**Appendix G**
**Rail Spur Preliminary Policy Consistency Analysis**


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The California Environmental Quality Act (CEQA) Guidelines, Section 15125(d), states, "The EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans." While CEQA requires a discussion of consistency with applicable plans, inconsistency does not necessarily lead to a significant impact. Inconsistency with public plans creates significant impacts under CEQA only when an adverse physical effect would result from the inconsistency. The potential for adverse effects resulting from any inconsistencies is discussed in Section 4.8, Land Use and Recreation.

It is the responsibility of the County, the lead CEQA decision maker, to make the final determination regarding consistency issues as it relates to applicable County of San Luis Obispo policies. This appendix includes an analysis of the Rail Spur Project's consistency with relevant goals, policies, regulations, and implementation measures set out in these County of San Luis Obispo plans. The EIR does not attempt to determine consistency with other County and City polices since the local decision makers can only determine consistency with their land use policies. In addition, no other local or State agency has a discretionary action on this project. The County of San Luis Obispo's discretionary action is related to approval of the onsite portion of the project that is being proposed by Phillips 66. No discretionary action is required by any governmental agency regarding the movement of crude oil trains by UPRR along their mainline tracks.

This section provides general information regarding plans and policies applicable to the Rail Spur Project. It is the responsibility of the County of San Luis Obispo, the CEQA lead agency, to make the final determination regarding consistency issues.

The table below provides a preliminary consistency analysis with applicable local and regional plans and policies for the Rail Spur Project. To the extent that the Rail Spur Project may be inconsistent with portions of these documents, remedies such as project revisions, special conditions of approval, variance, or plan amendments may be required.

**Table G-1 San Luis Obispo County General Plan Policy Consistency Analysis**

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| **Coastal Zone Framework for Planning (Coastal Zone Land Use Element)** | |
| **Strategic Growth Goal 1:**<br>Preserve open space, scenic natural beauty and natural resources. Conserve energy resources. Protect agricultural land and resources. | **Potentially Consistent (Project Site).** The proposed Rail Spur Project is generally consistent with the existing land uses at the Rail Spur Project Site, including the existing industrial uses associated with the SMR and the UPRR track and rail spur that is used to transport materials processed at SMR. It is also consistent with the planned and likely future uses of the site, which is zoned for industrial uses and identified in planning documents as appropriate for industrial and open space uses. While the site does support viable agricultural soils, it is not likely that these would be used for intensive agricultural production in the future due to existing zoning, the presence of a State and Federally listed plant species on the site that would restrict disturbance, and coastal development permitting requirements.<br><br>Although sited in an open space area with significant scenic and natural resources, the Rail Spur Project would not introduce new incompatible uses in this area, but would modify existing industrial uses in a location where they currently exist, and are generally consistent with the strategic growth principles of the County.<br><br>**Potentially Inconsistent (Mainline).** The proposed Rail Spur Project has the potential to result in oil spills and resultant fires that could impact natural resources, scenic areas, and agricultural land along the mainline rail routes. An oil spill could result in significant impacts to agricultural, biological, and water resources, as was discussed in each of the respective issue areas. Within San Luis Obispo County, the trains would use the UPRR Coastal Line, which is an existing transportation corridor that is currently used to transport crude oil and other hazardous materials through San Luis Obispo County. The Rail Spur Project would increase the overall probability of an oil spill occurring along the UPRR Coastal Line. Based upon the hazards analysis, the probability of an incident on the UPRR mainline tracks involving a crude oil spill greater than 100 gallons in San Luis Obispo County would be about one in 126 years. Given the potential significant impacts that could occur to agricultural, biological, and water resources in the case of an oil spill, rail transport of crude oil along the mainline would be potentially inconsistent with this policy. |
| **Strategic Growth Goal 1: Objective 2. Air Quality**<br>Preserve, protect and improve the air quality of the county by: | **Potentially Inconsistent (Project Site).** As identified in Section 4.3, Air Quality, the Rail Spur Project would generate air emissions due to the construction equipment |

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| a. Seeking to exceed or at least maintain the minimum state and federal ambient air quality standards.<br>b. Mitigating to the extent feasible, potential adverse air quality impacts from new development using the best available technology.<br>c. Minimizing the generation of air pollutants and greenhouse gases from existing and projected growth by promoting compact, urban infill development and discouraging leap-frog or rural sprawl development patterns, which can reduce travel time and distance.<br>d. Implementing land use, circulation and infrastructure policies and programs that result in transportation alternatives to the single-passenger vehicle, in order to minimize travel time, distance and trip generation and reduce vehicle miles traveled.<br>e. Minimizing travel time and distance and trip generation by the location of land uses.<br>f. Encouraging the use of alternative energy sources such as solar, wind, and wave technology to reduce the use of non-renewable resources. | and fugitive dust; operations of the rail spur unloading facilities, and project-related offsite vehicles emissions, Implementation of the identified mitigation measures would help to reduce emissions to less than significant levels. The Applicant would have to provide emission offsets for the unloading operations $NO_x$, ROG, and GHG emissions. The County would be able to require the mitigation for air emissions that occur at the SMR. As discussed in Section 4.3, Air Quality, the air toxic emissions from the operation of the Rail Spur Project would exceed the acceptable cancer risk levels determined by the SLOCAPCD, based upon a health risk assessment. Also, DPM emissions at the refinery would exceed SLOCAPCD thresholds without the use of Tier 4 locomotives. Therefore, the project could potentially be inconsistent with this policy.<br><br>**Potentially Inconsistent (Mainline).** Air emissions would be generated from the locomotives operating along the mainline rail routes. $NO_x$, ROG, DPM, and GHG emissions would exceed applicable air district thresholds. Most of these emissions could be mitigated using emission credits. However, the County may be preempted from applying any mitigation to the UPRR mainline and locomotives which would result in significant air impacts related to $NO_x$, ROG, DPM, and GHG emissions. Toxic emissions from the locomotives operating on the mainline rail routes would exceed the cancer risk threshold for area where speeds are limited to 30 miles per hour or less. Therefore, the project could potentially be inconsistent with this policy. |
| **Strategic Growth Goal 1: Objective 4. Agriculture**<br>Encourage the protection and use of agricultural land for the production of food, fiber and other agricultural commodities, and support the rural economy and locally-based commercial agriculture. | **Potentially Consistent (Project Site).** Section 4.2 of the EIR determined that impacts to agricultural resources resulting from the Rail Spur Project would be less than significant (Class III) at the SMR. The project would not disrupt existing grazing activities at the Rail Spur Project Site and is set back a sufficient distance from adjacent intensive agricultural uses to result in indirect effects. Agricultural use of the site in the future is unlikely due to site conditions and regulatory constraints. Therefore, the development at the SMR would be potentially consistent with this policy.<br><br>**Potentially Inconsistent (Mainline).** The proposed Rail Spur Project has the potential to result in oil spills and resultant fires that could impact agricultural land along the mainline rail routes. An oil spill could result in significant impacts to agricultural as was discussed in Section 4.2. Within San Luis Obispo County, the trains would use the UPRR Coastal Line, which is an existing |

**Table G-1 San Luis Obispo County General Plan Policy Consistency Analysis**

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| | transportation corridor that is currently used to transport crude oil and other hazardous materials through San Luis Obispo County. The Rail Spur Project would increase the overall probability of an oil spill occurring along the UPRR Coastal Line. Based upon the hazards analysis, the probability of an incident on the UPRR mainline tracks involving a crude oil spill greater than 100 gallons in San Luis Obispo County would be about one in 126 years. Given the potential significant impacts that could occur to agricultural resources in the case of an oil spill, rail transport of crude oil along the mainline would be potentially inconsistent with this policy. |
| **Strategic Growth Goal 2:**<br>Strengthen and direct development toward existing and strategically planned communities. | **Potentially Consistent.** The project would modify/expand industrial uses within an existing industrial area. It would not constitute or indirectly generate growth outside of existing and planned communities. |
| **Strategic Growth Goal 2: Objective 5. Commercial and Industrial Land Uses**<br>Designate commercial and/or industrial areas that are compatible with overall land use by:<br>a. Designating visitor serving and community serving commercial areas that are located near existing similar development and their users.<br>b. Creating and preserving desirable neighborhood business characteristics, such as compatible uses, safe employment areas, sense of scale, landscaping, pedestrian ways, and other amenities.<br>c. Designating commercial land uses that will be convenient to users and consumers, realistically related to market demand, and near areas where employees will likely reside. | **Potentially Consistent.** The Rail Spur Project would modify an existing industrial use on an Industrial-zoned parcel that has historically supported industrial uses. Therefore, it would be compatible with the overall land use. Although the proposed industrial uses would extend into undeveloped areas of the parcel that have historically provided a natural buffer between the SMR and adjacent urban development, the development proposed within that area is limited (permanently converting 28.7 acres [3.8 percent] of the approximately 750-acre undeveloped portion of the Rail Spur Project Site). |
| **Strategic Growth Goal 2: Objective 6. Visitor Serving, Recreation and Resort Development**<br>Preserve and enhance visitor opportunities in appropriate locations as an important part of the coastal economy by:<br>a. Requiring that new destination resorts and recreational development such as hotels, conference centers, and golf courses be located within or adjacent to urban or village areas, or existing visitor destination points.<br>b. Allowing limited small scale recreational development such as motels, restaurants, parks, and beaches in rural areas - if consistent with all other provisions of the coastal program. | **Potentially Consistent.** The Rail Spur Project would modify an existing industrial use within the coastal zone and be generally consistent with existing industrial uses at the Rail Spur Project Site. Therefore, it would not prioritize industrial uses in this area or otherwise significantly deter visitor serving or recreational uses. |

