LAND USE CATEGORY: Commercial Service

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COMBINING DESIGNATION(S):	None applicable
EXISTING USES:	Shop building, modular office, concrete slab, fencing, water well, septic system and leachfield
TOPOGRAPHY:	Nearly level
VEGETATION:	Shade trees; grasses
PARCEL SIZE:	± 1.8 Acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture/ Dry farming; grazing

East: Agriculture/ Dry farming; grazing

South: Agriculture/ Dry farming; grazing

West: Agriculture/ Dry farming; grazing

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

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COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

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

Setting. The proposed project site is an approximately 1.8-acre area located on the north side of Highway 46/41, approximately 2.6 miles northeast of the Highway 46 and Highway 41 intersection, northeast of the community of Shandon (refer to Figures 1 through 3). The surrounding area is characterized by gently to moderately sloping hillsides, grassland, and Cholame Creek. *A few rural houses and ranches are located within the small valley around the site.* An oil pumping station and associated tanks are located approximately 1.25-mile to the southwest, on the north side of Highway 46/41. The proposed project site, referred to as the Cockrum Commercial Area by the Shandon-Carrizo Area Plan, was historically developed by an automobile storage facility and used car lot. Existing structures onsite include a 3,600-square foot shop building, an 800-square foot modular office, a concrete slab, interior fencing, utility lines, and an eight-foot tall solid wooden fence along the north, east, and south sides of the site.

Ordinance Amendment

The applicant is proposing to amend the Land Use Ordinance by replacing a current limitation on use for the Commercial Service land use category that limits the uses on the site to only an automobile recycling and scrap operation with a new limitation on use standard that would allow metal industries (fabricated), small scale manufacturing, construction contractors, and farm equipment and supplies. Other potential uses considered include agricultural processing, warehousing and caretakers quarters and residential accessory uses.

Conditional Use Permit

The applicant is also requesting a Conditional Use Permit to allow the operation of a pre-fabrication metal tank parts facility. Proposed site improvements would include the replacement of an existing 800-square foot modular office building with a 1,500-square foot office, and outdoor maintenance, assembly, and storage areas. *The applicant also proposes to install screening landscaping within the 10-foot front setback.*

Impact. The proposed project site is located adjacent to Highway 46/41, and is visible from both the eastbound and westbound travel lanes. Existing structures, fencing and landscaping are visible and silhouette into the skyline for approximately one mile from the westbound travel lane, and approximately

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one mile from the eastbound travel lane. *The un-screened appearance of the site is an existing negative impact on views that are otherwise scenic to backdrops of hills that have moderately vivid, incised drainage patterns, and together with the surroundings, constitute a high degree of intact rural and undeveloped appearance.*

Ordinance Amendment
Implementation of the proposed ordinance amendment would eliminate the use restriction on the proposed project site, and allow the future development of metal industries (fabricated), small scale manufacturing, construction contractors, and farm equipment and supplies. Future development of the project site would result in development visible from Highway 46/41. Depending on the number and size of proposed structures and equipment associated with the proposed development, potentially significant visual impacts may occur.

Conditional Use Permit
Existing development is visible from Highway 46/41. A majority of existing structures and equipment are screened from view by an existing eight-foot tall solid fence, and landscaping consisting of trees and shrubs. The project site is located adjacent to the highway on nearly level topography. The applicant is proposing to replace an existing building with a new office, and operate existing machinery. Additional landscaping is proposed along the highway frontage *within the required 10-foot front setback in front of the existing fence,* as shown in Figure 4. Implementation of the improvements requested in the Conditional Use Permit application would not result in a significant *improvement* in existing visual character due to the historical and current industrial appearance of the project site.

Mitigation/Conclusion. To minimize potential impacts associated with future development of the project site, a landscape and fencing plan *shall be submitted before issuance of construction permits and occupancy* demonstrating that all structures, equipment, and materials will be screened from public view *from the existing and realigned Highway 46 East.*

2. AGRICULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Convert prime agricultural land to non-agricultural use?*	☐	☐	■	☐
b) *Impair agricultural use of other property or result in conversion to other uses?*	☐	☐	■	☐
c) *Conflict with existing zoning or Williamson Act program?*	☐	☐	■	☐
d) *Other* _____	☐	☐	☐	☐

Setting. The proposed project is located within the Commercial Service land use category. The adjacent land use category is Agriculture. The soil types mapped for the project site by the Natural Resources Conservation Service (NRCS) Soil Survey are Mocho Clay Loam (0-2% slope) and San Emigdio Fine Sandy Loam (2-9% slope). As described in the NRCS Soil Survey, these soils are considered Class IV for "non-irrigated" soil, and Class I & II for "irrigated" soil. The project site is not irrigated, and was historically developed by a automobile storage and used car lot facility. Surrounding properties have historically supported livestock grazing and hay production.

Impact.
Ordinance Amendment
The proposed ordinance amendment was referred to the County Department of Agriculture for review. Based on the historical use of the proposed project site, no significant impacts associated with the

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proposed amendment were identified (L. Auchinachie; June 1, 2004). Potential impacts associated with the future development of the project site consist of agricultural incompatibility impacts, such as the creation of dust and debris, and lack of buffers between the adjacent agricultural use and the project site. Future development of the project site would be reviewed by the Agricultural Department. At that time, project-specific impacts would be determined, and buffers and mitigation measures would be recommended if necessary.

Conditional Use Permit
The proposed project was referred to the County Department of Agriculture for review. Based on the continued use of the project site, no significant impacts to agricultural soils would occur as a result of the proposed project. Potential incompatibility impacts would consist of the generation of dust and debris from proposed sandblasting and metal surface coating affecting adjacent livestock grazing and hay production. A caretakers unit is not proposed, therefore an agricultural buffer is not necessary (L. Auchinachie; June 1, 2004 and July 14, 2004). The operation of sandblasting and metal paint equipment is permitted by the Air Pollution Control District (APCD; *July 17, 2003*). Permit conditions include measures to reduce particulate dust and volatile organic compound (VOC) emissions (refer to Section 3 Air Quality). Based on implementation of APCD permit conditions, no significant agricultural impacts would occur as a result of the proposed project.

Mitigation/Conclusion. No significant agricultural impacts were identified, therefore no mitigation measures are recommended.

3. AIR QUALITY - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) ***Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?***	☐	■	☐	☐
b) ***Expose any sensitive receptor to substantial air pollutant concentrations?***	☐	☐	■	☐
c) ***Create or subject individuals to objectionable odors?***	☐	☐	■	☐
d) ***Be inconsistent with the District's Clean Air Plan?***	☐	☐	■	☐
e) ***Other*** _____	☐	☐	☐	☐

Setting. In 1989, the State Air Resources Board (ARB) designated San Luis Obispo County a non-attainment area for exceeding the State's air quality standards set for ozone and dust (small particulate matter or PM10). In 2003, the State ARB determined that the county was in attainment for ozone. Based on the latest air monitoring station information (per the County's RMS annual report, 2003), the trend in air quality in the general area is improving where unacceptable PM10 levels were not exceeded in 2002 at the Paso Robles monitoring station, which is down from the previous year (2 exceedances). The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

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Impact.

Ordinance Amendment

The proposed ordinance amendment was referred to the APCD for review. It is likely that establishment of the proposed uses would result in substantial short-term construction and long-term operational emission impacts on air quality. Standard construction mitigation measures for air quality would be required during the development phase of the proposed project that would substantially reduce construction-related air quality impacts. Once the future development is constructed, there will be operational emissions. These potential emissions would be determined when the applicant proposes a specific development. At that time, the APCD CEQA Handbook and consultation with the APCD would determine potential air quality impacts and appropriate mitigation measures.

Conditional Use Permit

Operation of the proposed facility would include the use of sand blasting and metal coating equipment, which would potentially emit air pollutants including particulates (PM10) and volatile organic compounds (VOC). The proposed project was referred to the APCD for review. The APCD did not identify any potentially significant impact associated with the proposed ordinance amendment and project proposal; however the referral response noted that operational permits would be required for the use of buildings and equipment that may cause the issuance of air contaminants (A. Mutziger; March 23, 2004). The applicant has obtained permits to construct an abrasive blasting and surface coating operation (L. Allen; July 17, 2003). The authorization includes requirements for a testing program and compliance inspection by APCD staff to ensure that particulate and VOC emissions to not exceed thresholds established by the APCD and Environmental Protection Agency (EPA). Prior to operation of the sand blasting and metal coating equipment, the applicant is required to obtain a *Permit to Operate* from the APCD.

Mitigation/Conclusion.

Ordinance Amendment

Implementation of the proposed ordinance amendment is likely to result in significant air pollutant emission levels during the construction and operational phases of the proposed project. Specific impacts can be determined following application for a proposed use. To mitigate for these impacts, the County would consult with the APCD and refer to the APCD CEQA Handbook for reference. Implementation of these measures would reduce potential air quality impacts to a level of insignificance, and no planning area standards are necessary.

Conditional Use Permit

To ensure that operation of the proposed facility would not result in air emissions exceeding thresholds established by the APCD, the applicant has agreed to submit a copy of all *Permit to Operate* permits prior to final inspection by County staff.

4.	**BIOLOGICAL RESOURCES -** *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	*Result in a loss of unique or special status species or their habitats?*	☐	■	☐	☐
b)	*Reduce the extent, diversity or quality of native or other important vegetation?*	☐	☐	■	☐
c)	*Impact wetland or riparian habitat?*	☐	☐	■	☐
d)	*Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?*	☐	■	☐	☐
e)	*Other* _____	☐	☐	☐	☐

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Setting. The proposed project site is within a non-native grasses habitat area. The project site is currently developed by buildings, equipment, fencing, and decomposed granite fill. Landscaping trees are present along the southern, western, and eastern perimeter of the site, and native scrub is present to the north. Cholame Creek generally follows the alignment of Highway 46, and is located on the opposite (southeast) side of the highway from the project site, as shown in Figures 1 through 3. The creek crosses under the highway approximately 1.5 miles southwest of the project site.

The California Natural Diversity Database (CNDDB) (2003) identified the following special-status species within close proximity of the proposed project site: Southwestern pond turtle (*Clemmys marmorata pallida*) and San Joaquin kit fox (*Vulpes macrotis mutica*). Southwestern pond turtle is a State Species of Special Concern. The project site does not contain any areas suitable for Southwestern pond turtle. San Joaquin kit fox is a Federal Endangered and State Threatened species. The project site is located within an identified San Joaquin kit fox habitat area.

Impact. Implementation of future land uses, including the proposed conditional use permit, on the proposed project site may result in impacts to San Joaquin kit fox and their habitat.

Mitigation/Conclusion.

Ordinance Amendment

Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Shandon-Cholame area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. This means that for every acre of new disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of three acres of habitat. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio.

The applicant would be required to mitigate the loss of kit fox habitat by one of the following ways: Deposit of funds to an approved in-lieu fee program; provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or purchase credits in an approved conservation bank. At this time, there is no approved Conservation Bank which is operational in San Luis Obispo County. If none of the other three alternatives are available, the applicant may enter into a Mitigation Agreement with the Department of Fish and Game, including depositing funds into an escrow account (or other means of securing funds acceptable to the Department), which would assure the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management. To prevent inadvertent harm to kit fox, the applicant would be required to retain a biologist for a pre-construction survey and monitoring activities and implement cautionary construction measures. Implementation of these required measures would mitigate potential impacts to a level of insignificance, and no additional planning area standards are necessary.

Conditional Use Permit

Approximately 0.1 acre consists of existing structures previously located on the project site. 1.7 acres are currently, and would be, permanently affected by placement of structures and equipment associated with the proposed metal fabrication facility, including placement of decomposed granite. The applicant has chosen to accept the standard San Joaquin kit fox mitigation ratio of 3:1, which requires that a total compensatory acreage of 5.1 acres (1.7 acres multiplied by a 3:1 ratio) be mitigated. The applicant has agreed to mitigate the loss of kit fox habitat by implementing mitigation measures discussed above. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

The implementation of the above measures will mitigate biological impacts to a level of insignificance.

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5. CULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Disturb pre-historic resources?*	☐	☐	■	☐
b) *Disturb historic resources?*	☐	☐	■	☐
c) *Disturb paleontological resources?*	☐	☐	■	☐
d) *Other* _____	☐	☐	☐	☐

Setting. The proposed project site is located within an area historically occupied by the Obispeño Chumash and Southern Salinian Native Americans. The project site is located in the vicinity of Cholame Creek. The proposed project site is currently disturbed and developed by structures, equipment, concrete pads, and the placement of decomposed granite and fill soils throughout the site. No native soils or cultural resources were observed within the project site. No historical structures are present on the proposed project site. Paleontological resources are not anticipated to be present.

The County archaeological maps and California Department of Transportation (Caltrans) were consulted to determine if significant archaeological resources are documented in the immediate vicinity of the project site. Caltrans recently completed an archaeological records search and surface survey of the Highway 46 corridor during preparation of the *Route 46 Corridor Improvement Project Environmental Assessment/Draft Environmental Impact Report* (Caltrans; February 2003). Based on correspondence with the Caltrans project manager, one significant archaeological site is located approximately one mile to the east, and isolated deposits were discovered approximately one mile to the west of the project site. No resources were discovered in the immediate vicinity of the proposed project site (L. Bonner; July 20, 2004).

