

CHAPTER 1.0 INTRODUCTION

1.1 BACKGROUND

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

1.1.1 Project Location

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

1.1.2 Project Components

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

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

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

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

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

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

1.2 TYPE OF ENVIRONMENTAL IMPACT REPORT (EIR)

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

1.3 USES OF THE EIR

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

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

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

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

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

1.4 ENVIRONMENTAL PROCEDURES

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

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

1.4.1 Notice of Preparation

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

1.4.2 Public Draft EIR

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

1.4.3 Final EIR

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

1.4.4 Mitigation Monitoring Program

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

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

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

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

1.5 ORGANIZATION OF THE EIR

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

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

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

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

1.0 Introduction

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

2.0 Summary

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

3.0 Project Description

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

4.0 Land Use Policy Consistency

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

5.0 Environmental Impact Analysis

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

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

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

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

6.0 Alternatives

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

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

7.0 Growth Inducing and Irreversible Commitments

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

8.0 Cumulative Analyses

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

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

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

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

1.7 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES

1.7.1 Lead Agency

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

1.7.2 Responsible/Trustee Agencies

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

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

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

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

1.8 PROJECT SPONSOR AND CONTACTS

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

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

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