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| c. Implementing the California Coastal Act by acknowledging that visitor serving facilities have priority over private residential, non-visitor serving commercial or industrial development, but not over agriculture or coastal dependent industry.<br>d. Recognizing that while visitor serving uses are encouraged by the California Coastal Act, they shall not exceed resource capabilities, conflict with agricultural uses, or be permitted when adverse environmental effects may result.<br>e. Carefully balancing the needs of visitors, businesses, and local residents.<br>f. Periodically reviewing the location of 'V'- Visitor Serving Overlay classifications during the Plan update process. | |
| **Public Services Objective 1.**<br>Keep the amount, location and rate of growth allowed by the Land Use Element within the sustainable capacity of resources, public services and facilities. | **Potentially Consistent.** The Rail Spur Project would modify an existing industrial use within the coastal zone and be generally consistent with existing industrial uses at the Rail Spur Project Site. Therefore, it would not prioritize industrial uses in this area or otherwise significantly deter visitor serving or recreational uses. |
| **General Street Design Guidelines 7.**<br>All dwellings and structures should be readily accessible to emergency and service vehicles. | **Potentially Consistent.** The Rail Spur Project would include the addition of an emergency access road to the Rail Spur Project. This would provide two emergency access routes to the Project Site. Therefore, the Rail Spur Project may be consistent with this policy. |
| **Objectives for road and highway projects in designated scenic corridors 3.**<br>Adopt programs and standards in the Area Plans to protect the scenic quality of identified areas and to maintain views from designated scenic roads and highways. Road and highway construction projects in scenic highway corridors should provide special attention to the location, siting and design of visible structures, access points, signs and other facilities within the right-of-way. Landscaping should include area native plants in strategic locations to enhance views and be used in revegetation. Place utilities underground where feasible as part of road improvement projects. | **Potentially Consistent.** The Rail Spur Project would involve the construction of an emergency access road to the Project Site. This is an existing road that would be upgraded to accommodate emergency vehicles, and would not affect State Highway 1. Therefore, the Rail Spur Project may be consistent with this policy. |
| **Land Use Goal 2:**<br>Supporting preservation of the county's agricultural industry and the soils essential to agriculture. | **Potentially Consistent (Project Site).** The Rail Spur Project would not significantly affect on-site grazing activities or adjacent agricultural uses. On-site soils may be disturbed and/or permanently converted to non-agricultural uses. However, due to the unlikely use of on-site area for productive agriculture in the future, no |

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| | inconsistencies with this policy would result from the development at the SMR.<br><br>**Potentially Inconsistent (Mainline).** The proposed Rail Spur Project has the potential to result in oil spills and resultant fires that could impact agricultural land and soils along the mainline rail routes. Within San Luis Obispo County, the trains would use the UPRR Coastal Line, which is an existing transportation corridor that is currently used to transport crude oil and other hazardous materials through San Luis Obispo County. The Rail Spur Project would increase the use of this existing transportation corridor, which would increase the potential for oil spills to impact agricultural land and soils. Based upon the hazards analysis (see Section 4.7), the probability of an incident on the UPRR mainline tracks involving a crude oil spill greater than 100 gallons in San Luis Obispo County would be about one in 126 years. Given the potential significant impacts that could occur to agricultural resources in the case of an oil spill, rail transport of crude oil along the mainline would be potentially inconsistent with this policy. |
| **Land Use Goal 4:**<br>Providing areas where agricultural, residential, commercial and industrial uses may be developed in harmonious patterns and with all the necessities for satisfactory living and working environments. | **Potentially Inconsistent.** The proposed Rail Spur Project would modify an existing industrial. Operation of the Rail Spur Project at the SMR could result in significant health risk impacts to the closest residences mainly due to diesel particulate matter from the locomotives and the existing trucks servicing the SMR. The proposed Rail Spur Project would also generate additional particulate matter emissions due to fugitive dust and diesel engines at the SMR in an area that already exceeds federal $PM_{10}$ standards. Therefore, the Rail Spur Project would be potentially inconsistent with this policy. |
| **Combining Designations. FH – Flood Hazard. General Objectives: 1.**<br>Projects in designated portions of flood areas should not be constructed, moved, or remodeled so as to result, directly or indirectly, in adverse stream channel alteration, or diminish the capacity of a designated stream course. | **Potentially Consistent.** Physical development would only occur at the SMR. As discussed in Section 4.13, The Rail Spur Project would not be located within the 100-year floodplain. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Combining Designations. SRA – Sensitive Resource Area. General Objectives: 1.**<br>Environmentally Sensitive Habitats should be identified and protected by construction setbacks, use limitations, and other appropriate regulations. | **Potentially Inconsistent.** The Environmental Sensitive Habitats are mapped on the west side of the UPRR, and would not be affected by the Rail Spur Project. The delineations are shown in Figure 4.8-2 Combining Designations Map in the EIR. The EIR determined that some of the habitat that would be impacted due to construction of the Rail Spur Project contains |

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| | environmentally sensitive vegetation as defined by CDFW (which is one threshold that can trigger a determination of environmentally sensitive habitat under the County Coastal Plan). The areas that contain environmentally sensitive vegetation that would be impacted are shown in Figure 4.4-1. Construction of the project would impact about 20 acres of environmentally sensitive vegetation. Therefore, the Rail Spur Project would be potentially inconsistent with this policy. |
| **Coastal Plan Policies** | |
| **Chapter 2: Shoreline Access** | |
| **Policy 2: New Development**<br>Maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development. Exceptions may occur where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby, or; (3) agriculture would be adversely affected. | **Potentially Consistent.** Physical development would only occur at the SMR. Public coastal access consistent with Section 23.04.420 of the Coastal Zone Land Use Ordinance was a condition of approval of the recently-approved Phillips 66 Throughput Increase Project (approved by the County Board of Supervisors in February 2013). A preliminary assessment of the feasibility of coastal access at this location is included in Chapter 9 of this EIR. Because a requirement for coastal access consistent with Section 23.04.420 has already been made at this location, and the feasibility of that coastal access is being considered in conjunction with the Rail Spur Project EIR, the Rail Spur Project is consistent with this requirement. No additional provision of public access in conjunction with the Rail Spur Project, as opposed to the Throughput Increase Project, is necessary because a single public right of access that meets the requirements of Section 23.04.420 would satisfy the requirements of this section for both projects. Over time, conditions may change that would make reconsideration of the adequacy or feasibility of coastal access at this location appropriate. However, at this time, the determination of whether and what kind of coastal access would be appropriate at this location as a result of the Throughput Increase Project would apply equally to the Rail Spur Project. |
| **Policy 5: Acceptance of Offer to Dedicate**<br>This policy acknowledges the need to accept offers to dedicate for vertical accessways prior to the area being opened to public use. Prior to the public using an offered accessway, a public agency or private association must agree to accept the responsibility for maintenance and liability of the access way. No use of the offered accessway will be authorized until such time the offer is accepted by an appropriate agency. | **Potentially Consistent.** Public coastal access consistent with Section 23.04.420 of the Coastal Zone Land Use Ordinance was a condition of approval of the recently-approved Phillips 66 Throughput Increase Project (approved by the County Board of Supervisors in February 2013). A preliminary assessment of the feasibility of coastal access at this location is included in Chapter 9 of this EIR. Because a requirement for coastal access consistent with Section 23.04.420 has already been made at this location, and the feasibility of that coastal access is being considered in conjunction with the Rail Spur Project EIR, the Rail Spur Project is |

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| | consistent with this requirement.<br><br>As part of the Throughput project, the Applicant recorded an easement with the County and Coastal Commissions and provided the County with an offer to Dedicate. The County has not yet accepted the offer to dedicate. Therefore, the project would be potentially consistent with the policy. |
| **Policy 8: Minimize Conflicts with Adjacent Uses**<br>This policy requires provisions for providing maximum access in a manner which minimizes conflicts with adjacent uses. Where a proposed project would increase the burdens on access to the shoreline at the present time or in the future, additional access areas may be required to balance the impact of heavier use resulting from the construction of the proposed project. | **Potentially Consistent.** Public coastal access consistent with Section 23.04.420 of the Coastal Zone Land Use Ordinance was a condition of approval of the recently-approved Phillips 66 Throughput Increase Project (approved by the County Board of Supervisors in February 2013). Because a requirement for coastal access consistent with Section 23.04.420 has already been made at this location, and the Rail Spur Project would not result in an increase in demand for access to the shoreline, the project could be potentially consistent with the policy. |
| **Policy 10:Protection of Property Rights and Privacy**<br>The acquisition of rights for access and view purposes and other uses by the public should be consistent with the protection of the property and use rights of property owners. Access routes should be selected and designed so as to minimize the public impact on private property. | **Potentially Consistent.** Public coastal access consistent with Section 23.04.420 of the Coastal Zone Land Use Ordinance was a condition of approval of the recently-approved Phillips 66 Throughput Increase Project (approved by the County Board of Supervisors in February 2013). Because a requirement for coastal access consistent with Section 23.04.420 has already been made at this location, the Rail Spur Project is consistent with this requirement. |
| **Chapter 4: Energy and Industrial Development** | |
| **Policy 1: New Facilities and Expansion of Existing Sites**<br>When new sites are needed for industrial or energy-related development, expansion of facilities on existing sites or on land adjacent to existing sites shall take priority over opening up additional areas or the construction of new facilities unless it can be shown that 1) alternative locations are infeasible and that the environmental impacts of opening up a new site are less than the impacts of expansion on or adjacent to existing sites; 2) to do otherwise would adversely affect the public welfare; and 3) adverse environmental impacts are mitigated to the maximum extent feasible. Priority shall be given to coastal-dependent industrial uses. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.<br>Cogeneration methods utilizing existing facilities should have priority. Review shall determine that the location | **Potentially Consistent.** Physical development would only occur at the SMR. The Rail Spur Project would modify/expand industrial facilities on an existing industrial site or undeveloped adjacent areas on the same parcel. The bulk of proposed development would occur within the existing disturbed area of the SMR, though the 0.8 mile rail extension would extend into currently undeveloped areas of the parcel. The length of this project component prevents it from being contained within the existing refinery area. No additional areas or facilities would be developed to support the proposed Rail Spur Project, consistent with this policy. |