Impact. Based on the disturbed and developed nature of the project site, and lack of native soils and cultural resources in the immediate vicinity of the proposed project site, significant cultural resources would not likely be encountered during future development of the project site.

Mitigation/Conclusion. No significant cultural resources impacts were identified; therefore no planning area standards or mitigation measures are necessary.

6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?*	☐	☐	■	☐
b) *Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?*	☐	☐	☐	■
c) *Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?*	☐	☐	■	☐

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6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) *Change rates of soil absorption, or amount or direction of surface runoff?*	☐	☐	■	☐
e) *Include structures located on expansive soils?*	☐	☐	■	☐
f) *Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?*	☐	☐	■	☐
g) *Involve activities within the 100-year flood zone?*	☐	☐	☐	■
h) *Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?*	☐	☐	■	☐
i) *Preclude the future extraction of valuable mineral resources?*	☐	☐	■	☐
j) *Other* _____	☐	☐	☐	☐

Setting/Impact.
Geology. The topography of the proposed project site is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered high. No active faulting is known to exist on or near the subject property. There is a capable fault located approximately 3.1 miles northeast. The project is not within a known area containing serpentine rock. There is no evidence that measures above what will already be required by ordinance or code are needed.

Drainage. Cholame Creek is located approximately 50 feet to the southeast, on the opposite side of Highway 46/41 as the proposed project site. The area proposed for development is outside of the 100-year Flood Hazard designation. As described in the NRCS Soil Survey, the soils mapped for the project site are moderately drained. The project site covered by decomposed granite, and no native soils are present on the surface. There is no evidence that measures above what will already be required by ordinance or code are needed.

Erosion and Sedimentation. The soil types mapped for the proposed project site are Mocho Clay Loam (0-2% Slope) and San Emigdio Fine Sandy Loam (2-9% Slope). As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodability and has a low to moderate shrink-swell characteristic. Based on the nearly level topography of the project site, it is unlikely that erosion and sedimentation would occur as a result of future projects. If a substantial amount of site disturbance is proposed by future land uses and a grading permit is required, the applicant would be required by the County Land Use Ordinance to submit an erosion and sedimentation plan including both temporary and permanent erosion control measures.

Mitigation/Conclusion.
Ordinance Amendment
If a substantial amount of site disturbance is proposed by future applicants, implementation of required standards and the County-approved erosion and sediment control plan would mitigate potential erosion and sedimentation impacts to a level of insignificance. No additional planning area standards are necessary.

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Conditional Use Permit
The applicant is not proposing any grading activities; therefore erosion and sedimentation impacts would not be significant. No mitigation measures are necessary.

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?*	☐	■	☐	☐
b) *Interfere with an emergency response or evacuation plan?*	☐	☐	■	☐
c) *Expose people to safety risk associated with airport flight pattern?*	☐	☐	■	☐
d) *Increase fire hazard risk or expose people or structures to high fire hazard conditions?*	☐	☐	■	☐
e) *Create any other health hazard or potential hazard?*	☐	☐	■	☐
f) *Other* _____	☐	☐	☐	☐

Setting. The proposed project site was historically utilized as the Cockrum Garage, an automobile dismantling facility and used car lot. The applicant has removed automobiles, trash, debris, and contaminated soils, and placed decomposed granite fill material throughout the project site. The proposed project site is located within a moderate fire hazard area. *On September 15, 2004, the applicant provided a Phase I Environmental Site Assessment, which was prepared by Helianthus, Inc. on August 8, 2003. The report was an investigation of records and visual conditions to determine the extent of hazardous materials. The report found that the site is not within any regulatory database listing or listed as an Resource Conservation and Recovery (RCRA) hazardous waste generators/handler, nor is the surrounding area within .25 mile of the site. Four aboveground storage tanks existed that appeared empty and which had no evidence of leaks. The site historically had four underground storage tanks, which were operated with permits from the county Environmental Health Division. The tanks were reportedly removed, although no closure letter was available from the Environmental Health Division. The age of the garage structure indicated that it could possibly contain lead based paint; no evidence of blistering or peeling was found on the structure. The report made four recommendations, listed below with information about their status following each in parens:*

1. *Remove the empty 55-gallon drums, non-operational aboveground storage tanks and miscellaneous debris and dispose of them property in accordance with State and Federal hazardous materials regulations (The applicant had these removed from the site by San Miguel Roll-Off Company, Inc. and disposed of at either the Paso Robles or Chicago Grade Landfill).*

2. *The removal of four underground storage tanks should be verified by Environmental Health Services (These tanks were removed and acknowledged in the Caltrans Phase II study, which was reviewed and approved by Environmental Health Services (see attached letter)).*

3. *Prior use of a covered pit within the garage structure should be identified (The applicant provided documentation on September 29, 2004 by Helianthus, Inc. that the contents of the pit were identified as mechanisms for a car hoist).*

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4. *Properly licensed professionals should conduct future tests for any evidence of lead-based paint and asbestos (The applicant has painted the building, and was informed of this need by the Phase I study. No further investigation is necessary.)*

On September 15, 2004, the applicant also provided a copy of a Phase II Preliminary Site Investigation Report dated January 2001. Caltrans, District 6, had the report prepared by Geocon Consultants, Inc. as part of a larger investigation of several sites in the vicinity of a proposed realignment of Highway 46 East. The purpose was to determine the potential presence of petroleum constituents at Cockrum"s Garage (the former business name of this site). Geocon performed nine direct-push soil borings at Cockrum's Garage and tested soil samples. The borings were located adjacent to former underground storage tank locations and former fuel dispensers at the site. The study concluded that generally low concentrations of diesel and motor oil range hydrocarbons and low to background metals concentrations existed. The report recommended that, "If any release of petroleum is encountered during excavation, the impacted soil is to be stockpiled and sampled to determine whether disposal or reuse restrictions apply to the material." The conclusion from these reports is that the existing conditions on the site as studied in the Phase I and II reports are not causing significant hazardous materials impacts.

Impact.

Ordinance Amendment

The proposed ordinance amendment was referred to the County Department of Environmental Health for review. The Department did not identify any potentially significant impacts associated with the proposed amendment (R. Williams; March 10, 2004). The referral response noted that soil testing for metals and hydrocarbons may be required prior to approval of a project-specific land use permit. The storage of hazardous materials including oil and paint would be regulated by Section 22.10.070 of the Land Use Ordinance (flammable and combustible liquids storage). A project specific Fire Safety Plan would be required pursuant to the County Land Use Ordinance Section 22.50.030.

Conditional Use Permit

The applicant is proposing to store approximately 20 to 25 gallons of paint at any time during operation of the facility. Up to 50 gallons of waste oil from proposed equipment would be stored onsite before being picked up by a hazardous materials company for proper disposal. These liquids would be stored within the existing shop until use or proper disposal. In the event of a spill, potential impacts could occur including the release of hazardous materials. *On September 15, 2004, the applicant's representative provided additional information about the hazardous materials that would be stored and used on the site, including acetylene, oxygen and argon to be used for welding and cutting; threading oil in a one-gallon container; hydraulic oil, in a 10-gallon container and thinner for paint, in a 5-gallon container.*

The proposed project was referred to the California Department of Forestry/County Fire for review. CDF did not respond with any concerns; however a Fire Safety Plan would be required prior to issuance of construction permits and operation of the facility. The Fire Safety Plan would consist of conditions including, but not limited to, through access for fire trucks, a fire extinguishing system/sprinklers, the installation of portable fire extinguishers, and an accessible water storage tank. CDF would conduct an inspection of the facility prior to operation.

Mitigation/Conclusion.

Ordinance Amendment

Based on implementation of existing ordinance requirements, no significant impacts would occur as a result of the proposed ordinance amendment, and no additional planning area standards are necessary.

Conditional Use Permit

To avoid or minimize the effects of a potential *hazardous materials* spill, the applicant has agreed to prepare a Spill Prevention and Contingency Plan. The plan shall address the prevention of release of oils,

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paint, and any other hazardous materials. *A Hazardous Materials Business Plan should also be prepared by the applicant and approved by Environmental Health Services to authorize the storage and use of hazardous materials in accordance with the California Health and safety Code and the California Code of Regulations.* Preparation and implementation of these plans would mitigate potential hazardous materials impacts to a level of insignificance.

8. NOISE - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Expose people to noise levels which exceed the County Noise Element thresholds?*	☐	☐	■	☐
b) *Generate increases in the ambient noise levels for adjoining areas?*	☐	☐	■	☐
c) *Expose people to severe noise or vibration?*	☐	☐	■	☐
d) *Other* _____	☐	☐	☐	☐

Setting/Impact.
Noise Exposure. The proposed project site is located adjacent to Highway 46/41. The highway is the primary source of transportation-related noise in the area. The topography between the project site and the highway is nearly level. According to the *County Noise Element,* the uses proposed by the ordinance amendment and conditional use permit are not noise-sensitive land uses, and are not subject to noise thresholds (May 5, 1992). No impacts are a result of transportation-related noise would occur as a result of the proposed ordinance amendment or conditional use permit.

Noise Generation. The proposed project site is surrounded by undeveloped land utilized primarily for livestock grazing and hay production. Based on the lack of noise-sensitive land uses in the vicinity of the project site, the proposed ordinance amendment and conditional use permit would not result in significant operational noise impacts.

Mitigation/Conclusion. No significant noise impacts were identified; therefore no planning area standards or mitigation measures are necessary.

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

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Setting/Impact. The proposed project site is located on a parcel currently within the Commercial Services land use category. The project site was historically utilized as the Cockrum Garage, and no housing is present on or in the immediate vicinity of the project site. Implementation of the proposed ordinance amendment and conditional use permit would not induce growth, displace existing housing or people, create the need for new housing in the area, or use a substantial amount of fuel or energy to construct and operate.

Mitigation/Conclusion. Based on the above discussion, no significant population and housing impacts are expected to occur as a result of the proposed ordinance amendment and conditional use permit.

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

Setting. The closest CDF/County fire station is Shandon station 31, located approximately 3.4 miles southwest of the proposed project site. The closest Sheriff substation is in Templeton, located approximately 25 miles west of the proposed project site. Highway 46/41 is also patrolled by the California Highway Patrol. The project site is located within the Shandon Unified School District.

Impact. This proposed project, along with numerous others in the area would have a cumulative effect on police/sheriff and fire protection.

Mitigation/Conclusion. Public facility programs have been adopted to address this impact and would reduce the cumulative impact to a level of insignificance. No significant project-specific impacts to utilities or public services were identified.

11. RECREATION - ***Will the project:***	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	☐	☐	■	☐
b) Affect the access to trails, parks or other recreation opportunities?	☐	☐	■	☐
c) Other _____	☐	☐	☐	☐

Setting/Impact. The County Trails Plan does not show a future trail being considered on the proposed

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project site. Implementation of the proposed ordinance amendment and conditional use permit would not increase the use or demand for parks or other recreation opportunities or affect access to recreational resources.

Mitigation/Conclusion. No planning area standards or mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Increase vehicle trips to local or areawide circulation system?*	☐	■	☐	☐
b) *Reduce existing "Levels of Service" on public roadway(s)?*	☐	■	☐	☐
c) *Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?*	☐	■	☐	☐
d) *Provide for adequate emergency access?*	☐	☐	■	☐
e) *Result in inadequate parking capacity?*	☐	☐	■	☐
f) *Result in inadequate internal traffic circulation?*	☐	☐	■	☐
g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?*	☐	☐	■	☐
h) *Result in a change in air traffic patterns that may result in substantial safety risks?*	☐	☐	■	☐
i) *Other* _____	☐	☐	☐	☐

Setting. The proposed project site is accessed from Highway 46/41, which is currently operating at an acceptable level of service. The affected section of highway is within a California Department of Transportation (Caltrans) "Safety Corridor". This designation indicates a higher than normal rate of accidents, and posted signage includes requests for daytime headlights, and warnings of extra fees for speed violations. Existing highway improvements consist of an eight-foot shoulder, which is located adjacent to the project site frontage and flares out at the existing driveway entrance onto Highway 46. A stop sign is posted for traffic existing the project site, and there is an existing left turn lane in the center of the highway to accommodate left turns from travelers in the eastbound traffic lane of Highway 46.

Impact.

Ordinance Amendment

The proposed ordinance amendment would allow an expansion of allowable uses on the project site. The proposed project was referred to Caltrans for review. Caltrans responded to the referral with concerns regarding additional traffic trips, high-speed traffic through the area, and safety hazards (J. Klimer; April 26, 2004). Caltrans requested submittal of a traffic study for proposed land uses on the project site.

Conditional Use Permit

The applicant submitted a traffic study pursuant to Caltrans' referral response to the ordinance amendment. The traffic study (Orosz Engineering Group, Inc.; June 25, 2004) evaluated the difference

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between trips generated by the existing allowable land use and the proposed land use, and the adequacy of the left turn access into the project site. Based on the traffic report, the existing allowable land use (automobile storage and used car sales) would generate approximately 45 trips per day, with four AM and four PM peak hour trips. The proposed project is estimated to generate 19 trips per day, with four AM and four PM peak hour trips. Based on the similar rates of trip generation, there would be no significant traffic impacts related to trip generation (Orosz Engineering Group, Inc.; June 25, 2004). The traffic study report states that operation of the proposed project would generate approximately 20 truck trips per week to deliver or deposit materials. These truck trips would occur during off-peak hours of 9:00 a.m. to 3:00 p.m. Monday through Friday. Based on the frequency of the off-peak hour truck trips, the existing left turn lane design would be adequate (Orosz Engineering Group, Inc.; June 25, 2004). Caltrans reviewed and approved the submitted traffic study report (J. Kilmer; July 7, 2004). Based on the results of the traffic study report, and Caltrans review and approval of the report, no significant traffic impacts would occur as a result of the proposed project.

Mitigation/Conclusion. To ensure that future land uses do not result in a significant safety hazard or traffic impact, planning area standards shall be adopted requiring approval of a discretionary permit (Minor Use Permit at a minimum) and the submittal of a traffic study report for review and approval by the County of San Luis Obispo and Caltrans at the time of application for the discretionary permit. If improvements are necessary, the applicant shall be required to obtain an encroachment permit from Caltrans.

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

Setting. Existing development on the proposed project site includes a septic system and leachfield. Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the underlying soil types are Mocho Clay Loam (0-2% slope) and San Emigdio Fine Sandy Loam (2-9% slope). For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the soil's ability to percolate or "filter" effluent, the soil's depth and the slope on which the system is placed. To assure a successful system that meets the Central Coast Basin Plan, additional analysis or engineering is needed when one or more factors exist: the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics)or is too slow (slower or more than 120 minutes per inch); the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or the separation between the bottom of the leach line to bedrock or high groundwater is less than five feet.

Impact. Based on the NRCS Soil Survey, the main limitation(s) of this soil for wastewater effluent is slow percolation. This characteristic indicates that fluids may percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch.

Ordinance Amendment
There is an existing septic system and leachfield onsite. If an additional system is determined necessary in a alternate location on the project site, the project applicant would be required by Title 19 of the County

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Code (Building and Construction), the Uniform Plumbing Code, and the Central Coast Basin Plan to submit additional information that shows the leach area can adequately percolate. Based on implementation of existing County Code and State standards, no significant impacts would occur as a result of the proposed ordinance amendment.

Conditional Use Permit
The applicant is proposing to utilize an existing septic system and leach field. No impacts are anticipated.

Mitigation/Conclusion. Based on compliance with County Code, the Uniform Building Code, and Central Coast Basin Plan, no additional planning area standards are required.

14. WATER - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	☐	■	☐	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	☐	■	☐	☐
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☐	■	☐
d) Change the quantity or movement of available surface or ground water?	☐	☐	■	☐
e) Adversely affect community water service provider?	☐	☐	☐	■
f) Other _____	☐	☐	☐	☐

Setting.
Surface Water. Cholame Creek is located approximately 50 feet to the southwest on the opposite side of Highway 46/41 from the proposed project site.

Water Supply. There is an existing well onsite. The water source for this well is the Paso Robles Groundwater Basin. According to the *Annual Resource Summary Report* (2003), water levels have declined along the Highway 46 corridor east of Paso Robles, likely due to increased pumping associated with the development of rural ranchettes, vineyards, and golf courses (2003). The report does not recommend a level of severity at this time, and an update report is currently underway.

Impact.
Water Supply. Based on the continued use of the existing well onsite, no significant impacts to water supply would occur as a result of the proposed ordinance amendment and conditional use permit.

Surface Water.
Ordinance Amendment
Implementation of the proposed ordinance amendment is not likely to result in impacts to Cholame Creek due to the highway barrier between the creek and the proposed project site. The project site is nearly level, and development is unlikely to result in erosion and off-site sedimentation. If future land uses propose the use or storage of hazardous materials, the project would be reviewed by County staff to ensure that these materials are stored and disposed of consistent with Section 22.10.070 of the Land Use Ordinance (Flammable and combustible liquids storage), and may require a discharge permit pursuant to the National Pollutant Discharge Elimination System (NPDES) permit program, which would include preparation of a Storm Water Pollution Prevention Plan (SWPPP) to be approved by the State Water

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Quality Control Board (SWQCB). The SWPPP would include measures to avoid or minimize pollutant discharge during a rain event. Based on implementation of the County Ordinance and compliance with NPDES and SWQCB requirements, no significant water pollution impacts would occur as a result of the proposed ordinance amendment.

Conditional Use Permit
Operation of the proposed facility would include the use and storage of oils and paint. The applicant is proposing to store approximately 20 to 25 gallons of paint at any time during operation of the facility. Up to 50 gallons of waste oil from proposed equipment would be stored onsite before being picked up by a hazardous materials company for proper disposal. During a rain event, oils and other pollutants may be carried off-site by stormwater, potentially discharging into Cholame Creek located on the opposite side of the highway, resulting in a potentially significant impact.

Mitigation/Conclusion.
Ordinance Amendment
Based on implementation of local, State, and Federal guidelines established by the County of San Luis Obispo, the State Water Quality Control Board, and Environmental Protection Agency, no additional planning area standards are necessary.

Conditional Use Permit
To minimize the potential for stormwater and surface water pollution during operation of the proposed facility, the applicant has agreed to submit a Waste Discharge Report (WDR) permit application and Stormwater Pollution Prevention Plan (SWPPP) to the Central Coast Regional Water Quality Control Board (RWQCB) for review and approval.

Surface Water. Implementation of an approved erosion and sedimentation control plan including best management practiced and pollution prevention measures would reduce impacts to surface water to a level of insignificance (refer to Section 6).

15. LAND USE - *Will the project:*	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) *Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?*	☐	☐	■	☐
b) *Be potentially inconsistent with any habitat or community conservation plan?*	☐	☐	■	☐
c) *Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?*	☐	☐	■	☐
d) *Be potentially incompatible with surrounding land uses?*	☐	☐	■	☐
e) *Other* _____	☐	☐	☐	☐

Setting/Impact. The proposed ordinance amendment and conditional use permit were reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g. County Land Use Ordinance, and the Shandon-Carrizo Land Use Element). The project was found to be consistent with these documents. The proposed project is not within or adjacent to a Habitat Conservation Plan area.

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The surrounding land uses consist of livestock grazing and hay production. The proposed project site is within the Commercial Service land use category, and was historically developed as a automobile storage and used car sales facility. The proposed ordinance amendment and proposed metal fabrication facility are consistent with the historic use of the project site.

Mitigation/Conclusion. No significant land use impacts would occur as a result of the proposed ordinance amendment and conditional use permit, and no planning area standards or mitigation measures are required.

16. MANDATORY FINDINGS OF SIGNIFICANCE - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*	☐	■	☐	☐
b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project's, and the effects of probable future projects)*	☐	■	☐	☐
c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*	☐	☐	■	☐

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

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Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
X	County Public Works Department	**In File***
X	County Environmental Health Division	***Attached; pers. comm.09/16/2003***
X	County Agricultural Commissioner's Office	**Attached; pers. comm. 07/14/04**
___	County Airport Manager	**Not Applicable**
___	Airport Land Use Commission	**Not Applicable**
X	Air Pollution Control District	**Attached**
___	County Sheriff's Department	**Not Applicable**
X	Regional Water Quality Control Board	**None**
___	CA Coastal Commission	**Not Applicable**
X	CA Department of Fish and Game	**Pers. comm. 03/23/04**
X	CA Department of Forestry	**In File***
X	CA Department of Transportation	**Attached**
X	Shandon Community Service District	**In File***
X	Shandon Advisory Group	**Attached**

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

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

✔ Project File for the Subject Application

County documents

___ Airport Land Use Plans
✔ Annual Resource Summary Report
✔ Building and Construction Ordinance
___ Coastal Policies
✔ Framework for Planning (Coastal & Inland)
✔ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
  - ✔ Agriculture & Open Space Element
  - ✔ Energy Element
  - ✔ Environment Plan (Conservation, Historic and Esthetic Elements)
  - ✔ Housing Element
  - ✔ Noise Element
  - ___ Parks & Recreation Element
  - ✔ Safety Element
✔ Land Use Ordinance
___ Real Property Division Ordinance
✔ Trails Plan
___ Solid Waste Management Plan
✔ Shandon-Carrizo Area Plan and Update EIR
___ _____ Circulation Study

Other documents

✔ Archaeological Resources Map
✔ Area of Critical Concerns Map
✔ Areas of Special Biological Importance Map
✔ California Natural Species Diversity Database
✔ Clean Air Plan
✔ Fire Hazard Severity Map
✔ Flood Hazard Maps
✔ Natural Resources Conservation Service Soil Survey for San Luis Obispo County
✔ Regional Transportation Plan
✔ Uniform Fire Code
✔ Water Quality Control Plan (Central Coast Basin - Region 3)
___ Other _____
___ Other _____

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

Orosz Engineering Group, Inc. June 25, 2004. *Traffic Assessment for Proposed Relocation on Highway 46 East of Shandon.*

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Loretta Gale Morgan, Helianthus, Inc. August 8, 2003. Phase I Environmental Site Assessment, Cockrum Garage, 17995 E Hwy 46, Shandon, California

Geocon Consultants, Inc. January 2001. Preliminary Site Investigation Report, Highway 46.

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Exhibit B - Mitigation Summary Table

Ordinance Amendment:

The following planning area standards shall be incorporated into the *Shandon-Carrizo Area Plan* for the 1.8-acre project site:

1. At a minimum, Minor Use Permit approval is required for all proposed new land uses.

2. At the time of Minor Use Permit or Conditional Use Permit application, the applicant shall submit a landscaping and fencing plan showing how all structures, equipment, and materials would be screened from public view.

3. At the time of Minor Use Permit or Conditional Use Permit application, the applicant shall submit a traffic study report to the County Departments of Planning and Building and California Department of Transportation for review. The report shall document existing conditions on the Highway 46 corridor, identify any impacts associated with the proposed development, and recommend mitigation measures.

Conditional Use Permit:

Aesthetics

AE-1 Prior to issuance of construction permits and occupancy, the applicant shall submit a landscape and fencing plan that provides solid fencing and screening landscaping at the entrance and all sides, to screen the site and structures from public view from the existing and realigned Highway 46 East. Landscaping and fencing is to be installed according to the approved landscape and fencing plan prior to final inspection and occupancy permit. Landscaping on the west side of the site may be bonded for installation at the time that the realignment of Highway 46 East commences in construction.

Air Quality

AQ-1 Prior to final inspection *or issuance of a business license and occupancy of the site*, the applicant shall submit copies of all *Permit to Operate* permits issued by the County of San Luis Obispo Air Pollution Control District (APCD).

Biological Resources

Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Shandon-Cholame area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 3:1, which requires that a total compensatory acreage of 5.1 (1.7 acres multiplied by a 3:1 ratio) be mitigated. Total compensatory mitigation required for the project is 5.1acres, based on 3 times 1.7 acres impacted. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

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BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 5.1 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects if this program must be in place before County permit issuance or initiation of any ground disturbing activities.

b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Your fee, payable to The Nature Conservancy, would total $12,750.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase 5.1 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 5.1 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation

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Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

BR-2 Prior to issuance of grading and/or construction permits, the applicant shall retain a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. Before commencing with project activities, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:

1. Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

a) Potential kit fox den: 50 feet

4-45

b) Known or active kit fox den: 100 feet

c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 Prior to issuance of grading and/or construction permit, the applicant shall clearly delineate as a note on the project plans, that: Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox. In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BR-3 through BR-11 of your Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5 Prior to issuance of grading and/or construction permit, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed and distributed to all contractors, employers and other personnel involved with the construction of the project.

BR-6 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-7 During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

4-46

BR-8 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-9 Prior to, during and after the site-disturbance and/or construction phase, use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-10 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

BR-11 Prior to final inspection or occupancy, whichever comes first, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";

b. If a more solid wire mesh or a solid fence or wall is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

4-47

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason

Hazards/Materials

HM-1 Prior to issuance of construction permits *final inspection of any outstanding permits and occupancy through a business license*, the applicant shall prepare a Spill Prevention and Contingency Plan *and a Hazardous Materials Business Plan* for the review and approval of the County Departments of Planning and Building and Environmental Health. The plans shall address the *safe storage and handling, and the* prevention of release of oils, paint, and any other hazardous materials.

Water

W-1 Prior to issuance of construction permits, *final inspection of any outstanding permits and occupancy through a business license*, the applicant shall submit documentation of a Waste Discharge Report (WDR) permit and/or National Pollutant Discharge Elimination System (NPDES) permit, and Stormwater Pollution Prevention Plan (SWPPP) approved by the Regional Water Quality Control Board (RWQCB) and State Water Quality Control Board (SWQCB), or documentation stating why these permits and plans were not required.

DATE: October 12, 2004

DEVELOPER'S STATEMENT FOR
PASO PACIFIC CONDITIONAL USE PERMIT
DRC2003-00094; ED03-425

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

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

The following mitigation measures address impacts that may occur as a result of the development of the project.

Aesthetics

AE-1 Prior to issuance of construction permits and occupance, the applicant shall submit a landscape and fencing plan that provides solid fencing and screening landscaping at the entrance and all sides, to screen the site and structures from public view from the existing and realigned Highway 46 East. Landscaping and fencing is to be installed according to the approved landscape and fencing plan prior to final inspection and occupancy permit. Landscaping on the west side of the site may be bonded for installation at the time that the realignment of Highway 46 East commences in construction.