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| will ensure public safety.<br>As part of the update of coastal Area Plans, information on current energy demand should be considered in order to anticipate the need for additional energy facilities and ensure that existing policies and standards provide adequate guidance for mitigating the impacts of any potential energy facilities consistent with LCP and Coastal Act policies. Adverse environmental impacts from the siting or expansion of coastal-dependent industrial or energy developments shall be mitigated to the maximum extent feasible. | |
| **D. Pipelines. Policy 8: Pipeline Route Selection**<br>When feasible, pipelines shall be routed to avoid important coastal resources including recreation, sensitive habitats, archaeological areas and seismically active or geologically unstable areas. Unavoidable routing through recreation, habitat, or archaeological areas, or other areas of significant coastal resources, shall be done in a manner that minimizes the extent of disturbance, erosion potential and the impacts of a spill, should it occur (by considering oil spill volumes, durations, and projected path). Where new petroleum pipeline segments (excluding natural gas) pass through sensitive resource areas, recreation areas, archaeological areas or seismically active areas, the segment shall be isolated (in the case of a break) by automatic shutoff valves. The county may determine whether spacing automatic shutoff valves at intervals less than the maximum set by the Department of Transportation is required to protect sensitive coastal resources. | **Potentially Consistent.** New pipelines would only be built at the SMR. As shown in Figure 4.4-1, the proposed pipeline corridor from the rail unloading facility to the existing storage tanks would impact environmentally sensitive vegetation. However, these pipelines would be installed above ground adjacent to an existing access road. The layout and design of the pipelines would minimize impacts to sensitive vegetation. Spill volumes would be minimized through the use of shutoff valves and oil spill containment devices. The pipelines would all be within the fenced area of the SMR. Therefore, the Rail Spur Project could be potentially consistent with this policy. |
| **D. Pipelines. Policy 9: Construction Requirements**<br>In sensitive resource areas the extent of construction and ground surface disturbance shall be reduced to a minimum by restricting construction activities and equipment within narrow, limited and staked work corridors and storage areas. | **Potentially Consistent.** Pipeline construction would only occur at the SMR. As shown in Figure 4.4-1, the proposed pipeline corridor from the rail unloading facility to the existing storage tanks would impact environmentally sensitive vegetation. Pipeline construction would be above-ground, would occur within the fenced refinery area adjacent to existing infrastructure, which would serve to minimize impacts to the environmentally sensitive vegetation. Previously-undeveloped areas within the refinery disturbed during pipeline installation would be restored to pre-existing conditions to the extent feasible. BIO-5c also requires the definition and marking of construction zone boundaries to minimize impacts to sensitive species areas. Therefore, the Rail Spur Project could be potentially consistent with this policy. |
| **D. Pipelines. Policy 10: Site Restoration** | **Potentially Consistent.** New pipelines would only be built at the SMR. Refer to the response to Policy 9: |

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| Upon completion of pipeline construction the site shall be restored to the approximate pre-construction condition.<br>Measures shall be taken during the restoration effort to protect and enhance wetland habitats in accordance with the habitat protection, erosion, and revegetation policies of the Plan. A revegetation program shall be required where it is determined that a disturbed area would not naturally re-vegetate sufficiently quickly to prevent substantial erosion or disruption of adjacent habitat. If necessary, required revegetation techniques would be determined based upon an investigation conducted by a qualified biologist. Additional measures necessary to prevent erosion until the vegetation is established may also be required. | Construction Requirements, above. The Rail Spur Project would not result in the placement of any pipelines in the vicinity of wetlands. The Applicant would be required to prepare and implement a Dune Habitat Restoration Plan to minimize impacts resulting from disturbance in the undeveloped areas of the site. Areas within the fenced refinery disturbed during pipeline construction would be restored to pre-existing conditions to the extent feasible, consistent with this policy. Therefore, the Rail Spur Project could be potentially consistent with this policy. |
| **D. Pipelines. Policy 11: Geologic Requirements**<br>Geologic investigations shall be performed by a qualified geologist or engineering geologist where a proposed petroleum pipeline route crosses potential fault zones, seismically active areas, or moderately high to high risk landslide areas as identified in the Geologic Study Area combining designation, the Seismic Safety Element or inferred by more recent studies or investigations. This report shall investigate the potential risk and shall recommend such mitigation measures as pipeline route changes and or engineering measures to help assure the integrity of the pipeline and minimize erosion, geologic instability, and substantial alterations of the natural topography. | **Potentially Consistent.** New pipelines would only be built at the SMR. The Rail Spur Project would involve the construction of a number of oil pipelines within the SMR. Mitigation measure GR-1c requires that a geological investigation be conducted prior to final design of the pipelines. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **D. Pipelines. Policy 12: Pipeline Consolidation**<br>New pipeline corridors shall be consolidated within existing pipeline or electrical transmission corridors where feasible unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic concerns. | **Potentially Consistent.** New pipelines would only be built at the SMR. The project proposes installation of pipelines within the fenced area of the SMR alongside existing infrastructure and roadways, where the pipeline would be connected to existing storage tanks, consistent with this policy. |
| **Chapter 6: Environmentally Sensitive Habitats** | |
| **A. Sensitive Habitats. Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats**<br>New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area. | **Potentially Inconsistent.** New physical development would only occur at the SMR. As shown in Figure 4.4-1 portions of the Proposed Rail Spur Project improvements would be located within areas that contain environmentally sensitive vegetation as defined by CDFW. Construction of the Rail Spur Project would impact about 20 acres of environmentally sensitive vegetation. In addition, portions of the Rail Spur Project would be within 100 feet of areas that contain environmentally sensitive vegetation. |

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| | Environmentally sensitive vegetation, as defined by CDFW, is present within the central portion of the Rail Spur Project area, within the portions of the Rail Spur Project areas that comprises the EVA route, and within the area where the pipelines would be constructed from the Rail Spur unloading facility to the existing storage tanks (see Figure 4.4-1). Therefore, the project is potentially inconsistent with this policy. |
| **A. Sensitive Habitats. Policy 2: Permit Requirement**<br>As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate. | **Potentially Consistent.** New physical development would only occur at the SMR. As documented in EIR Section 4.4 Biological Resources, the Rail Spur Project would impact about 20 acres of environmentally sensitive vegetation as defined by CDFW (see Figure4.4-1). Mitigation measures have been proposed that would reduce the level of impact to the sensitive habitat to less than significant levels by restoring and enhancing similar habitat at the site at a 2:1 ratio. Potential impacts to biological resources was evaluated as part of the applicant's project application package, and analyzed as part of the EIR by qualified biological professional, consistent with this policy. |
| **A. Sensitive Habitats. Policy 3: Habitat Restoration**<br>The county or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible. | **Potentially Consistent.** New physical development would only occur at the SMR. As noted above, implementation of the Rail Spur Project would result in the permanent conversion of 26.5 acres of central dune scrub, which includes the loss of about 20 acres of sensitive vegetation as defined by CDFW. Mitigation is identified that would require restoration of central dune scrub habitat at a 2:1 ratio, consistent with this policy. |
| **C. Coastal Streams. Policy 20: Coastal Streams and Riparian Vegetation**<br>Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved. | **Potentially Consistent (Project Site).** As documented in EIR Section 4.4 Biological Resources, the Rail Spur Project would avoid Coastal Streams and Riparian Vegetation associated with a tributary to Osos Flaco Creek. The tributary is located approximately 500 feet south of the proposed Rail Spur Project. Therefore, the portion of the project at the SMR would be potentially consistent with this policy.<br><br>**Potentially Inconsistent (Mainline).** The proposed Rail Spur Project has the potential to result in oil spills and resultant fires that could impact coastal streams and riparian vegetation along the mainline rail routes. An oil spill could result in significant impacts to coastal streams and riparian vegetation, as was discussed in Section 4.4 (Biological Resources) and Section 4.13 (Water Resources). Within San Luis Obispo County, the trains would use the UPRR Coastal Line, which is an existing transportation corridor that is currently used to |

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| | transport crude oil and other hazardous materials through San Luis Obispo County. The Rail Spur Project would increase the overall probability of an oil spill occurring along the UPRR Coastal Line. Based upon the hazards analysis, the probability of an incident on the UPRR mainline tracks involving a crude oil spill greater than 100 gallons in San Luis Obispo County would be about one in 126 years. Given the potential significant impacts that could occur to coastal streams and riparian vegetation in the case of an oil spill, rail transport of crude oil along the mainline would be potentially inconsistent with this policy. |
| **C. Coastal Streams. Policy 21: Development in or Adjacent to a Coastal Stream**<br>Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns. | **Potentially Consistent.** New physical development would only occur at the SMR. As documented in EIR Section 4.4 Biological Resources, the Rail Spur Project would be located approximately 500 feet north of a tributary to Oso Flaco Creek. Regarding watershed and water quality concerns, mitigation is identified that would require restoration of temporarily disturbed habitat and compliance with standard pollution prevention and erosion control standards, consistent with this policy (refer to EIR Section 4.4 Biological Resources and EIR Section 4.13 Water Resources). |
| **D. Terrestrial Environments. Policy 29: Protection of Terrestrial Habitats**<br>Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site.<br>Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas. | **Potentially Inconsistent (Project Site).** Based on the location of proposed improvements associated with the Rail Spur Project, portions of the development would be located within areas that contain environmentally sensitive vegetation as defined by CDFW. Construction of the Rail Spur Project would impact about 20 acres of environmentally sensitive vegetation as defined by CDFW. In addition, portions of the Rail Spur Project would be within 100 feet of areas that are considered environmentally sensitive vegetation .<br><br>Environmentally sensitive vegetation, as defined by CDFW, is present within the central portion of the Rail Spur Project area, are within the portions of the Rail Spur Project areas that comprise the EVA route, and are within the area where the pipelines would be constructed from the Rail Spur unloading facility to the existing storage tanks (see Figure 4.4-1). These impacts to environmentally sensitive vegetation, which are considered sensitive habitat, would be potentially inconsistent with this policy.<br><br>Mitigation is identified that address the potential for stormwater runoff contamination, limiting area of disturbance, and preventing potential accidental spills or leaks, which may inadvertently affect land within the |