> **Monitoring:** The County Planning and Building Department shall review and approve the landscape and fencing plan prior to issuance of construction and occupancy permits and inspect and approve the required installation(s) prior to final construction inspection and occupancy permit.

Air Quality

AQ-1 Prior to final inspection, the applicant shall submit copies of all Permit to Operate permits issued by the County of San Luis Obispo Air Pollution Control District (APCD).

> **Monitoring:** The County Planning and Building Department shall verify receipt of required permits.

Biological Resources

Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Shandon-Cholame area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 3:1, which requires that a total compensatory acreage of 1.5 (0.5 acres multiplied by a 3:1 ratio) be mitigated. Total compensatory mitigation required for the project is 1.5 acres, based on 3 times 0.5

acres impacted. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

BR-1 **Prior to issuance of grading and/or construction permits,** the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.5 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative (a.), requires that all aspects if this program must be in place before County permit issuance or initiation of any ground disturbing activities.

b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Your fee, payable to The Nature Conservancy, would total $3,750.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase 1.5 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 1.5 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

BR-2 **Prior to issuance of grading and/or construction permits**, the applicant shall retain a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities,** if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. **Before commencing with project activities**, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, **before project activities commence,** the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:

1. Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

   a) Potential kit fox den: 50 feet
   b) Known or active kit fox den: 100 feet
   c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been

terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

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BR-4 **During the site disturbance and/or construction phase,** grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

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BR-6 **During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-7 **During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

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BR-11 **Prior to final inspection or occupancy, whichever comes first,** should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";

b. If a more solid wire mesh or a solid fence or wall is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Monitoring (San Joaquin Kit Fox Measures BR-3 – BR-11): Compliance will be verified by the County Division of Environmental and Resource Management in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason

Hazards/Materials

HM-1 **Prior to issuance of construction permits,** the applicant shall prepare a Hazardous Materials Business Plan and a Spill Prevention and Contingency Plan for the review and approval of the County Department of Environmental Health Services. The plans shall address an inventory of on-site hazardous materials, emergency response procedures, usage training, safe storage and handling, and spill prevention of oils, paint, and any other hazardous materials.

> **Monitoring:** The County Department of Planning and Building shall verify receipt and approval of the required plan.

Water

W-1 **Prior to issuance of construction permits,** the applicant shall submit documentation of a Waste Discharge Report (WDR) permit and/or National Pollutant Discharge Elimination System (NPDES) permit, and Stormwater Pollution Prevention Plan (SWPPP) approved by the Regional Water Quality Control Board (RWQCB) and State Water Quality Control Board (SWQCB), or documentation stating why these permits and plans were not required.

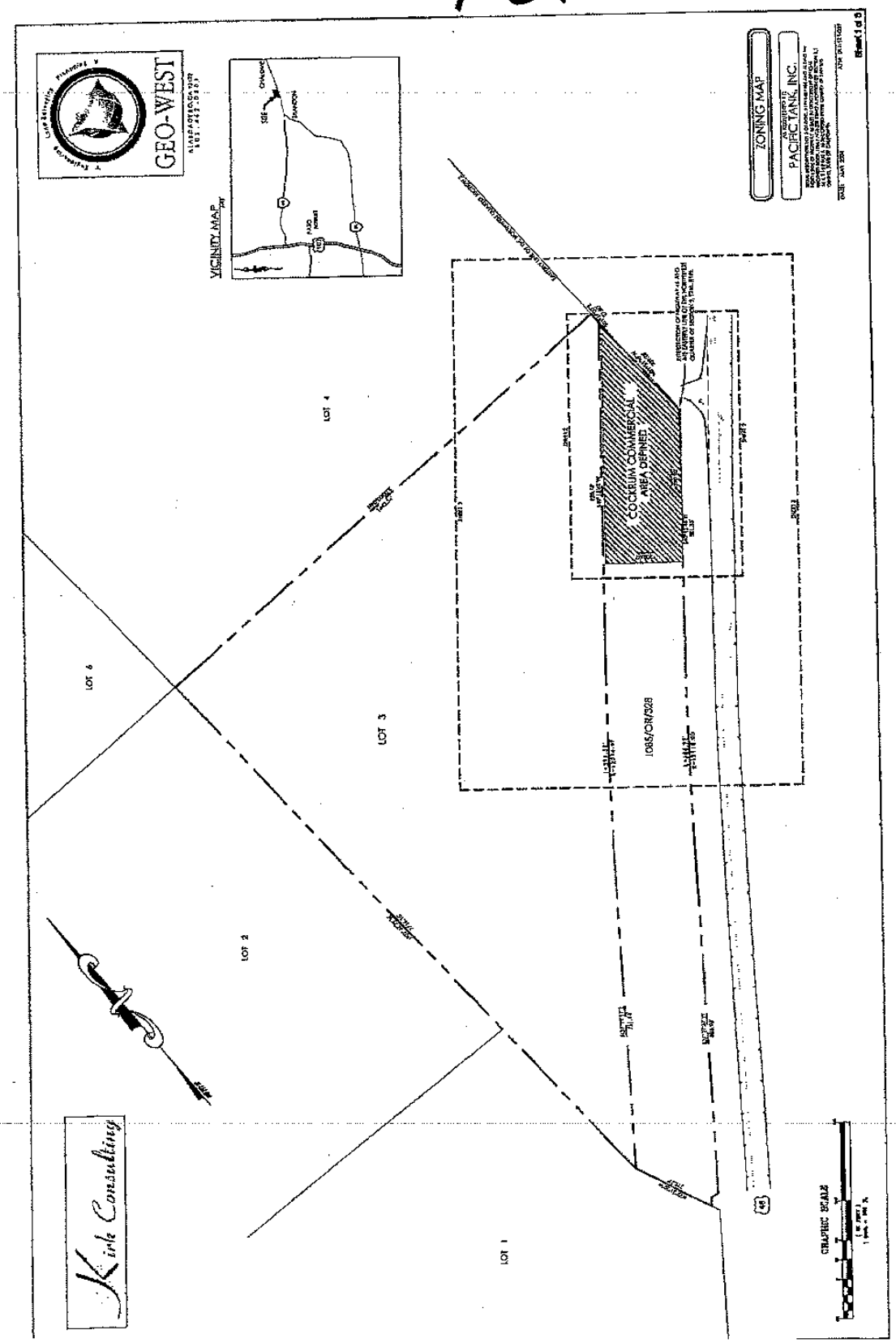
> **Monitoring:** The County Department of Planning and Building shall verify receipt of required permits, authorizations, and plans.

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

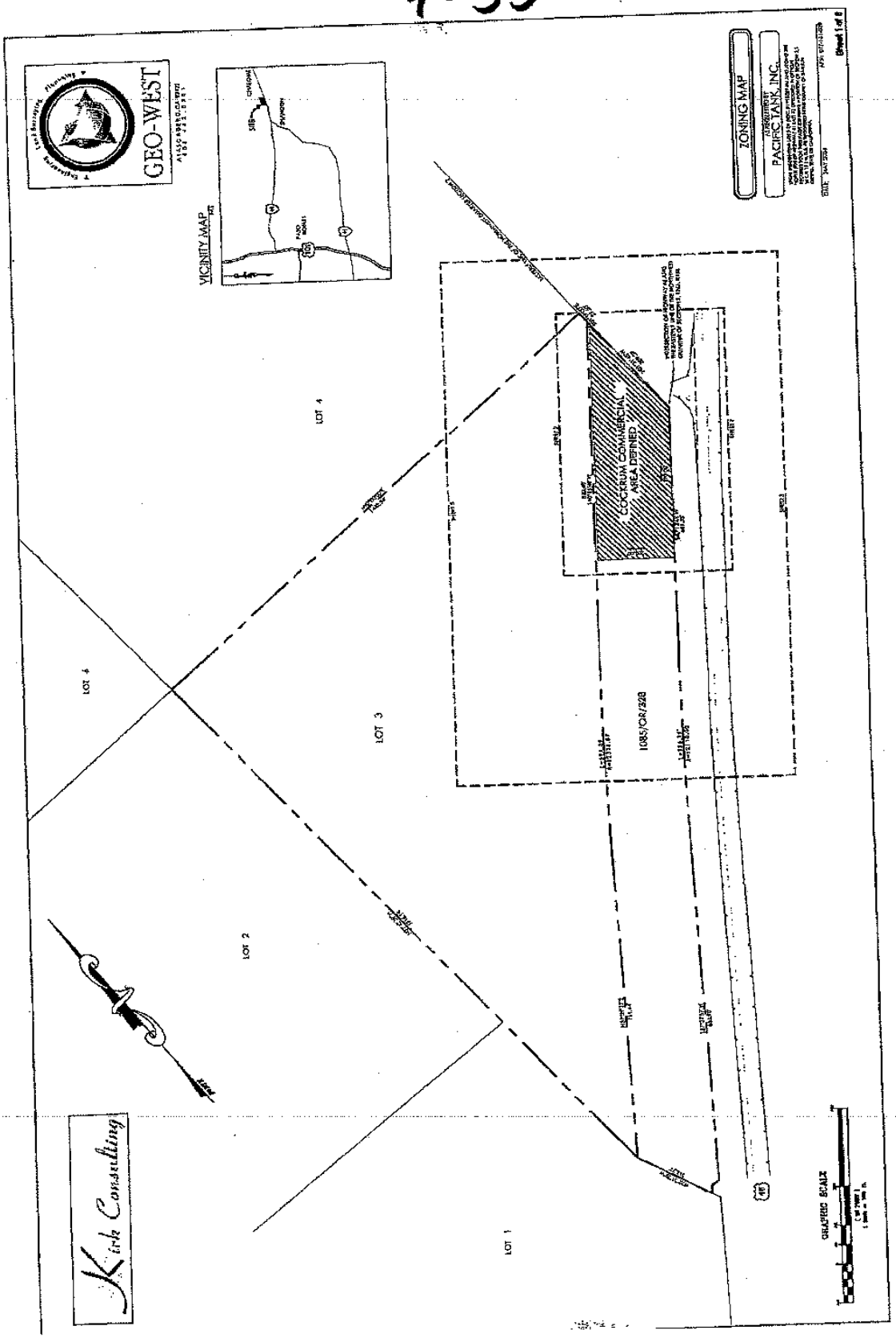
Signature of Owner(s) 10-12-04
Date

Rusty Pauls
Name (Print)

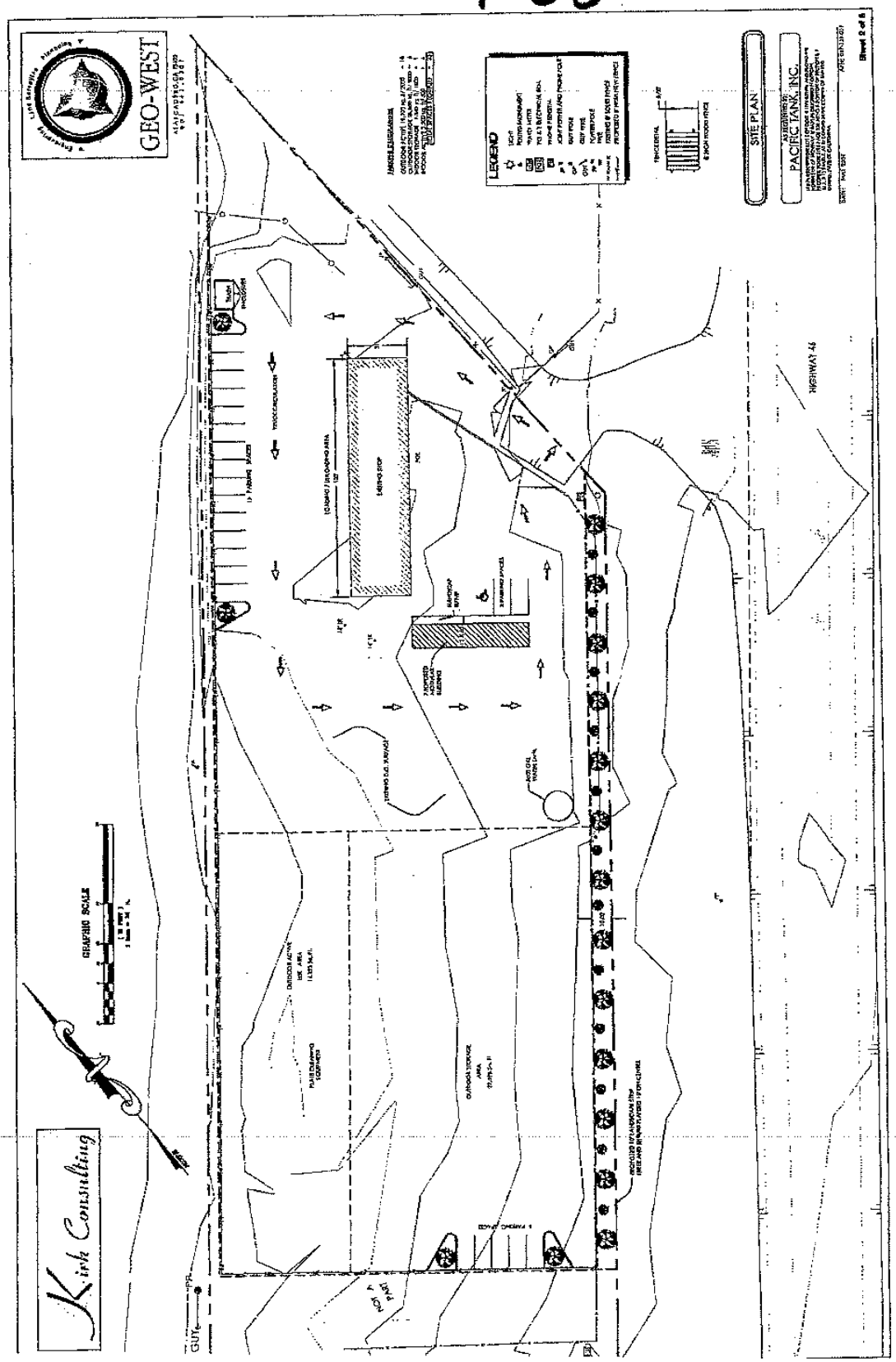
4-54


GEO-WEST
VICINITY MAP
ZONING MAP
PACIFIC MINE, INC.
COCHELLA COMMERCIAL AREA DEFINED
LOT 1
LOT 2
LOT 3
LOT 4
LOT 6
1085/OR/328
Kirk Consulting
GRAPHIC SCALE

4-55


GEO-WEST
VICINITY MAP
ZONING MAP
PACIFIC TANK, INC.
LOT 1
LOT 2
LOT 3
LOT 4
LOT 4
COCRUM COMMERCIAL AREA DEFINED
1085/OR/220
GRAPHIC SCALE
Kirk Consulting

4-56


GEO-WEST
LEGEND
SITE PLAN
PACIFIC TANK, INC.
HIGHWAY 46
GRAPHIC SCALE
Kirk Consulting

County f San Luis Obispo • Pul·'c Health Department

4-57

Environmental Health Services
2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX (805) 781-4211
Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

September 16, 2003

Paso Pacific Properties, LLC
c/o The Walker Law Firm
David T. Sanford
1301 Dove St., Suite 450
Newport Beach, CA 92660-2464

Re: Preliminary Site Investigation Report for Cockrum's Garage, 17995 E. Highway 46, Shandon, CA 93461

Dear Mr. Sanford,

I have reviewed the Preliminary Site Investigation Report for Cockrum's Garage, 17995 E. Highway 46, Shandon, CA 93461, dated January 18, 2001 prepared by Geocon Consultants, Inc., and have concluded the following:

1. Nine direct-push soil borings were advanced to depths ranging from 0.5 to 6.0 meters below ground surface adjacent to the former underground storage tank and dispenser locations.
2. The soil samples collected were analyzed for California Code of Regulations, Title 22 Metals; total petroleum hydrocarbons as gasoline, diesel, motor oil; benzene; toluene; ethylbenzene; xylene; fuel oxygenated compounds; volatile organic compounds; ethylene glycol; and pH.
3. The analytical results for the soil samples collected are well below regulatory limits and recommended action levels.
4. The site investigation has adequately characterized the site.
5. No further action is required at this time.

This decision is based on the information provided in the listed report and is subject to the provision that the information provided therein is accurate and representative of site conditions. Please be advised that if site conditions change or hazardous materials from this site impact soil or groundwater, remedial action could be required.

If you have questions regarding this matter, please contact me at (805) 781-5557.

Sincerely,

Scott Milner
Environmental Health Specialist III
Hazardous Materials Section

cc: Kevin J. Brown, RG; Geocon Consultants, Inc.

4-58

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

RECEIVED
MAR 19 2004
Planning & Bldg

RECEIVED
MAR 11 2004
ENVIRONMENTAL HEALTH

THIS IS A NEW PROJECT REFERRAL

DATE: March 10, 2004

TO: Env. Health

G030016L - Paso Pacific Properties
Project Name & Number

FROM: Jim Lopes
Development Review Section (PHONE: 781-5975)

PROJECT DESCRIPTION: A request by Pacific Tank and Construction / Paso Pacific Properties to amend a Land Use Ordinance standard (Section 22.110.020.C, Article 9) to replace a current limitation on use with one that allows Metal Industries (Fabricated), Small Scale Manufacturing, Contract Construction, and Farm Equipment and Supplies, in the Commercial Service category at a site 2.6 miles north of the Shandon Highway 41/46 intersection.

STATUS: The Board of Supervisors authorized the application to be processed on March 9, 2004. The initial study of the application will proceed next. Comments on the amendment should address your agency's technical concerns at this time.
Should previous pollution from former wrecking yard be considered and cleaned up?
Return this letter with your comments attached no later than March 23, 2004
Soils Test?

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

✓ YES (Please go on to PART II.)
___ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

✓ NO (Please go on to PART III.)

___ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. **IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.**

Environmental Health has no comments or conditions to amend the Land Use Ordinance. If a Development Plan or C.U.P. or M.U.P. is requested then soil testing for metals and hydrocarbons may be required.

3/18/04 — Date
Robert Wilson — Name
x5551 — Phone

REF.ltr\1/23/96/lj
G:\A_files\General Plan Amendments\Fiscal 2003-2004\G030016L - Paso Pacific\Letters\Referral letter Paso Pacific.wpd

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • 1-(800) 834-4636
EMAIL: ipcopling@slonet.org • FAX: (805) 781-1242 • WEBSITE: http://www.slonet.org/vv/ipcopling

Bob Morenza

4-59

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

RECEIVED
MAR 11 2004
Planning & Bldg

THIS IS A NEW PROJECT REFERRAL

DATE: March 10, 2004

TO: Building Division

G030016L - Paso Pacific Properties
Project Name & Number

FROM: Jim Lopes
Development Review Section (PHONE: 781-5975)

PROJECT DESCRIPTION: A request by Pacific Tank and Construction / Paso Pacific Properties to amend a Land Use Ordinance standard (Section 22.110.020.C, Article 9) to replace a current limitation on use with one that allows Metal Industries (Fabricated), Small Scale Manufacturing, Contract Construction, and Farm Equipment and Supplies, in the Commercial Service category at a site 2.6 miles north of the Shandon Highway 41/46 intersection.

STATUS: The Board of Supervisors authorized the application to be processed on March 9, 2004. The initial study of the application will proceed next. Comments on the amendment should address your agency's technical concerns at this time.

→ Should pollution from previous wrecking yard be determined for clean up? Soil Test?

Return this letter with your comments attached no later than March 23, 2004

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

___ YES (Please go on to PART II.)
___ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

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PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. **IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.**

The building Division doesn't have jurisdiction over clean up. (ENVIRO. HEALTH / APCD) IF GRADING IS REQUIRED BY ABOVE DETERMINATION A PERMIT WILL BE REQUIRED

3/15/03 — Bob Morenza — 781-5709
Date — Name — Phone

REF.ltr\\1/23/96/lj
G:\A_files\General Plan Amendments\Fiscal 2003-2004\G030016L - Paso Pacific\Letters\Referral letter Paso Pacific.wpd

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • 1-(800) 834-4636
EMAIL: ipcoping@slonet.org • FAX: (805) 781-1242 • WEBSITE: http://www.slonet.org/vv/ipcoping

AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

4-60

DATE: March 23, 2004

TO: Jim Lopes, Development Review Section
San Luis Obispo County Department of Planning and Building

FROM: Andy Mutziger AJM
San Luis Obispo County Air Pollution Control District

SUBJECT: Paso Pacific Properties Land Use Amendment & for the Pacific Tank and Construction Relocation (G030016L)

Thank you for including the Air Pollution Control District (District) in the environmental review process. We have completed our review of the proposed relocation of the Pacific Tank and Construction Inc. operation from Paso Robles to 179954 East Highway 46 near Shandon. There are use restrictions on the property that need to be modified to allow the proposed metal fabrication, small scale manufacturing, construction contractors, and farm equipment and supplies. We have the following comments on the proposal.

SPECIFIC COMMENTS

The District appreciates this business move as it will reduce the vehicle miles traveled and associated emissions because Pacific Tank and Construction will be closer to the company tank manufacturing site in Fresno and closer to many of the rural customers for whom they will serve.

Operational Phase Permitting

District Rule 202 identifies that any person building or erecting equipment, the use of which may cause the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer. If painting operations will be part of the tasks accomplished at the 179954 East Highway 46 location, the company will have to apply for a permit with the District and implement Reasonable Available Control Technology to the coating operation. Contact David Dixon of the District's Engineering Division at (805) 781-5912 for assistance in this process.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

AJM/lmg

cc: David Dixon, APCD Engineering Division

H:\ois\plan\response\2850.doc

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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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

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.ca.gov/dist05

4-61

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APR 29 2004
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Flex your power!
Be energy efficient!

April 26, 2004

SLO – 46 PM 51.40
Paso Pacific Properties
GL030016L – Amend
Land Use Ordinance

New Project Referral

Mr. Jim Lopes, Long Range Planning
San Luis Obispo County Govt. Center
Department of Planning & Building
San Luis Obispo, CA. 93408

Dear Mr. Lopes:

Thank you for submitting the Paso Pacific Properties New Project Referral. The California Department of Transportation (Department) Development Review Staff has reviewed the above referenced document and as result, the following comments were generated.

The Department requests that the applicant for this project be conditioned to perform a traffic study (prepared by a Licensed Traffic Engineer) to determine traffic related impacts to State Route 46. Due to the anticipated increases in the number of trips and the types of vehicles (e.g. large feed/alfalfa and steel tank component trucks) associated with those trips, the traffic study will need to document existing conditions, and existing + project conditions. Increases in trip generation (project peak hour trips) will need to be based on Institute of Traffic Engineer (ITE) Trip Generation, 7th Edition tables.

The traffic study will also need to verify if the geometrics of the existing left-turn channelization is sufficient enough to accommodate existing traffic plus the proposed project's traffic. Similarly, the study will need to document if right-turn channelization will be required. The traffic study will need to document the ambient (85th percentile) traffic speeds in a speed zone survey for this location. This will help gauge the appropriate length of the deceleration taper that may be needed for both the left and right-turn channelization.

"Caltrans improves mobility across California"

4-62

The Department feels that requiring the applicant to perform the traffic study is a prudent course of action. Increased traffic volumes, high-speed traffic and the fact that this section of State Route 46 is a "Safety Corridor", dictates that all precautions be taken to insure the traveling public's safety.

Thank you submitting this New Project Referral for our review. If you have any further questions, please feel free to contact me at 549-3683.

Sincerely,

James Kilmer
District 5
Development Review

Enclosure/Attachment

cc: File, D. Murray, R. Barnes

COUNTY OF SAN LUIS OBISPO 4-63

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Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY
AGRICULTURAL COMMISSIONER/SEALER
(805) 781-5910
FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

DATE: **June 1, 2004**

TO: **Jim Lopes, Planner III**

FROM: **Lynda L. Auchinachie, Agriculture Department**

SUBJECT: **Paso Pacific Properties Land Use Ordinance Amendment G030016L (0849)**

Executive Summary

The proposed Land Use Ordinance (LUO) amendment to change the existing limitation on use to allow for Metal Industries, Small Scale Manufacturing, Contract Construction, and Farm Equipment and Supplies would not result in significant impacts to on-site or adjacent agricultural resources or operations.

The following report is in response to your request for comments on the proposed Paso Pacific Land Use Ordinance Amendment. The comments and recommendations in our report are based on agricultural policies in the San Luis Obispo County Agriculture and Open Space Element and current departmental goals to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

A. Project Description and Agricultural Setting

The applicant is requesting to change the existing limitation on use to allow for Metal Industries, Small Scale Manufacturing, Contract Construction, and Farm Equipment and Supplies on an approximately 1.8 acre site within the Commercial Service land use category. The project site is located at 179954 Highway 46 East, approximately 2.6 miles northeast of the intersection of Highway 46 East and Highway 41 at Shandon. The applicant's intent is to serve the needs of the north county rural area. The surrounding properties are within the Agriculture land use category and have historically supported grazing and hay production activities. The majority of properties are under Williamson Act contract.

The 1.8 acre project site consists of Class I irrigated soil (Class IV non-irrigated) that have previously been developed with a towing service/storage yard and used car sales lot.

4-64

B. Evaluation of Agricultural Issues

Introduction

Our evaluation and comments concerning the proposed LUO amendment includes impacts to on-site and adjacent agricultural resources and operations. Projects which lead to the conversion of land capable of production agriculture, or causes a direct or indirect impact to adjacent agricultural lands are not supported.

1. Impacts to On Site Agricultural Capability

The proposal to allow additional uses on the 1.8 acre project site would not further impact/convert prime soils as the site has been previously developed with a towing service/storage yard and used car sales lot.

2. Impacts to Adjacent Agricultural Lands

Agricultural lands surround the project site. The properties have historically supported grazing and hay production activities. The proposed uses may create dust and pollutants if such practices as sandblasting and surface coating of metal are utilized. Such dust and pollutants may impact agricultural resources and operations. These type of activities often require permitting from the Air Pollution Control District (APCD). Such permitting aims to reduce impacts to surrounding areas. For these reasons, site specific development should be referred to the APCD. Additionally, the Agriculture and Open Space Element, Agricultural Policy 17: Agricultural Buffers, addresses such concerns in accordance with the agricultural buffer policy. Agricultural buffers and other mitigation measures may be needed to address dust concerns and should be determined by the Agriculture Department at the time development plans are submitted.