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| | Terrestrial Habitat designation (refer to EIR Section 4.4 Biological Resources, and Section 4.13 Water Resources).<br><br>**Potentially Inconsistent (Mainline).** The proposed Rail Spur Project has the potential to result in oil spills and resultant fires that could impact terrestrial habitats along the mainline rail routes. An oil spill could result in significant impacts to terrestrial habitats, as was discussed in Section 4.4 (Biological Resources). Within San Luis Obispo County, the trains would use the UPRR Coastal Line, which is an existing transportation corridor that is currently used to transport crude oil and other hazardous materials through San Luis Obispo County. The Rail Spur Project would increase the overall probability of an oil spill occurring along the UPRR Coastal Line. Based upon the hazards analysis, the probability of an incident on the UPRR mainline tracks involving a crude oil spill greater than 100 gallons in San Luis Obispo County would be about one in 126 years. Given the potential significant impacts that could occur to terrestrial habitats in the case of an oil spill, rail transport of crude oil along the mainline would be potentially inconsistent with this policy. |
| **D. Terrestrial Environments. Policy 36: Protection of Dune Vegetation**<br>Disturbance or destruction of any dune vegetation shall be limited to those projects which are dependent upon such resources where no feasible alternatives exist and then shall be limited to the smallest area possible. Development activities and uses within dune vegetation shall protect the dune resources and shall be limited to resource dependent, scientific, educational and passive recreational uses. Coastal dependent uses may be permitted if it can be shown that no alternative location is feasible, such development is sited and designed to minimize impacts to dune habitat and adverse environmental impacts are mitigated to the maximum extent feasible.<br>Revegetation with California native plant species propagated from the disturbed sites or from the same species at adjacent sites shall be necessary for all projects. | **Potentially Inconsistent.** New physical development would only occur at the SMR. Based on the location of proposed improvements associated with the Rail Spur Project, portions of the development would be located within areas that contain sensitive vegetation, which would be considered dune vegetation. Construction of the Rail Spur Project would impact about 20 acres of dune vegetation. The Rail Spur Project would not be considered coastal dependent since it is not dependent upon being on or adjacent to the sea. The Rail Spur Project would also not be considered resource dependent, scientific, or educational and passive recreational use. Therefore the Rail Spur Project would potentially be inconsistent with this policy. |
| **Chapter 7: Agriculture** | |
| **Policy 1: Maintaining Agricultural Lands**<br>Prime agricultural land shall be maintained, in or available for, agricultural production unless: 1) agricultural use is already severely limited by conflicts with urban uses; or 2) adequate public services are available to serve the expanded urban uses, and the | **Potentially Consistent (Project Site).** The Rail Spur Project would not convert, disturb or indirectly affect any Prime agricultural land. Other agricultural soils and lands would be permanently converted to industrial uses; however, future agricultural use of these soils is not likely and the proposed conversion would not |

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| conversion would preserve prime agricultural land or would complete a logical and viable neighborhood, thus contributing to the establishment of a stable urban/rural boundary; and 3) development on converted agricultural land will not diminish the productivity of adjacent prime agricultural land.<br>Other lands (non-prime) suitable for agriculture shall be maintained in or available for agricultural production unless: 1) continued or renewed agricultural use is not feasible; or 2) conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services to serve additional development; and 3) the permitted conversion will not adversely affect surrounding agricultural uses.<br>All prime agricultural lands and other (non-prime) lands suitable for agriculture are designated in the land use element as Agriculture unless agricultural use is already limited by conflicts with urban uses.<br>**Permitted Uses on Prime Agricultural Lands.** Principal permitted and allowable uses on prime agricultural lands are designated on Coastal Table O - Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on the prime agricultural soils, that the least amount of prime soil possible is converted and that the use will not conflict with surrounding agricultural lands and uses.<br>**Permitted Uses on Non-Prime Agricultural Lands.** Principal permitted and allowable uses on non-prime agricultural lands are designated on Coastal Table O - Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on non-agricultural soils, that the least amount on non-prime land possible is converted and that the use will not conflict with surrounding agricultural lands and uses. | adversely affect surrounding agricultural uses, which are separated by all proposed developments by over 400 feet. The least amount of soils would be converted, consistent with this policy, and disturbed areas would be restored to pre-existing conditions to the extent feasible.<br>**Potentially Inconsistent (Mainline).** The proposed Rail Spur Project has the potential to result in oil spills and resultant fires that could impact agricultural lands along the mainline rail routes. An oil spill could result in significant impacts to agricultural resources, as was discussed in Section 4.2 (Agricultural Resources). Within San Luis Obispo County, the trains would use the UPRR Coastal Line, which is an existing transportation corridor that is currently used to transport crude oil and other hazardous materials through San Luis Obispo County. The Rail Spur Project would increase the overall probability of an oil spill occurring along the UPRR Coastal Line. Based upon the hazards analysis, the probability of an incident on the UPRR mainline tracks involving a crude oil spill greater than 100 gallons in San Luis Obispo County would be about one in 126 years. Given the potential significant impacts that could occur to agricultural resources in the case of an oil spill, rail transport of crude oil along the mainline would be potentially inconsistent with this policy. |
| **Policy 3: Non-Agricultural Uses**<br>In agriculturally designated areas, all non-agricultural development which is proposed to supplement the agricultural use permitted in areas designated as agriculture shall be compatible with preserving a maximum amount of agricultural use. When continued agricultural use is not feasible without some supplemental use, priority shall be given to commercial recreation and low intensity visitor-serving uses allowed in Policy 1. | **Potentially Consistent.** New physical development would only occur at the SMR. In the southeast corner of the Rail Spur Project Site, where the Agriculture designation applies, the Rail Spur Project would result in the development of an emergency vehicle access road that coincides with the location of an existing unpaved dirt access road. The proposed use is consistent with this policy and does not propose any other development in this area that would affect grazing activities or inhibit future agricultural production on the site. No |

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| Non-agricultural developments shall meet the following requirements:<br>a. No development is permitted on prime agricultural land. Development shall be permitted on non-prime land if it can be demonstrated that all agriculturally unsuitable land on the parcel has been developed or has been determined to be undevelopable.<br>b. Continued or renewed agricultural use is not feasible as determined through economic studies of existing and potential agricultural use without the proposed supplemental use.<br>c. The proposed use will allow for and support the continued use of the site as a productive agricultural unit and would preserve all prime agricultural lands.<br>d. The proposed use will result in no adverse effect upon the continuance or establishment of agricultural uses on the remainder of the site or nearby and surrounding properties.<br>e. Clearly defined buffer areas are provided between agricultural and non-agricultural uses.<br>f. Adequate water resources are available to maintain habitat values and serve both the proposed development and existing and proposed agricultural operations.<br>g. Permitted development shall provide water and sanitary facilities on-site and no extension of urban sewer and water services shall be permitted, other than reclaimed water for agricultural enhancement.<br>h. The development proposal does not require a land division and includes a means of securing the remainder of the parcel(s) in agricultural use through agricultural easements. As a condition of approval of non-agricultural development, the county shall require the applicant to assure that the remainder of the parcel(s) be retained in agriculture and, if appropriate, open space use by the following methods:<br>**Agricultural Easement.** The applicant shall grant an easement to the county over all agricultural land shown on the site plan. This easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily accessory to agriculture, farm labor housing and a single-family home accessory to the agricultural use.<br>**Open Space Easement.** The applicant shall grant an open space easement to the county over all lands | development on prime agricultural land would occur, no agricultural activities currently take place on the site that would be impacted by the Rail Spur Project, and the proposed use would allow for the future productive agricultural use on the remainder of the site. |

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| shown on the site plans as land unsuitable for agriculture, not a part of the approved development or determined to be undevelopable. The open space easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land to non-structural, open space uses.<br>Development proposals shall include the following:<br>a. A site plan for the ultimate development of the parcel(s) which indicates types, location, and if appropriate, phases of all non-agricultural development, all undevelopable, non-agricultural land and all land to be used for agricultural purposes. Total non-agricultural development area must not exceed 2% of the gross acreage of the parcel(s).<br>b. A demonstration that revenues to local government shall be equal to the public costs of providing necessary roads, water, sewers, fire and police protection.<br>c. A demonstration that the proposed development is sited and designed to protect habitat values and will be compatible with the scenic, rural character of the area.<br>d. Proposed development between the first public road and the sea shall clearly indicate the provisions for public access to and along the shoreline consistent with LUP policies for access in agricultural areas. | |
| **Chapter 8: Public Works** | |
| **Policy 1: Availability of Service Capacity**<br>New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the USL shall be allowed only if:<br>a. It can be serviced by adequate private on-site water and waste disposal systems; and<br>b. The proposed development reflects that it is an environmentally preferable alternative.<br>The applicant shall assume responsibility in accordance with county ordinances or the rules and regulations of the applicable service district or other providers of | **Potentially Inconsistent.** New physical development would only occur at the SMR. As discussed in Section 4.11, Public Services and Utilities, the Rail Spur Project would generate solid waste from construction and operations. However, the amount of solid waste generated would be well within the capacity of the existing landfills. The majority of the solid waste would be generated during construction. Mitigation measure PS-1 requires the development of a Solid Waste Management Plan to maintain a diversion rate of at least 50% of construction waste from reaching the landfill.<br><br>The water use for the Rail Spur Project would be for meeting the demands of the 12 workers during operations. The proposed Rail Spur Project would increase water demand by 250 gallons per day, or 0.3 AFY. The total SMR water demand would be 1,111.3 AFY, which would be less than the 1,550 AFY of water available for SMR use under the Nipomo Mesa Management Area (NMMA), as defined in the Stipulation for the Santa Maria Groundwater Litigation. |