If we can be of further assistance please call, 781-5914.

7/14 → [illegible] unit: buffer 2. [illegible]

[illegible] dust [illegible]

4-65

Orosz Engineering Group, Inc.
1627 Calzada Avenue
Santa Ynez, California 93460
Phone/FAX 805-688-7814
email oeg@quixnet.net

OEG Ref 060304

June 25, 2004

Mr. Rusty Pauls
Pacific Tank and Construction
P.O. Box 2298
Paso Robles, CA 93447

Subject: Traffic Assessment for Proposed Relocation on Highway 46 East of Shandon

Dear Mr. Pauls:

In response to Caltrans comments on the proposed project, Orosz Engineering Group, Inc (OEG) has conducted this traffic assessment for the proposed project. We have visited the project site and have reviewed Caltrans comments.

There are two primary concerns identified by Caltrans. The first issue is regarding trip generation, comparing the existing site uses with the proposed site uses. The second issue is the adequacy of the left turn access into the project site.

Proposed Project Location

The proposed project is located on the northside of Highway 46 east of Shandon at Postmile 51.40 in the County of San Luis Obispo. The existing site contains a towing service, car sales office and storage facility. To the east of the project site, Highway 46 provides two vehicular lanes in each direction separated by a concrete barrier. To the west of the project site, Highway 46 narrows to one lane in each direction with a painted center stripe. The speed limit is 55 MPH and vehicles travel at or slightly above this speed.

Trip Generation

The existing site uses consist of a towing service, used car sales and storage of wrecked vehicles. Structures on-site consist of a 3,600 square foot shop/warehouse and 800 sf office. The best fit estimate of the existing trip generation is based on car sales ITE Code 841 and warehousing ITE Code 150. Using the trip generation data from the 7th edition of the ITE Trip Generation Reference (as requested by Caltrans), the existing site could generate approximately 45 trips per day with four AM and four PM peak hour trips.

The proposed project uses include a manufacturing facility and related offices. The best fit estimate for trip generation for the proposed project would be ITE Code 140 – Manufacturing. Using the same trip generation rate source, the proposed project is estimated to generate 19 trips per day with four AM and four PM peak hour trips.

Based on the similar trip generation for the existing and proposed uses, there would be no significant impact on the operation of Highway 46 in the vicinity of the project.

4-66

Mr. Rusty Pauls
June 25, 2004
Page 2

Access

Access to the existing Highway 46 mainline will remain unchanged with the proposed project. There is an eight foot (2.4 meter) shoulder adjacent to the project frontage. This shoulder flares at the project driveway. A STOP sign is posted for traffic exiting the project site. Left turns from the highway are accommodated by the existing left turn lane. The sight distance is unobstructed in both directions.

With no change in the number of vehicles entering or leaving the site being anticipated, the existing access should operate acceptably. With the proposed project, approximately 20 trucks per week will deposit materials or deliver finished products to other destinations. These truck trips will occur during off-peak hours 9 AM to 3 PM Monday through Friday. Based on the frequency of the truck trips, no significant impacts are expected. Further as it is unlikely that more than one truck would be making a left turn into the site from the left turn lane at the same time, the existing left turn lane design would be able to accommodate the truck and not impede through traffic.

Conclusion

The proposed project is expected to result in approximately the same trip generation as the existing site uses. As such, the operation of the site access would remain unchanged. Based on the frequency of the off-peak hour truck trips, the existing left turn lane design should be adequate to store one truck and not block the adjacent through lane.

Should you have any questions, feel free to contact me.

Sincerely,

Orosz Engineering Group, Inc

cc. Ms. Jamie Kirk, Kirk Construction and Consulting

REGISTERED PROFESSIONAL ENGINEER
STEPHEN A. OROSZ
No. 1269
Exp. 9/30/04
TRAFFIC
STATE OF CALIFORNIA

4-67

RECEIVED JUL 14 2004 ENV. HEALTH

AUG - 4 20

PROJECT REFERRAL

MORRO GROUP, INC.
Environmental Services

DATE: July 12, 2004

TO: County Department of Environmental Health

FROM: Shawna Scott, Resource Specialist

SUBJECT: Applicant: Paso Pacific Properties, LLC
File Number: General Plan Amendment (G030016L)
Conditional Use Permit (DRC2003-00094)

PROJECT DESCRIPTION: Refer to attached Supplemental Development Statement.

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

_____ YES (Please go on to Part II)

_____ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

_____ NO (Please go on to Part III)

_____ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. **IF YOU HAVE "NO COMMENT", PLEASE INDICATE OR CALL 543-7095 extension 111.**

Please have Paso Pacific submit hazardous materials business plans to this office prior to final approval.

Response Date: 7-30-04 Name: Laurie Sale

Please return this letter with your comments as soon as possible.

1422 MONTEREY STREET, SUITE C200 • SAN LUIS OBISPO, CA 93401 • (805) 543-7095 • FAX 543-2367

4-68

Helianthus, Inc.
Geographical & Environmental Sciences
11240 N. Rodeo Drive
Flagstaff, AZ 86004-1080
PH: (928) 527-1265/FAX: (928) 527-0221

September 29, 2004

Pacific Tank
P.O. Box 2298
Paso Robles, California 93447
PH: (805) 237-2929/FAX: (805) 238-7403

Re:
Cockrum Garage
17995 E Hwy 46
Shandon, California
Parcel or ID# 017-13-039

To Whom It May Concern,

As per the recommendation number three (3) of the Phase I Site assessment conducted by this company in August of 2003, the mentioned pit was opened on Tuesday, August 19, 2003 with Thomas N. Yanaga and Chris Cockrum in attendance. This pit was, at that time, identified as containing the mechanisms for a pneumatic hydraulic car hoist, utilized in the past for car repair.

Sincerely,

Carol Haines

Carol Haines

4-69

Orosz Engineering Group, Inc

1627 Calzada Avenue
Santa Ynez, California 93460
Phone/FAX 805-688-7814
email oeg@quixnet.net

OEG Ref 060304

October 4, 2004

Mr. Rusty Pauls
Pacific Tank and Construction
P.O. Box 2298
Paso Robles, CA 93447

Subject: Trip Generation Summary for Project Site on Highway 46 East of Shandon

Dear Mr. Pauls:

In response to County comments on the proposed project, Orosz Engineering Group, Inc (OEG) has conducted this trip generation summary for the variety of uses that are permitted under the zoning proposed for the project site.

Trip Generation

The existing site uses consist of a towing service, used car sales and storage of wrecked vehicles. Structures on-site consist of a 3,600 square foot shop/warehouse and 800 sf office. The best fit estimate of the existing trip generation is based on car sales ITE Code 841 and warehousing ITE Code 150. Using the trip generation data from the 7th edition of the ITE Trip Generation Reference (as requested by Caltrans), the existing site could generate approximately 45 trips per day with four AM and four PM peak hour trips.

The proposed project uses include a manufacturing facility and related offices. The best fit estimate for trip generation for the proposed project would be ITE Code 140 – Manufacturing. Using the same trip generation rate source, the proposed project is estimated to generate 19 trips per day with four AM and four PM peak hour trips.

The County has inquired on the potential changes that could occur within the zoning designation proposed for the project. The zoning proposed could result in a variety of land uses being permitted on the site. These include: Metal Fabrication, Small Scale Manufacturing, Ag Processing/winery, Warehousing, Caretaker and ancillary uses, Construction Contractor, and Farm Equipment Sales.

These uses generally fall into five general land use categories in the ITE trip generation data files - Light Industrial, Manufacturing, Warehousing, Vehicle Sales and Residential. Application of the trip generation rates for these land use codes to the site square footage proposed (4,400 square feet) would yield a range of traffic volumes that the site could expect. This summary is provided in Table 1. For the potential ag processing/winery use, data collected at a number of wineries was used to estimate the potential trips generated by the site.

4-70

Table 1
Trip Generation Summary

Land Use	Daily	AM Peak Hour	PM Peak Hour
Light Industrial	30	4	4
Manufacturing	16	3	3
Warehousing	22	2	2
Vehicle Sales	146	9	12
Ag Processing/Winery	16	0	2
Residential/Caretaker	10	1	1
Existing Site Uses	45	4	4
Proposed Project	19	4	4

Conclusion

The proposed project and zoning is expected to result in approximately the same or fewer trips being generated as the existing site uses. As such, the operation of the site access would remain unchanged. The only land use proposed that could generate more traffic than the existing uses is the vehicle sales use.

Should you have any questions, feel free to contact me.

Sincerely,

Stephen A. Orosz, PE, PTOE
Orosz Engineering Group, Inc

cc. Ms. Jamie Kirk, Kirk Construction and Consulting

4-71

Table 1
Trip Generation Analysis

Project Statistics
4.4 Total Facility Size - Per 1000 sf
employees (FTE)
Acres of Vineyard
1.8 acre site
0.8 tasting room (KSF)
cases per year (1000)

ADT	TRIP RATES (Trips per unit)	PHT
2.49	Total Facility Size (ksf)	0.61
4.79	FTE	0.61
0.44	Vineyard Acreage	0.15
0.33	Property Acreage	0.11
44.45	Tasting Room Size (ksf)	4.79
1.85	Per 1000 Cases	0.46

ADT	PROJECT TRAFFIC	PHT
11	Total Facility Size (ksf)	3
0	FTE	0
0	Vineyard Acreage	0
1	Property Acreage	0
36	Tasting Room Size (ksf)	4
0	Per 1000 Cases	0
16	Average	2

4-72

EXHIBIT E

CORRESPONDENCE

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

4-73

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: Dec. 15, 2003

TO: Shandon Advisory

FROM: No. County Team (Please direct response to the above)

G030016 / Paso Pacific, LLC
Project Name and Number

Development Review Section (Phone: 788-2009)

PROJECT DESCRIPTION: Remove existing use restrictions on Cochrum Garage parcel and allow allowable uses in the Commercial Service Zone.

Return this letter with your comments attached no later than: 12-26-03

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

X YES (Please go on to Part II)
___ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

X NO (Please go on to Part III)
___ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III **INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.**

SAC has held multiple discussions on this topic and there seems to be overwhelming support for this project.

12/26/03
Date

Name

748-6500
Phone

M:\PI-Forms\Project Referral - #216 Word.doc
Revised 4/4/03

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600
EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.slocoplanbldg.com

4-74

Shandon Advisory Committee
Post Office Box 92
Shandon CA 93461-0092

October 12, 2002

Rusty Pauls
Tom Yanaga
Pacific Tank and Construction Inc.
Post Office Box 2298
Paso Robles CA 93447-2298

Rusty and Tom,

Thank you both for attending the Shandon Community Advisory meeting on October 2. We appreciate that you took time from your busy schedules to come to Shandon and inform the community about your project. We understand that you are contemplating the purchase of approximately 155 acres off of Hwy 46 behind the Cockrums Garage site. You want to relocate a metal tank fabrication facility to that location and would need approximately 10 acres rezoned from agricultural to a commercial or industrial use to facilitate that relocation.

Our advisory committee is only a liasion between the community of Shandon and the County of San Luis Obispo. Our area of influence are the boundaries of Shandon Unified School District. Your project is within that boundary. The advisory committee and the local residents of Shandon attending the October 2 meeting offered wholehearted support for your proposed project. We are, however, only an advisory committee and can only offer our opinion to county government, we decide nothing, and unlike yourselves we take no financial risk as to the outcome. **We wish we could do more to affect the rezoning other than just offering you our support. Should you need us to attend any county meetings on your behalf please do not hesitate to contact us we would like to be part of the process.**

Shandon residents liked your project for numerous reasons;

1 - Location,location,location!! We liked that the site is adjacent to Hwy 46 and that any truck traffic for your facility would not be routed thru our downtown. We also liked that you are right by Cockrums Garage and the old Tosco site. Although the property you are looking at is Ag. zoned it is in the vicinity of an existing commercial/industrial zoning. We in Shandon like the location as an enclave for other future business applications. There is no better location close to our town for such use. We do not wish to remain only a bedroom community. We like that others could be bringing their dollars to Shandon during their workday and we also like the idea of jobs for locals. Your defunct company San Luis Tank hired many a Shandon High graduate in it's day and we would look forward to your partnering with our school for apprenticeship possibilities.

4-75

2 - Money,money,money!! Your facility would triple or quadruple the tax revenues for that property. Once again, we want business in Shandon that bring dollars to our town. If you build it, hopefully, more commerce will come providing additional commercial/industrial jobs. That is a great location with great Hwy access and high visibility.

3 - Improvements !! The area is currently a highly visible eyesore what with the abandoned garage and abandoned refinery. Anything that you could do to improve the nearby property would be very much appreciated by those of us in Shandon.

Presumably industry will come to Shandon sooner or later. We in Shandon would like that to be sooner than later and we welcome the oppourtunity to have your company become part of our community.

Good luck as you endeavor to wade thru the processes involved and please keep us informed as to your progress. We have found our county supervisor Harry Ovitt and his aide Cliff Smith to be very helpful in guiding our committee thru proper channels in county government. I suggest you work with them as their guidance would be invaluable.