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| services for costs of service extensions or improvements that are required as a result of the project. Lack of proper arrangements for guaranteeing service is grounds for denial of the project or reduction of the density that could otherwise be approved consistent with available resources. | Therefore, the Rail Spur Project would be serviced by adequate private on-site water and wastewater disposal systems. Due to the Class I health risk impact, the Class I impacts along the mainline in San Luis Obispo County, and the federal preemption issues implicated by the Rail Spur Project, it is unknown whether the Rail Spur Project would meet the requirement listed in "b" that the proposed development "reflects that it is an environmentally preferable alternative". Therefore, the Project could be potentially inconsistent with this policy. |
| **Chapter 9: Coastal Watersheds** | |
| **Policy 1: Preservation of Groundwater Basins**<br>The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted. | **Potentially Consistent (Project Site).** The water use for the Rail Spur Project would be for meeting the demands of the 12 workers during operations. The proposed Rail Spur Project would increase water demand by 250 gallons per day, or 0.3 AFY. The total SMR water demand would be 1,111.3 AFY, which would be less than the 1,550 AFY of water available for SMR use under the Nipomo Mesa Management Area (NMMA), as defined in the Stipulation for the Santa Maria Groundwater Litigation. Therefore, the Rail Spur Project would be potentially consistent with this policy.<br><br>**Potentially Inconsistent (Mainline).** The proposed Rail Spur Project has the potential to result in oil spills that could impact groundwater basins along the mainline rail routes. An oil spill could result in significant impacts to groundwater resources, as was discussed in Section 4.13 (Water Resources). Within San Luis Obispo County, the trains would use the UPRR Coastal Line, which is an existing transportation corridor that is currently used to transport crude oil and other hazardous materials through San Luis Obispo County. The Rail Spur Project would increase the overall probability of an oil spill occurring along the UPRR Coastal Line. Based upon the hazards analysis, the probability of an incident on the UPRR mainline tracks involving a crude oil spill greater than 100 gallons in San Luis Obispo County would be about one in 126 years. Given the potential significant impacts that could occur to groundwater resources in the case of an oil spill, rail transport of crude oil along the mainline would be potentially inconsistent with this policy. |
| **Policy 2: Water Extractions**<br>Extractions, impoundments and other water resource developments shall obtain all necessary county and/or state permits. All pertinent information on these uses | **Potentially Consistent.** The only new water use would occur at the SMR. The water use for the Rail Spur Project would be for meeting the demands of the 12 workers during operations. The proposed Rail Spur |

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| (including water conservation opportunities and impacts on in-stream beneficial uses) will be incorporated into the data base for the Resource Management System and shall be supplemented by all available private and public water resources studies available. Groundwater levels and surface flows shall be maintained to ensure that the quality of coastal waters, wetlands and streams is sufficient to provide for optimum populations of marine organisms, and for the protection of human health. (Public works projects are discussed separately.) | Project would increase water demand by 250 gallons per day, or 0.3 AFY. The total SMR water demand would be 1,111.3 AFY, which would be less than the 1,550 AFY of water available for SMR use under the Nipomo Mesa Management Area (NMMA), as defined in the Stipulation for the Santa Maria Groundwater Litigation. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Policy 8: Timing of Construction and Grading**<br>Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period. | **Potentially Consistent.** Construction and grading would only occur at the SMR. The timing of construction and grading is unknown, and will depend upon when permits are obtained for the project. It is currently estimated that construction would occur in last half of 2016 and the first half of 2017. Therefore, some of the construction could occur during the rainy season. Mitigation measure GR-2 requires the development of a Storm Water Pollution Prevention Plan that would address erosion and sedimentation control. All of these measures would have to be in place before the start of construction. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Policy 9: Techniques for Minimizing Sedimentation**<br>Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. Measures should be utilized from the start of site preparation. Selection of appropriate control measures shall be based on evaluation of the development's design, site conditions, predevelopment erosion rates, environmental sensitivity of the adjacent areas and also consider costs of on-going maintenance. A site specific erosion control plan shall be prepared by a qualified soil scientist or other qualified professional. To the extent feasible, non-structural erosion techniques, including the use of native species of plants, shall be preferred to control run-off and reduce increased sedimentation. | **Potentially Consistent.** Construction and grading would only occur at the SMR. Mitigation measure GR-2 requires the development of a Storm Water Pollution Prevention Plan that would address erosion and sedimentation control. All of these measures would have to be in place before the start of construction. The mitigation measure requires that the plan include best practices for minimizing erosion and sedimentation. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Policy 10: Drainage Provisions**<br>Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses. | **Potentially Consistent.** Construction and grading would only occur at the SMR. Drainage at Rail Spur Project Site would not be materially affected by the proposed development, and most of the site would continue to drain as it currently does. The drainage from the elevated cover over the unloading rack area would be diverted to retentions basin to prevent erosion. Therefore, the Rail Spur Project would be potentially consistent with this policy. |

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| **Policy 11: Preserving Groundwater Recharge**<br>In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats. | **Potentially Consistent.** Physical development would only occur at the SMR. Drainage at Rail Spur Project Site would not be materially affected by the proposed development, and most of the site would continue to drain as it currently does. The site is composed of sandy material that supports percolation of runoff into the ground. The drainage from the elevated cover over the unloading rack area would be diverted to retentions basin that will allow the water to percolate into the ground, thereby supporting groundwater recharge. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Policy 13: Vegetation Removal**<br>Vegetation clearance on slopes greater than 30% in geologically unstable areas or on soils rated as having severe erosion hazards shall require an erosion and sedimentation control plan. Stream vegetation removal is discussed in greater detail in the Sensitive Habitat chapter. | **Potentially Consistent.** Construction and grading would only occur at the SMR. None of the Rail Spur Project Site where development would occur has slopes greater than 30%. Mitigation measure GR-2 requires the development of a Storm Water Pollution Prevention Plan that would address erosion and sedimentation control. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Chapter 10: Visual and Scenic Resources** | |
| **Policy 1: Protection of Visual and Scenic Resources**<br>Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible. | **Potentially Consistent.** Physical development would only occur at the SMR. The project would expand an industrial use into land that currently serves as visual open space as seen from Highway 1, the California Coastal Trail and the De Anza Trail. This visual encroachment into a scenic vista could be inconsistent with this policy. The project would impact about 20 acres of sensitive vegetation as defined by CDFW. Impacts to this vegetation would be visible from Highway 1, the California Coastal Trail and the De Anza Trail. This could be inconsistent with this policy. Implementation of the defined mitigation measures would reduce visibility of the project, consistent with this policy. |
| **Policy 2: Site Selection for New Development**<br>Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas.<br>Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion. | **Potentially Consistent.** Physical development would only occur at the SMR. To some degree, the project siting takes advantage of the adjacent landform to reduce visibility of the rail spur extension. However the majority of the tracks and trains would not be screened from view since it would extend approximately 0.9 mile into an undeveloped area that flattens out toward the east. This residual visibility into a scenic coastal area could be inconsistent with this policy. Implementation of the defined mitigation measures would reduce visibility of the project, consistent with this policy. |

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| **Policy 4: New Development in Rural Areas**<br>New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views. New land divisions whose only building site would be on a highly visible slope or ridgetop shall be prohibited. | **Potentially Consistent.** Physical development would only occur at the SMR. The project siting somewhat takes advantage of the adjacent landform to partially reduce visibility from public view corridors. The unloading area canopy and other structures would be in an existing industrial location, would visually blend with the setting, and would not affect rural character. Portions of the rail spur extension would be screened from public view by landform and vegetation. However much of the facility would be seen because the tracks would extend approximately 0.9 mile into an area that currently has no screening-type vegetation. This visibility would be noticeable as seen from public view corridors such as Highway 1, the California Coastal Trail and the De Anza Trail, resulting in as possible inconsistency with this policy. Implementation of the defined mitigation measures that include the use of berms and screening vegetation with native plants would reduce visibility of the project, consistent with this policy. |
| **Policy 7: Preservation of Trees and Native Vegetation**<br>The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character. | **Potentially Consistent.** Physical development would only occur at the SMR. No trees would be removed which define or substantially contribute to the scenic visual character of the site or surroundings. Mitigation measures require disturbed areas to be revegetated with native cover consistent with the natural adjacent plant communities. As a result the project could be consistent with this visual policy. |
| **Chapter 11: Hazards** | |
| **Policy 3: Development Review in Hazard Areas**<br>The county shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan. Residential, commercial and industrial development shall be prohibited within the l00 year floodplain (l% chance of inundation in any year) as delineated in the Flood Hazard combining designation except for those areas within an urban reserve line. | **Potentially Consistent.** Physical development would only occur at the SMR. The Rail Spur Project is not within the geologic study area or flood hazard combined designation in the Land Use Element maps for the coastal zone. Mitigation measure GR-1c requires that a geological investigation be conducted prior to final design of the Rail Spur facilities. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Chapter 12: Archaeology** | |
| **Policy 1: Protection of Archaeological Resources**<br>The county shall provide for the protection of both known and potential archaeological resources. All | **Potentially Consistent (Project Site).** Field surveys and records searches identified the presence of one archaeological resource on the Rail Spur Project Site within the emergency vehicle access road area. |

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| available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required. | Although the resource was determined to be ineligible for listing in the California Register of Historic Resources, the EIR recommended mitigation measures for the avoidance of impacts to this resource to account for the sensitive nature of prehistoric archaeological resources and input from the local Native American community, consistent with this policy. Mitigation includes realignment of the emergency vehicle access to avoid the archaeological resource and archaeological monitoring during construction activities.<br><br>**Potentially Inconsistent (Mainline).** The proposed Rail Spur Project has the potential to result in oil spills that could impact groundwater basins along the mainline rail routes. An oil spill could result in significant impacts to archeological resources, as was discussed in Section 4.5 (Cultural and Historic Resources). Within San Luis Obispo County, the trains would use the UPRR Coastal Line, which is an existing transportation corridor that is currently used to transport crude oil and other hazardous materials through San Luis Obispo County. The Rail Spur Project would increase the overall probability of an oil spill occurring along the UPRR Coastal Line. Based upon the hazards analysis, the probability of an incident on the UPRR mainline tracks involving a crude oil spill greater than 100 gallons in San Luis Obispo County would be about one in 126 years. Given the potential significant impacts that could occur to archeological resources in the case of an oil spill, rail transport of crude oil along the mainline would be potentially inconsistent with this policy. |
| **Agriculture Element** | |
| **AG3: Protect Agricultural Lands.**<br>a. Establish criteria in this element for agricultural land divisions that will promote the long-term viability of agriculture.<br>b. Maintain and protect agricultural lands from inappropriate conversion to non-agricultural uses. Establish criteria in this element and corresponding changes in the Land Use Element and Land Use Ordinance for when it is appropriate to convert land from agricultural to non-agricultural designations.<br>c. Maintain and strengthen the county's agricultural preserve program (Williamson Act) as an effective means for long-term agricultural land preservation.<br>d. Provide incentives for landowners to maintain land in productive agricultural uses. | **Potentially Consistent.** The EIR determined that impacts on agricultural resources resulting from the Rail Spur Project at the SMR would be less than significant with implementation of standard mitigation. The project would not result in a division of land or affect the substantial agricultural activities in the project vicinity. Use of the Rail Spur Project Site for agricultural production in the future is not likely, and the proposed developments are consistent with the site's existing uses and Industrial zoning designation. No impacts on Williamson Act contracts or other incentives for agricultural uses would occur. |
| **AGP17: Agricultural Buffers.**<br>a. Protect land designated Agriculture and other lands | **Potentially Consistent.** Recommended buffers range from 50 to 500 feet. All disturbances and developments |