Sincerely,

Donna Ellis
Secretary, Shandon Advisory

4-76

Shandon Advisory Committee
Post Office Box 92
Shandon CA 93461-0092

March 5, 2004

Board of Supervisors
Rm 370, County Government Center
San Luis Obispo, CA 93408-2040
tarritt@co.slo.ca.us

Ladies and Gentlemen:

This letter is in support of the project being embarked on by Pacific Tank and Construction on their property located on Hwy 46, east of Shandon. This project has been discussed at length at our Shandon Advisory Committee meetings and has our absolute support. As far as the community is concerned, the benefits are many, while the negatives, if there are any, are few.

As you may or may not be aware, this project is taking place on property known by locals as the "Cockrum Garage" site, which was garage and wrecking yard condoned by the County. Although we have been told the permit was only for 5 vehicles, there were far more than that (50 would be a conservative number) in all forms of immobility present for many years. The Pacific Tank people have done a tremendous job of cleaning up this eyesore and we now have a relatively attractive location there. The location also differs, pleasantly, from most job sites in this area in that it directs traffic to the east of us, countering the dominant traffic flow.

The establishment of this sort of commercial/industrial economy in the Shandon area is welcomed with open arms. This diversification will only serve to strengthen our community's economy, which is traditionally agrarian based. Pacific Tank's predecessor, San Luis Tank, has hired many Shandon High School graduates in the past as welders. Pacific Tank has even been in discussions with the teachers at Shandon High regarding the donation of surplus material to the high school as well as the establishment of an ROP program.

Projects like this will help diversify and balance Shandon's economy. The Board recently considered the allowance of developing up to 1500 homes in Shandon. If we are going to be a viable community, we must be allowed to have head of household type jobs located in the Shandon area, not be solely a "bedroom community." This project has the potential to create some of these jobs. Shandon is completely in support of this project and, in fact, would love to find more like it. Please support this project when it is brought to you, as we believe it is one step in the right direction for Shandon in many respects.

Thank you for your consideration,

Randy Diffenbaugh
Secretary, Shandon Advisory Committee

4-77

Kennedy Maintenance & Repair
Post Office Box 420
465 Peaceful Valley Road
Shandon, California 93461
Office/Fax 805.238.4449

March 5, 2004

San Luis Obispo County Board of Supervisors
San Luis Obispo County Planning Dept.

Dear Sirs,

This is a letter of endorsement for Pacific Tank & Construction, Inc. I understand that Pacific Tank & Construction, Inc. is applying for a change in their use permit to include a welding shop at their facility at 17995 East Highway 46, Shandon, CA. I feel this would be of a great asset for the Community of Shandon. By Pacific Tank & Construction, Inc. moving their tank fabrication facility from Paso Robles, to the Shandon area it will bring an employee base that Shandon so badly needs.

I also know that Pacific Tank & Construction, Inc. supports the schools, and youth programs in the Paso Robles area. I am sure they will continue such activities for Shandon.

Please issue any and all permits required for their move to Shandon. It would be of a terrible loss for Pacific Tank & Construction, Inc. to move to another city out of our area.

Respectfully,

Mike Kennedy

4-78

Cerro Alto

Atascadero 4H

March 4, 2004

Tom Ynaga
Pacific Tank & Construction
816 26th Street
Paso Robles, CA 93446

Dear Tom:

On behalf of Cerro Alto 4-H Club of Atascadero I would like to thank you for your generous gifts to our youth organization. We greatly appreciate the time and expense you have put into helping our club projects over the last several years by building and then donating various equipment for our livestock projects. These items included tool racks for all livestock species, carding tables and show racks. Your gifts have been invaluable, especially for the youth exhibiting at the California Mid-State Fair. Thank you for your continued support. We truly appreciate it!

Sincerely,

Evelyn M. Rockwell

Evelyn M. Rockwell
Community Leader
Cerro Alto 4-H

I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, my health to better living for my club, my community, my country & my world.

4-79

Box 1, McMillan Cyn Road

(805) 238-3307

White RANCH Co.
GRAIN Shandon, Calif CATTLE

March 4,2004

Pacific Tank
P.O. Box 2298
Paso Robles, CA 93447

ATTN: Keith Bowers

Keith, I fully support your companys request to the SLO County Planning Department to add a welding shop use to your use permit on the property you purchased in the Shandon area. The property sure looks a lot better after you cleaned it up from the last owner.

Sincerely,

Jerry White

4-80

Jack Ranch
76903 Cholame Valley Rd.
Cholame, Ca. 93461
805 463-2386

March 4, 2004

San Luis Obispo County
Planning Commission

Dear Sirs,

Please accept this letter of support for the zoning change requested by Pacific Tank Construction, with regard to the property at 17995 Hwy 46, Shandon. As a neighbor, the Jack Ranch is in total support of the establishment of any shop facilities needed by Pacific Tank Construction. The property in question has been in complete disrepair and a terrible eye sore for years. Pacific Tank should be commended for the hard work and expense put forth in cleaning up the property. The Jack Ranch welcomes the company as a new neighbor. We believe granting this zoning change will only impact the area in a positive manner. Thank you for your time.

Sincerely,

Sonny & Roxanna Sanders, Mgrs.

4-81

February 19, 2004

Pacific Tank Construction:

Atascadero High Agriculture Department would like to thank your company for the metal you donated to the welding classes. The two tons of metal that you contributed to the students for learning a skill is greatly appreciated. In the future I hope we can rely upon people like you for further help.

Sincerely,

Jerry Dean

Jerry Dean
Atascadero Agriculture Department
Atascadero High School
One High School Hill
Atascadero, Ca 93422

4-82

Loretta Gale Morgan
PO Box 3537
Victorville, CA 92393-3537
APNs: 017-130-048, 017-130-049, 017-130-050, & 017-130-052

February 26, 2004

Board of Supervisors
San Luis Obispo County
San Luis Obispo, CA

To Whom it May Concern:

I am the owner of record for the parcels of land located immediately north and east of what is generally called the 'Cockrum Garage.' When I purchased this land I saw the condition of this parcel and was concerned over the possible health and safety issues that the previous owners created on the property. As I was purchasing the land, I found out that a company was working on acquiring the 'Cockrum Garage' and intended on cleaning up the site and relocating an already established company to this location.

In the past few months I have been watching the cleanup and renovation that has been going on at the garage site and have been pleased with what has been done there. I am not opposed to this company getting the necessary permits that it needs to conduct its business from this site (APN: 017-130-039). Considering what was previously located at this site, the cleanup efforts by this company has been a great improvement for Shandon and the surrounding areas.

Positive impacts that I have seen include the continuation of jobs for local residents, property value improvement, and the removal of a health and safety hazard from a site that was readily apparent to visitors traveling along I-46.

Again, I am in full support of this company and wish to see them continue as my neighbors.

Sincerely,

Loretta Gale Morgan

Cc: files; Tony Cullum, Esq.

4-83

HABITAT FOR HUMANITY
FOR SAN LUIS OBISPO COUNTY
Post Office Box 613
San Luis Obispo, CA 93406
805-782-0687 hfhsloco@kcbx.net

November 13, 2003

Pacific Tank
Mr. Thomas Yanaga
P.O. Box 2969
Paso Robles, CA 93447

Dear Mr. Yanaga,

On behalf of the Board of Directors of Habitat for Humanity for San Luis Obispo County, our Partner Families, and volunteers, I would like to thank you for your donation of welding services to refurbish Habitat's site storage trailer. The trailer will be used on the building site of our next Habitat home in Cambria. We greatly appreciate your s support.

We are making steady progress toward our goal of providing decent homes for people in need in our area. We have completed three Habitat homes in Paso Robles, and we held a "ground blessing" for our first house in Cambria on June 29. We will start construction in mid-November. We have submitted building plans to the County and will hear soon that we can start work. We have a second lot in Cambria and a lot in Los Osos and hope to build on them next year. We plan to reopen our ReStore building materials warehouse and thrift store later this year. It is through the compassionate support and goodwill of individuals, churches, and businesses throughout our county that Habitat's expanding venture of hope and love in action is possible.

May God bless you for your generosity.

Sincerely,

David G. Graham, EA. Treasurer
Habitat for Humanity for San Luis Obispo County

No goods or services were provided in consideration, in whole or in part, for this gift. Please retain this letter for tax purposes. EIN #77-0434147.

4-84

SHANDON
JOINT UNIFIED SCHOOL DISTRICT

101 SOUTH FIRST STREET, P.O. BOX 79, SHANDON CA 93461

MR. CHRIS CRAWFORD
SUPERINTENDENT

TELEPHONE (805) 238-0286
FAX (805) 238-0777

March 4, 2004

Rusty Pauls
Pacific Tank
816 26th Street
Paso Robles, California 93446

Dear Rusty,

As per our telephone conversation today, I understand your intent is to move your business into the Shandon area. We would be very interested in working out a mutual agreement where our welding students could receive on-the-job training to develop their career skills.

We are in support of this move that you are planning to make as it would be of great benefit to the Shandon community and students. If there is anything that the Shandon District can do to assist you in completing the process, please don't hesitate to contact me.

I look forward to hearing from you near the completion of your project so we can set up guidelines and arrangements for the fall class of students. Thank you for your interest in our district.

Sincerely,

Chris Crawford
Superintendent

CDF/San Luis Obispo County
Fire Department
635 N. Santa Rosa • San Luis Obispo • California, 93405

4-85

July 16, 2002

North County Team
Department of Planning & Building
County government Center
San Luis Obispo, CA 93408

Jim Lopez

COMMERCIAL FIRE SAFETY PLAN

Name: Paso Pacific Properties – Project Number: DRC2003-00094

The Department has reviewed the fire safety plans submitted for the proposed metal fabrication and parts assembly project located at 17995 East Highway 46, Shandon, CA. The property is located within the moderate fire hazard severity area, and will require a minimum 5 to 10 minute response time from the nearest County Fire Station.

The owner of the project shall meet the minimum fire and life safety require-ments of the California Fire Code (2001 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:

FIRE SAFETY DURING CONSTRUCTION

- Commercial and industrial type projects shall have installed, prior to the start of construction, water system and fire lanes.

FIRE EXTINGUISHING SYSTEM

- The proposed project is recommended to install a commercial fire/life safety sprinkler system.

FIRE ALARM SYSTEM

- The proposed project is required to install a total coverage heat\smoke alarm system.
- The system shall comply with NFPA Pamphlet 72.
- The system shall transmit to a central 24-hour monitoring point.
- Plans shall be submitted to the County Fire Department.

PORTABLE FIRE EXTINGUISHER(S)

- Portable fire extinguishers shall be installed and comply with the California Fire Code.
- The contractor shall be licensed by the State Fire Marshal.
- The minimum requirements will be determined during the building permit/fire safety plan process.

ROOF ACCESS

- The project shall provide vertical access to the roof from two points.
- Access can be provided by the use of landscaping or a fixed laddering system.
- Plans shall be submitted for approval to the County Fire Department.
- Presently the County Fire Department can provide a maximum 16-feet of vertical reach.

WATER STORAGE TANK

- A minimum of "10,000" gallons of water in storage shall be required.
- Emergency water tanks shall have a(n):
  1. automatic fill,
  2. sight gage,
  3. venting system,
  4. The minimum water main size shall not be less than four (4) inches.

RECEIVED
JUL 21 2004
Planning & Bld

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

WATER SUPPLY CONNECTION

4-86

- Fire hydrant shall be located with a spacing of 50 to 150 feet from the buildings and not more than eight (8) from the access road. .
- Fire hydrants shall have a minimum of one 2½-inch outlet with National Standard Fire thread.
- Signing: Each hydrant shall be identified by blue reflective dot.

ACCESS

- Access road width shall be 18 feet.
- The project shall provide a minimum 20-foot fire lane for emergency vehicle access.
- All road and driveway surfaces shall be all weather.
- All surfaces shall be constructed to meet a load capacity of 20 tons.

ADDRESSING

- Legible address numbers shall be placed on all structures.
- Legible address numbers shall be located at the driveway entrance.

FINAL INSPECTION

The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220,** to arrange for a final inspection. Currently South San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at www.cdfslo.org ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,

Chad T. Zrelak
Fire Captain Inspector

C: Paso Pacific Properties
Kirk Consulting

EXHIBIT A - FINDINGS
PACIFIC TANK & CONSTRUCTION (DRC 2003-00094)

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Revised Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 14, 2004 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Hazards/Hazardous Materials, and Water Quality and are included as conditions of approval.

Conditional Use Permit

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use in the Commercial Service land use category and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the tank construction business will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

E. The proposed project or use will be consistent with the character of the immediate neighborhood and not contrary to its orderly development because the tank construction business will occupy an existing Commercial Service site, be screened with additional landscaping, and will not conflict with surrounding lands and uses.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project, because the project is located on Highway 46 East, a State highway constructed to a level able to handle any additional traffic associated with the project.

EXHIBIT B – *REVISED* CONDITIONS OF APPROVAL
PACIFIC TANK & CONSTRUCTION (DRC 2003-00094)

Note: Mitigation measures from the Revised Mitigated Negative Declaration (MND) are incorporated in the conditions with referencing notations.

Approved Development

1. This approval authorizes a tank fabrication, construction and installation business *that is primarily for rural or agricultural applications or operations* on a 1.8-acre portion of a 10-acre site within an identified Commercial Service land use category. Signs shall be subject to a separate sign permit.