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| in production agriculture by using natural or man-made buffers where adjacent to non-agricultural land uses in accordance with the agricultural buffer policies adopted by the Board of Supervisor (see Appendix C). | associated with the Rail Spur Project at the SMR would be located over 400 feet from any intensive agricultural use on an adjacent property, resulting in a natural buffer. The proposed development would not significantly affect adjacent agricultural uses; identified impacts were primarily associated with construction activities and reduced to less than significant levels through implementation of standard mitigation measures. Current operation of the SMR includes heavy industrial processing of crude oil and coke products within approximately 200 feet of adjacent row crops, with no substantial incompatibilities historically identified. Proposed activities would be less intensive and would be separated by a natural buffer of approximately twice the distance. No significant impacts on adjacent agricultural uses that would not be reduced to insignificance with implementation of standard mitigation were identified. |
| **AGP18: Location of Improvements.**<br>a. Locate new buildings, access roads, and structures so as to protect agricultural land. | **Potentially Consistent.** Physical development would only occur at the SMR. Proposed developments would be located within the existing fenced refinery area or internal areas of the undeveloped portion of the Rail Spur Project Site and separated from adjacent agricultural uses by approximately 400 feet or more. No significant impacts on adjacent agricultural uses that would not be reduced to insignificance with implementation of standard mitigation were identified. |
| **AGP24: Conversion of Agricultural Land.**<br>a. Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:<br>1. Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Advisory Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe.<br>2. Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.<br>3. Avoid land re-designation (rezoning) that would create new rural residential development outside the urban and village reserve lines.<br>4. Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative | **Potentially Consistent.** The Rail Spur Project would not re-designate or re-zone agricultural land for other uses. It modifies / expands existing industrial uses in an Industrial-zoned area where industrial activity currently exists. The project is located outside of urban reserve lines, but it is a use generally unsuited for heavily urbanized areas and would not generate or facilitate additional future development in the surrounding urban fringe / rural areas. The limited conversion of agricultural soils that would result from project development would not encourage or facilitate a larger-scale conversion of agricultural land in the surrounding rural area, consistent with this policy. |

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| location within the urban and village reserve lines. | |
| **Conservation and Open Space Element** | |
| **Chapter 2: Air Quality** | |
| ***Goal AQ 1: Per capita vehicle- miles-traveled countywide will be substantially reduced consistent with statewide targets.*** | |
| **Policy AQ 1.2 Reduce vehicle miles traveled**<br>Require projects subject to discretionary review to minimize additional vehicle travel. | **Potentially Consistent.** Currently, the Santa Maria Facility personnel generate approximately 160 roundtrips (320 one-way trips) per day. The Santa Maria Facility normal operations generate approximately 5 truck roundtrips (10 one-way trips) per day, not including green coke and sulfur-related trips. In 2009, the Santa Maria Facility had approximately 15,009 truck roundtrips related to green coke and sulfur, which comes to approximately 41 trucks per day, or 82 one-way truck trips per day. In total, the Santa Maria Facility generates approximately 206 vehicle roundtrips per day or 412 one-way vehicle trips per day. With the operation of the Rail Spur Project the number of additional round trips would be about 24 since only 12 workers are required. Some of these workers would be existing staff at the refinery. This small number of additional trips would not be significant. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Policy AQ 1.9 Use of rail**<br>Encourage and facilitate, where appropriate, the use of railways as an alternative to trucking materials out of the county by preserving existing services and rights-of-way and investigating the feasibility of increasing general freight traffic by developing additional loading facilities. Railways should also be encouraged for use by passengers. | **Potentially Consistent.** The Rail Spur Project would use rail instead of trucking to bring crude oil to the SMR. The project would eliminate some level of trucking of crude oil to the Santa Maria Pump Station, which is currently used to deliver trucked crude to the SMR. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| ***Goal AQ 3: State and federal ambient air quality standards will, at a minimum, be attained and maintained.*** | |
| **Policy AQ 3.2 Attain air quality standards**<br>Attain or exceed federal or state ambient air quality standards (the more stringent if not the same) for measured criteria pollutants. | **Potentially Inconsistent.** As shown in Table 4.3.3, SLOC is in non-attainment for the State 1-hr and 8-hr ozone standards and well as for the State $PM_{10}$ standard. The Rail Spur Project would generate $NO_x$ and ROG emissions, which are precursors to ozone. The $NO_x$ and ROG emissions at the SMR can be offset using emission reduction credits. However, the $NO_x$ and ROG emissions from the locomotives on the mainline rail routes likely cannot be offset due to Federal preemption. These additional $NO_x$ and ROG emissions would further exacerbate the ability of the County to attain the State ozone standard, and therefore, the project could be inconsistent with this policy.<br><br>The Rail Spur Project would generate fugitive dust and |

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| | DPM that would contribute to $PM_{10}$ emissions within the County. It is unlikely that these $PM_{10}$ emissions could be offset at the SMR due to a lack of available emission reductions. Also, the $PM_{10}$ emissions from the locomotives on the mainline rail routes likely cannot be offset due to Federal preemption. These additional $PM_{10}$ emissions would further exacerbate the ability of the County to attain the State $PM_{10}$ standard, and therefore, the project could be inconsistent with this policy. |
| **Policy AQ 3.3 Avoid air pollution increases**<br>Avoid a net increase in criteria air pollutant emissions in planning areas certified as Level of Severity II or III for Air Quality by the County's Resource Management System (RMS). | **Potentially Inconsistent.** The SLOC 2012-2014 Resource Summary Report classifies West County as Severity Level II for ozone. For particulate matter (PM10 and PM2.5) the Nipomo Mesa is classified as Severity Level III with the rest of the County classified as Severity Level II.<br><br>The Rail Spur Project would generate $NO_x$ and ROG emissions, which are precursors to ozone. The $NO_x$ and ROG emissions at the SMR can be offset using emission reduction credits. However, the $NO_x$ and ROG emissions from the locomotives on the mainline rail routes likely cannot be offset due to Federal preemption. These additional $NO_x$ and ROG emissions would result in a net increase in criteria air pollutants, and therefore, the project could be inconsistent with this policy.<br>The Rail Spur Project would generate fugitive dust and DPM that would contribute to $PM_{10}$ emissions within the County. It is unlikely that these $PM_{10}$ emissions could be offset at the SMR due to a lack of available emission reductions. Also, the $PM_{10}$ emissions from the locomotives on the mainline rail routes likely cannot be offset due to Federal preemption. These additional $PM_{10}$ emissions would result in a net increase in criteria air pollutants, and therefore, the project could be inconsistent with this policy. |
| **Policy AQ 3.4 Toxic exposure**<br>Minimize public exposure to toxic air contaminants, ozone, particulate matter, sulfur dioxide, carbon monoxide, nitrogen oxides, and lead. | **Potentially Inconsistent (Project Site).** As discussed in Section 4.3, Air Quality, the air toxic emissions from the operation of the Rail Spur Project would exceed the acceptable cancer risk levels determined by the SLOCAPCD, based upon a health risk assessment. Operation of the proposed Rail Spur Project at the SMR would exceed the cancer risk threshold. Therefore, the Rail Spur Project would be potentially inconsistent with this policy.<br><br>**Potentially Inconsistent (Mainline).** Toxic emissions from the locomotives operating on the mainline rail routes would exceed the cancer risk threshold for area where speeds are limited to 30 miles per hour or less. |

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| | Therefore, the Rail Spur Project would be potentially inconsistent with this policy. |
| **Policy AQ 3.5 Equitable decision making**<br>Ensure that land use decisions are equitable and protect all residents from the adverse health effects of air pollution. | **Potentially Inconsistent.** Air toxic emissions at the SMR and along portions of the mainline rail routes would exceed the cancer risk threshold. The Rail Spur Project would generate $NO_x$ and ROG emissions, which are precursors to ozone. The $NO_x$ and ROG emissions at the SMR can be offset using emission reduction credits. However, the $NO_x$ and ROG emissions from the locomotives on the mainline rail routes likely cannot be offset due to Federal preemption. These additional $NO_x$ and ROG emissions would result in a net increase in criteria air pollutants, which could have adverse health effects as discussed in Impact AQ.2, and therefore, the project could be inconsistent with this policy.<br>The Rail Spur Project would generate fugitive dust and DPM that would contribute to $PM_{10}$ emissions within the County. It is unlikely that these $PM_{10}$ emissions could be offset at the SMR due to a lack of available emission reductions. Also, the $PM_{10}$ emissions from the locomotives on the mainline rail routes likely cannot be offset due to Federal preemption. These additional $PM_{10}$ emissions could have adverse health effects, particularly in the area of the Nipomo Mesa, and therefore, the project could be inconsistent with this policy. |
| **Implementation Strategy AQ 3.6.1 Identify health risks to sensitive receptors**<br>Provide an analysis of potential health risks and identify mitigation measures to reduce risk to acceptable levels for projects involving sensitive receptors proposed within 500 feet of freeways and high-speed highways, consistent with APCD criteria. | **Potentially Consistent (Project Site).** As discussed in Section 4.3, Air Quality, the air toxic emissions from the operation of the Rail Spur Project would exceed the acceptable cancer risk levels determined by the SLOCAPCD, based upon a health risk assessment. Operation of the proposed Rail Spur Project at the SMR would exceed the cancer risk threshold. The SMR site is not within 500 feet of a freeway or high-speed highway.<br><br>**Potentially Inconsistent (Mainline).** Toxic emissions from the locomotives operating on the mainline rail routes would exceed the cancer risk threshold for area where speeds are limited to 30 miles per hour or less. Portions of the mainline rail routes are within 500 feet of freeways. Therefore, the Rail Spur Project would be potentially inconsistent with this policy. |
| **Policy AQ 3.7 Reduce vehicle idling**<br>Encourage the reduction of heavy-vehicle idling throughout the county, particularly near schools, hospitals, senior care facilities, and areas prone to concentrations of people, including residential areas. | **Potentially Consistent.** Mitigation measures AQ-1f would limit the idling of construction equipment to no more than five minutes. Mitigation measure AQ-2b would limit idling of locomotives at the SMR to no more than 15 consecutive minutes. Therefore, the Rail Spur Project would be potentially consistent with this policy. |