2. All development shall be consistent with the approved floor plan and architectural elevations, *and a revised site plan which is to show proposed operation areas, circulation, parking and landscaping and other pertinent required features.*

Site Development

3. ***Within 60 days of this approval,*** submit elevations or product information that depicts the design, colors and materials of the proposed office building and of the waste enclosure. Colors shall be consistent with the existing structure and be subdued earth tones rather than white. Reflective surfacing shall not be utilized.

4. ***Within 90 days of this approval,*** submit a landscape and fencing plan to the Department of Planning and Building for review and approval. The plan shall provide solid fencing and screening landscaping at the entrance and all sides, to screen the site and structures from public view from the existing and realigned Highway 46 East.
   a. Solid fencing shall be shown on all sides of the site, at a minimum six-foot height, to be located outside a 10-foot landscape setback.
   b. Extensive screening landscaping shall be shown within a 10-foot landscape setback on all sides of the project site, to be comprised of native and/or drought-tolerant shrubs and trees that are typical of or similar to the North County climate and the Shandon area.
   c. Shade tree installations shall be shown to screen sixty percent of parking areas within 10 years of planting.

   (AE-1 of the MND)

5. ***Within 60 days after approval of the landscape plan,*** landscaping in accordance with the approved landscaping plan shall be installed or bonded for If bonded for, landscaping shall be installed within 60 days after final building inspection or start of operations and thereafter maintained in a viable condition in perpetuity, except that landscaping on the west side of the site may be bonded for installation at the time that the realignment of Highway 46 East commences in construction.
   (AE-1 of the MND)

6. ***Within 60 days of this approval,*** the applicant shall provide details on all proposed exterior lighting, if applicable. The details shall include the type, height, location, and intensity of all exterior lighting. All lighting fixtures shall be downward directed and shielded at full cut-off so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

7. ***Prior to completion of landscaping,*** all utilities on-site shall be installed underground. Back-flow preventer and other related valves shall be installed inconspicuously within the limitations of the respective agencies and codes. Where necessary to install them within setbacks, they shall be screened with landscaping.

8. Site Surfacing shall be a minimum of four inches of decomposed granite in all outdoor use and storage areas, to be maintained in good and serviceable condition at all times.

9. ***Within 90 days of this approval,*** 23 parking spaces shall be provided as shown on the site plan, to be marked and/or signed and provided wheel stops or concrete curbing in accordance with the Land Use Ordinance parking construction standards.

10. Removal of existing trees is not approved at this time; future removal of trees for this project shall be subject to first obtaining Planning Department review and approval.

11. ***Within 60 days of this approval,*** Obtain an encroachment permit from Caltrans to allow access to and work to be done on state Highway 46 East, *or provide information that a permit is not required.*

12. **Upon the realignment of Highway 46 East and prior to closure of the existing alignment,** obtain an access easement across intervening property *if necessary* to the new aligned highway, and obtain an encroachment from Caltrans for access prior to completion of construction of the new alignment.

Drainage/Water Quality/Hazardous Materials

13. ***Within 90 days of this approval,*** the applicant shall submit a drainage plan to the Public Works Department to provide drainage, erosion and sedimentation controls in compliance with Land Use Ordinance, Section 22.52.080.

14. ***Within 60 days of this approval***, the applicant shall submit documentation of a Waste Discharge Report (WDR) permit and/or National Pollutant Discharge Elimination System (NPDES) permit, and Stormwater Pollution Prevention Plan (SWPPP) meeting or exceeding all standards and requirements of the General Permit for Stormwater Discharges Associated with Construction Activity (Water Quality Order No. 99-08-DWQ) approved by the Regional Water Quality Control Board (RWQCB) and State Water Quality Control Board (SWQCB), or documentation from those agencies stating why these permits and plans were not required.
(W-1 of the MND)

15. ***Within 60 days of this approval***, the applicant shall prepare a Hazardous Materials Business Plan and a Spill Prevention and Contingency Plan for the review and approval of the County Department of Environmental Health Services. The plans shall address an inventory of on-site hazardous materials, emergency response procedures, usage training, safe storage and handling, and spill prevention of oils, paint, and any other hazardous materials, and they shall meet or exceed all standards and requirements of the California Health and Safety Code, Chapter 6.95, Section 25500 and the California Code of Regulations, Title 19, Section 2729.
(HM-1 of the MND)

Air Quality

16. **During ground disturbing activities,** the applicant agrees to adhere to the following dust control measures:
    a. Reduce the amount of the disturbed area where possible;
    b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
    c. All dirt stock-pile areas should be sprayed daily as needed;

17. **Prior to final inspection**, the applicant shall submit copies of all Permit to Operate permits issued by the County of San Luis Obispo Air Pollution Control District (APCD). *(AQ-1 of the MND)*

Fire Safety

18. **At the time of application for construction permits and prior to occupancy,** all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated July 16, 2002.

19. ***Within 30 days of this approval***, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

Biological Resources
(BR1 - 11 of the MND)

20. ***Within 60 days of this approval,*** the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:

    a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.5 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative (a.), requires that all aspects if this program must be in place before County permit issuance or initiation of any ground disturbing activities.

    b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

    Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory

Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Your fee, payable to The Nature Conservancy, would total $3,750.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase 1.5 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 1.5 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

21. The applicant shall retain a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

a. ***Within 30 days of this approval***, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities,** if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. **Before commencing with project activities**, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance

on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, **before project activities commence,** the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:

(1). Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

i. Potential kit fox den: 50 feet
ii. Known or active kit fox den: 100 feet
iii. Kit fox pupping den: 150 feet

(2). All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

(3). If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

22. **Prior to issuance of *any* grading and/or construction permit,** the applicant shall clearly delineate as a note on the project plans, that: *Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox.* In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of your Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

23. Grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

24. ***Within 30 days of this approval,*** all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed and distributed to all contractors, employers and other personnel involved with the construction of the project.

25. **During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar

materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

26. **During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

27. **During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

28. **Prior to, during and after the site-disturbance and/or construction phase,** use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

29. **During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

30. **Prior to final inspection *of landscaping*,** should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage, *unless an alternative is approved by CDFG*:

    a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";

    b. If a more solid wire mesh or a solid fence or wall is used, 8" x 12" openings near the ground shall be provided every 100 yards.

    Any fencing constructed after issuance of a final permit shall follow the above guidelines. *(BR1-11 in MND)*

Site Operation

31. The location of accessory site development, such as antennas, shall be located to minimize its appearance from Highway 46 East.

32. Storage of materials shall be maintained below the height of the solid fencing at all times.

Miscellaneous

33. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

34. ***Upon completion of landscaping and other required improvements,*** the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

35. This permit is valid for a period of 24 months from its effective date *to commence the use* unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070.

36. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

37. The applicant shall as a condition of approval of this conditional use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents or employees, by a third party challenging either its decision to approve this conditional use permit or the manner in which the County is interpreting or enforcing the conditions of this conditional use permit, or any other action by a third party relating to approval or implementation of this conditional use permit. The applicant shall reimburse the county for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

38. *Among other signs that are allowed by the Land Use Ordinance, one free-standing or monument sign is permitted, limited to a height of eight feet and an area of 32 square feet.*

39. ***Within 6 months of this approval,*** *bring the mobilehome into conformance with County code or remove it from the site and restore the condition of its location to an undeveloped appearance.*

LRP2014-00022
Fred Collins to: **sfuhs** 07/20/2015 01:50 PM

From: "Fred Collins" <fcollins@northernchumash.org>
To: <sfuhs@co.slo.ca.us>

Dear Stephanie,

Thank you for the opportunity to comment on the above referenced land use designation change.

The Northern Chumash Tribal Council is not in favor of changing agriculture lands into commercial use lands, we do realize that a balance must be archived between growth and preservation of our agriculture lands, as food production has become a critical issue on our planet, so, please make the best possible decisions, looking to the future, preserving our agriculture lands will be paramount.

NCTC has not seen the lands and it may be that this project fits within the balance of commercial progress, but, we support the long range planning of growth that will make a better future.

Be well,

Fred Collins
Tribal Administrator
NCTC Northern Chumash Tribal Council
67 South Street, San Luis Obispo, CA 93401
(805) 801-0347 www.NorthernChumash.org
Educational Services & Environmental Consulting

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

RECEIVED
JUN 29 2015
PLANNING & BUILDING

DATE: 6/11/2015

TO: Gen Svcs

FROM: Stephanie Fuhs (805-781-5721 or sfuhs@co.slo.ca.us)
North County Team / Development Review

PROJECT DESCRIPTION: LRP2014-00022 JEFFERS – Proposed general plan amendment from AG (agriculture) to CS (commercial service) and corresponding Planning Area Standard Amendment to expand the CS Land Use Category within the Shandon Carrizo Rural Area. The proposed is to increase the amount of land used for commercial services by an additional +/- 8 acres to encompass existing steel fabrication yard. APN: 017-131-039 and -050

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
- ☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- ☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

no comment

6/26/15 — Date
E. KAVANAUGH — Name
781-4089 — Phone

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600
EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.sloplanning.org

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 6/11/2015

RECEIVED JUN 15 2015

TO: Cal-Fire

RECEIVED JUL 29 2015 SLO CO PLAN & BLDG DEPT

FROM: Stephanie Fuhs (805-781-5721 or sfuhs@co.slo.ca.us)
North County Team / Development Review

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IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

SEE ATTACHED COMMENTS.

Date	Name	Phone
7/28/15	[signature]	543-4244

CAL FIRE / COUNTY FIRE

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600
EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.sloplanning.org

Bullard, Clint@CALFIRE

From: Bullard, Clint@CALFIRE
Sent: Tuesday, July 28, 2015 10:41 AM
To: sfuhs@co.slo.ca.us
Subject: LRP2014-00022 / Jeffers

Good morning,

Regarding A.P.N. #017-131-039 and 050 (17995 East Hwy. 46 near Shandon, CA.) -

CAL FIRE/San Luis Obispo County Fire Department has reviewed the New Project Referral and associated information provided for the proposal to amend the SLO County General Plan. The proposal would change the existing land use category from Agriculture to Commercial Services. Upon reviewing the information provided, this department has determined that the current proposal does not present significant impacts to fire/life safety within this geographic area.

Please feel free to contact me should you have additional questions and/or concerns regarding this matter.

Thank you,

Clinton I. Bullard
Fire Inspector
CAL FIRE/
SAN LUIS OBISPO COUNTY FIRE
(805)543-4244 ext. 3425

COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Weights and Measures
2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
(805) 781-5910 • FAX (805) 781-1035
Martin Settevendemie www.slocounty.ca.gov/agcomm
Agricultural Commissioner/Sealer AgCommSLO@co.slo.ca.us

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DATE: **July 17, 2015**

TO: **Stephanie Fuhs, Project Manager**

FROM: **Lynda L. Auchinachie, Agriculture Department** LA

SUBJECT: **Jeffers General Plan Amendment LRP2014-00022 (1835)**

Comments

Thank you for the opportunity to review and comment on the proposed Jeffers general plan amendment. The applicant is requesting to change the land use designation on approximately eight acres of land from Agriculture to Commercial Services to legalize a steel fabrication yard that has been established for several years. The applicant will also be proposing a lot line adjustment with an adjacent agricultural parcel to reconfigure parcels to reflect the proposed land use categories.

The project site has a complicated history with a variety of land use violations. If general plan consistency findings and Williamson Act requirements can be made, the proposed solution appears reasonable based on agricultural constraints at this site. It should be noted that in situations with different on and off-site agricultural resources the general plan amendment may be opposed by the Agriculture Department and site restoration recommended. These comments are based on county's relevant agricultural policies, current departmental goals to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture, and the requirements of the California Environmental Quality Act (CEQA).

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

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PLANNING & BUILDING

June 23, 2015

Stephanie Fuhs
North County Team
SLO County Department of Planning & Building
County Government Center
San Luis Obispo CA 93408

SUBJECT: APCD Comments Regarding the Jeffers General Plan Amendment Project Referral (LRP2014-00022)

Dear Ms. Fuhs,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 17995 E. Highway 46 in Shandon. The project, as proposed, would include a general plan amendment changing the zoning from agriculture (AG) to commercial service (CS). It also includes a Planning Area Standard Amendment to expand the CS Land Use Category within the Shandon Carrizo Rural Area. The proposal will increase the amount of land used for commercial services by an additional +/- 8 acres to encompass the existing steel fabrication yard. *The following are APCD comments that are pertinent to this project.*

SLOCAPCD staff do not have any comments regarding the proposed General Plan Amendment request. However, should the general plan amendment be approved, we would like to be included in the review of future development proposals for the property. Any future construction, and associated operational impacts or operational expansion should be evaluated. Pacific Tank and Construction also holds several APCD Permits to Operate for the existing tank fabrication facility. Depending on future development, these permits may need to be modified or additional permits may be required.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD's 2012 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Chemical product processing and or manufacturing;
- Electrical generation plants or the use of standby generator;
- Metal industries, fabrication;
- Small scale manufacturing;
- Auto and vehicle repair and painting facilities;
- Fuel dealers;
- Pipelines;

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- Boilers;
- Internal combustion engines;
- Unconfined abrasive blasting operations;
- Concrete batch plants;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment. **To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

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

Sincerely,

Melissa Guise
Air Quality Specialist

MAG/arr

cc: Mr. James Jeffers

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