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| **Chapter 3: Biological Resources** | |
| ***Goal BR 1: Native habitat and biodiversity will be protected, restored, and enhanced.*** | |
| **Policy BR 1.2 Limit Development Impacts**<br>Regulate and minimize proposed development in areas that contain essential habitat for special-status species, sensitive natural communities, wetlands, coastal and riparian habitats, and wildlife habitat and movement corridors as necessary to ensure the continued health and survival of these species and protection of sensitive areas. | **Potentially Inconsistent.** Physical development would only occur at the SMR. Proposed construction of the Rail Spur Project would result in a permanent impact of approximately 26.5 acres of central dune scrub, which includes the loss of about 20 acres of sensitive vegetation as defined by CDFW. These areas provide habitat for a variety of wildlife species, as described in EIR Section 4.4 Biological Resources. The affected area is currently leased for low density cattle grazing. The project would avoid wetland and riparian habitat, and based on its location, would not adversely affect movement corridors. Mitigation is identified including restoration of dune habitat onsite, which would provide improved habitat on a portion of the project site in the long-term. However, given that the proposed Rail Spur Project would impact about 20 acres of sensitive vegetation as defined by CDFW, the project could be inconsistent with this policy. |
| **Policy BR 1.4 No Net Loss**<br>Require that development projects are approved with conditions and mitigation measures to ensure the protection of sensitive resources and to achieve "no net loss" of sensitive habitat acreage, values, and function. Give highest priority to avoidance of sensitive habitat. When avoidance is not feasible, require provision of replacement habitat onsite through restoration and/or habitat creation. When onsite mitigation is not feasible, provide for offsite mitigation that reflects no net loss. | **Potentially Consistent.** Physical development would only occur at the SMR. As noted above, implementation of the Rail Spur Project would result in the permanent conversion of 26.5 acres of central dune scrub, which includes the loss of about 20 acres of sensitive vegetation as defined by CDFW. Mitigation is identified that would require restoration of central dune scrub habitat at a 2:1 ratio, consistent with this policy. |
| **Policy BR 1.15 Restrict Disturbance in Sensitive Habitat during Nesting Season**<br>Avoid impacts to sensitive riparian corridors, wetlands, and coastal areas to protect bird-nesting activities. | **Potentially Consistent (Project Site).** As proposed, the project would avoid wetland and riparian habitats, and would not affect foredune snowy plover nesting habitat. However, the central dune scrub and mature trees onsite could be used by birds for ground nests, tree nests, and burrows (i.e. burrowing owl). Mitigation measures include standards for pre-construction surveys, on-going surveys during the burrowing owl wintering season, and avoidance of all nests during construction. Therefore, the project at the SMR would be potentially consistent with the policy.<br><br>**Potentially Inconsistent (Mainline).** The proposed Rail Spur Project has the potential to result in oil spills that could impact sensitive habitat during nesting season along the mainline rail routes. An oil spill could result in significant impacts to sensitive habitat during nesting season. Within San Luis Obispo County, the trains |

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| | would use the UPRR Coastal Line, which is an existing transportation corridor that is currently used to transport crude oil and other hazardous materials through San Luis Obispo County. The Rail Spur Project would increase the overall probability of an oil spill occurring along the UPRR Coastal Line. Based upon the hazards analysis, the probability of an incident on the UPRR mainline tracks involving a crude oil spill greater than 100 gallons in San Luis Obispo County would be about one in 126 years. Given the potential significant impacts that could occur to sensitive habitat during nesting season in the case of an oil spill, rail transport of crude oil along the mainline would be potentially inconsistent with this policy. |
| **Implementation Strategy BR 1.15.1 Identify setbacks from bird nesting areas**<br>Design land divisions and development with adequate setbacks from sensitive habitat areas that are occupied during the nesting season to protect bird nesting, rearing, and fledging activities. | **Potentially Consistent.** Physical development would only occur at the SMR. In the long-term, the proposed Rail Spur Project would be located an adequate distance from sensitive habitat areas including the foredunes west of the UPRR and tributary to Oso Flaco Creek (500 feet). During construction, birds may nest or burrow within coastal dune scrub habitat; therefore a provision for nesting bird surveys is included as a recommended mitigation measure. |
| **Implementation Strategy BR 1.15.2 Preconstruction surveys for bird nesting areas**<br>Require preconstruction surveys, using established protocols, where development is proposed in sensitive habitat areas during the nesting season in order to protect nests in active use. | **Potentially Consistent.** Construction would only occur at the SMR. Recommended mitigation measures include standards for pre-construction surveys, on-going surveys during the burrowing owl wintering season, and avoidance of all nests during construction. |
| ***Goal BR 2: Threatened, rare, endangered, and sensitive species will be protected.*** | |
| **Policy BR 2.6 Development Impacts to Listed Species**<br>Ensure that potential adverse impacts to threatened, rare, and endangered species from development are avoided or minimized through project siting and design. Ensure that proposed development avoids significant disturbance of sensitive natural plant communities that contain special-status plant species or provide critical habitat to special-status animal species. When avoidance is not feasible, require no net loss of sensitive natural plant communities and critical habitat areas. | **Potentially Consistent.** New physical development would only occur at the SMR. In general, the proposed Rail Spur Project is designed to avoid potential adverse impacts to special-status species by limiting the spacing between rail lines and placing the unloading area in a mostly previously disturbed area. The rail spur and emergency vehicle access would be located within an area adjacent to an existing refinery, which is currently leased for low density cattle grazing. The project would result in the conversion of 26.5 acres of coastal dune scrub and may result in the removal of about 20 acres of sensitive plant species including California spineflower (*Mucronea californica*); sand almond (*Prunus fasciculate* var. *punctata*); Blochman's groundsel (*Senecio blochmaniae*); and, Blochman's leafy daisy (*Erigeron blochmaniae*) . Avoidance of the sensitive plant species is not possible given it presence throughout the buffer area as shown in Figure 5-3. The |

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| | EIR recommends mitigation to restore in-kind habitat onsite at a 2:1 ratio, which would assure not net loss of sensitive natural plant communities from development of the project.<br><br>State-listed Nipomo Mesa lupine (*Lupinus nipomensis*) was not observed within the Rail Spur Project Site; however, it is known to occur in the area. Mitigation is recommended to conduct additional surveys during a non-drought year to further verify absence under standard climatic conditions (additional mitigation for the potential loss of this species, if it is present and cannot be avoided is included in the EIR).<br><br>Since avoidance is not possible, and mitigation has been provided to assure no net loss of sensitive natural plant communities, the Rail Spur Project could be potentially consistent with this policy. |
| **Implementation Strategy BR 2.6.2 Use of habitat preservation ratio**<br>Where avoidance, restoration, or replacement of habitat of special status species is not feasible, require preservation and/or enhancement of similar habitat at a minimum 2:1 ratio to avoid significant cumulative loss of valuable habitats and to achieve no net loss of habitat value. | **Potentially Consistent.** Physical development would only occur at the SMR. Mitigation is identified that would require restoration of central dune scrub habitat at a 2:1 ratio, consistent with this policy. This would assure no net loss of habitat value. |
| **Policy BR 2.7 Fire Suppression and Sensitive Plants and Habitats**<br>Balance the need for fire suppression and/or vegetation (fuel) management with the need to protect sensitive biological resources. Where possible, design land divisions and development so that fuel-breaks, vegetation, or fuel modification areas that are needed to reduce fire hazards do not disrupt special-status plant communities or critical habitat for special status animal species. Fuel-breaks and vegetation or fuel modification areas shall be located on the development side of required setbacks from sensitive features, and shall be in addition to the required setbacks. | **Potentially Consistent.** Physical development would only occur at the SMR. The proposed Rail Spur Project is generally linear, and is not located in an area of high fuel load. Based on review by Cal Fire, fire suppression measures applicable to this type of project does not include standard vegetation management outside of the affected fenced area surrounding the Rail Spur. Vegetation is currently managed within the SMR site. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Policy BR 2.8 Invasive Plant Species**<br>Promote and support efforts to reduce the effects of noxious weeds on natural habitats. The County will work with local resource and land management agencies to develop a comprehensive approach to controlling the spread of non-native invasive species and reducing their extent on both public and private land. | **Potentially Consistent.** Physical development would only occur at the SMR. Invasive plants present onsite include veldt grass (*Ehrharta calycina*) and non-native iceplants (*Carpobrotus edulis* and *C. chilensis*). Mitigation recommended for restoration of central dune scrub includes removal of invasive species. Therefore, the project could be potentially consistent with this policy. |

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| ***Goal BR 3: Maintain the acreage of native woodlands, forests, and trees at 2008 levels.*** | |
| **Policy BR 3.2 Protection of Native Trees in New Development**<br>Require proposed discretionary development and land divisions to avoid damage to native trees (e.g., Monterey Pines, oaks) through setbacks, clustering, or other appropriate measures. When avoidance is not feasible, require mitigation measures. | **Potentially Consistent.** Physical development would only occur at the SMR. The Rail Spur Project site is not located within native woodland or forest habitat. One native, mature oak tree would be removed during construction. Replacement of this tree at a 4:1 ratio would be required upon implementation of recommended mitigation. Therefore, the project could be potentially consistent with this policy. |
| **Implementation Strategy BR 3.2.1 Tree replacement in new development**<br>If avoidance of damage to native specimen trees is not feasible in discretionary land use permits and land divisions, require mitigation measures such as tree replacement using native stock at specified ratios, replanting plans, reseeding disturbed open areas with native, drought, and fire resistant species. A long-term monitoring plan will also be required. | **Potentially Consistent.** Physical development would only occur at the SMR. The project would require the removal of one mature oak tree, and mitigation would require replacement of the tree at a 4:1 ratio. Restoration would occur consistent with this policy, including monitoring. Disturbed coastal dune scrub habitat would be restored consistent with existing conditions, or with improved function. Therefore, the project could be potentially consistent with this policy. |
| ***Goal BR 4: The natural structure and function of streams and riparian habitat will be protected and restored.*** | |
| **Policy BR 4.2 Minimize Impacts from Development**<br>Minimize the impacts of public and private development on streams and associated riparian vegetation due to construction, grading, resource extraction, and development near streams.<br>**Implementation Strategy BR 4.2.1 Setbacks from streams and riparian vegetation**<br>Set back development on public lands and all private development subject to discretionary review a minimum of 50 feet from the top of the bank of any stream or outside the dripline of riparian vegetation, whichever distance is greater. | **Potentially Consistent.** Physical development would only occur at the SMR. The proposed Rail Spur Project would avoid streams and associated riparian vegetation at the SMR site; the closest stream is a tributary to Oso Flaco Creek, approximately 500 feet south of the proposed Disturbance area. Therefore, the project could be potentially consistent with this policy for the construction of the spur. |
| **Chapter 4: Cultural Resources** | |
| ***Goal CR 4: The county's known and potential Native American, archaeological, and paleontological resources will be preserved and protected.*** | |
| **Policy CR 4.2 Protection of Native American Cultural Sites**<br>Ensure protection of archaeological sites that are culturally significant to Native Americans, even if they have lost their scientific or archaeological integrity through previous disturbance. Protect sites that have religious or spiritual value, even if no artifacts are present. Protect sites that contain artifacts, which may have intrinsic value, even though their archaeological context has been disturbed. | **Potentially Consistent (Project Site).** Field surveys and records searches identified the presence of one archaeological resource on the Rail Spur Project Site within the emergency vehicle access road area. Although the resource was determined to be ineligible for listing in the California Register of Historic Resources, the EIR recommended mitigation measures for the avoidance of impacts to this resource to account for the sensitive nature of prehistoric archaeological resources and input from the local Native American community, consistent with this policy. Mitigation includes realignment of the emergency vehicle access to avoid the archaeological resource and archaeological monitoring during construction activities. Therefore, the |

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| | project could be potentially consistent with this policy.<br><br>**Potentially Inconsistent (Mainline).** The proposed Rail Spur Project has the potential to result in oil spills and resultant fires that could impact Native American cultural sites along the mainline rail routes. An oil spill could result in significant impacts to Native American cultural sites as part of any cleanup and restoration process. Within San Luis Obispo County, the trains would use the UPRR Coastal Line, which is an existing transportation corridor that is currently used to transport crude oil and other hazardous materials through San Luis Obispo County. The Rail Spur Project would increase the overall probability of an oil spill occurring along the UPRR Coastal Line. Based upon the hazards analysis, the probability of an incident on the UPRR mainline tracks involving a crude oil spill greater than 100 gallons in San Luis Obispo County would be about one in 126 years. Given the potential significant impacts that could occur to Native American cultural sites in the case of oil spill cleanup activities, rail transport of crude oil along the mainline would be potentially inconsistent with this policy. |
| **Policy CR 4.4 Development Activities and Archaeological Sites**<br>Protect archaeological and culturally sensitive sites from the effects of development by avoiding disturbance where feasible. Avoid archaeological resources as the primary method of protection.<br>**Implementation Strategy CR 4.4.1 Native American participation in development review process**<br>In areas likely to contain Native American and cultural resources, include Native Americans in tasks such as Phase I, II, and III surveys, resource assessment, and impact mitigation. Consult with Native American representatives early in the development review process and in the design of appropriate mitigations. Enable their presence during archaeological excavation and construction in areas likely to contain cultural resources. | **Potentially Consistent.** Physical development would only occur at the SMR. Field surveys and records searches identified the presence of one archaeological resource on the Rail Spur Project Site within the emergency vehicle access road area. Although the resource was determined to be ineligible for listing in the California Register of Historic Resources, the EIR recommended mitigation measures for the avoidance of impacts to this resource to account for the sensitive nature of prehistoric archaeological resources and input from the local Native American community, consistent with this policy. Mitigation includes realignment of the emergency vehicle access to avoid the archaeological resource and archaeological monitoring during construction activities. Therefore, the project could be potentially consistent with this policy. |
| **Policy CR 4.5 Paleontological Resources**<br>Protect paleontological resources from the effects of development by avoiding disturbance where feasible.<br>**Implementation Strategy CR 4.5.1 Paleontological Studies**<br>Require a paleontological resource assessment and mitigation plan to 1) identify the extent and potential significance of the resources that may exist within the proposed development and 2) provide mitigation measures to reduce potential impacts when existing | **Potentially Consistent.** Physical development would only occur at the SMR. There are no known paleontological resources or geologic formations or sites located within the Rail Spur Project Area. Potential impacts associated with the unanticipated discovery of paleontological resources would be minimized through recommended mitigation. |

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| information indicates that a site proposed for development may contain biological, paleontological, or other scientific resources.<br>**Implementation Strategy CR 4.5.2 Paleontological Monitoring**<br>Require a paleontologist and/or registered geologist to monitor site-grading activities when paleontological resources are known or likely to occur. The monitor will have the authority to halt grading to determine the appropriate protection or mitigation measures. Measures may include collection of paleontological resources, curation of any resources collected with an appropriate repository, and documentation with the County. | |
| **Chapter 5: Energy** | |
| ***Goal E 5: Waste reduction, reuse, and recycling will achieve as close to zero waste as possible.*** | |
| **Policy E 5.4 Construction and demolition waste**<br>Continue to reduce construction and demolition waste in accordance with the County's Construction and Demolition Debris Recycling Ordinance. Support increased diversion rates over time. | **Potentially Consistent.** As discussed in Section 4.11, Public Services and Utilities, the Rail Spur Project would generate solid waste from construction and operations. However, the amount of solid waste generated would be well within the capacity of the existing landfills. The majority of the solid waste would be generated during construction. Mitigation measure PS-1 requires the development of a Solid Waste Management Plan to maintain a diversion rate of at least 50% of construction waste from reaching the landfill. Therefore, the project could potentially be consistent with this policy. |
| ***Goal E 7: Design, siting, and operation of non-renewable energy facilities will be environmentally appropriate.*** | |
| **Policy E 7.1 Non-Renewable Energy Facility Siting**<br>Energy, fossil fuel, and related facilities will be sited, constructed, and operated in a manner to protect the public from potential hazards and significant environmental impacts. | **Potentially Inconsistent.** The physical development for the project would only occur at the SMR site. The Rail Spur Project would modify/expand existing industrial uses and activities at the SMR. The EIR found that the proposed Rail Spur Project could have health risk impacts to the surrounding area that would exceed the SLOCAPCD threshold (see Section 4.3, Air Quality). The hazards analysis in Section 4.7 determined that operation of the Rail Spur Project at the SMR site would not result in significant hazards to the surrounding public. However, significant hazards would exist to the public along the mainline rail routes in the event of a derailment and release of crude oil that could lead to a fire or explosion.<br><br>Construction of the Rail Spur Project would impact about 20 acres of sensitive vegetation as defined by CDFW. Mitigation measures have been proposed that would reduce the level of impact to the sensitive vegetation to less than significant levels by restoring and enhancing similar habitat at the site at a 2:1 ratio. Therefore, the Rail Spur Project would be potentially inconsistent with this policy. |

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| **Implementation Strategy E 7.1.1 Non-Renewable Energy facility design, siting, and operation standards.**<br>**General**<br>1) Proposed new and major additions to energy and fossil fuel facilities will provide a sufficient buffer zone from existing or proposed human populations, with special consideration given to those who cannot be quickly evacuated to safety, such as the disabled and elderly. To establish a buffer zone, a comprehensive risk analysis should be completed.<br>2) Underground all existing electrical distribution lines on the project site up to the transformer, to the point of onsite use, or to the point of interconnection to the utility. California Public Utilities Commission standards should be considered during the review process.<br>3) Continue to maintain, operate, monitor, and repair the facility so that it does not constitute a public safety hazard or an environmental threat.<br>4) Employ the best reasonably achievable techniques available to prohibit disruption of environmentally sensitive areas such as wetlands, animal or bird refuges, or habitat of species of special concern. Avoid impacts to habitat of rare, threatened, or endangered species.<br>5) Locate new or expanded facilities outside sensitive view corridors, scenic, or recreational areas.<br>6) If the proposed location visually impacts views of the site from public roads or lands, prepare a screening plan to minimize visual impacts.<br>7) All exterior lighting shall be energy efficient and shielded to not extend beyond the site.<br>8) Avoid or otherwise fully mitigate impacts to significant archeological, paleontological, agricultural, or historic resource sites.<br>9) Locate proposed facilities in geologically stable areas.<br>10) Require that all existing facilities and activities are in compliance with all previous permit conditions and all applicable laws prior to authorizing any new expansion.<br>11) Facilities shall not degrade surface or groundwater resources. | **Potentially Consistent (Project Site).** The Rail Spur Project would modify/expand existing industrial uses and activities at the SMR, consistent with this policy. The proposed expanded activities would extend onto currently undeveloped portions of the Rail Spur Project Site, but no development is proposed in new sites or areas not currently supporting substantial industrial activity. Even with the Rail Spur Project a buffer zone would be maintained. A risk analysis of the hazards associated with operation of the Rail Spur Project at the SMR was completed as part of the EIR (see Section 4.7), and were found to be less than significant.<br><br>The project would result in the conversion of 26.5 acres of coastal dune scrub and may result in the removal of about 20 acres of sensitive plant species including California spineflower (*Mucronea californica*); sand almond (*Prunus fasciculate* var. *punctata*); Blochman's groundsel (*Senecio blochmaniae*); and, Blochman's leafy daisy (*Erigeron blochmaniae*) . Avoidance of the sensitive plant species is not possible given presence throughout the buffer area as shown in Figure 5-3. The EIR recommends mitigation to restore in-kind habitat onsite at a 2:1 ratio, which would assure not net loss of sensitive natural plant communities from development of the project.<br><br>A portion of the Rail Spur Project would be visible from State Route 1. Mitigation measure AV-1c requires the implementation of a Habitat / Landscape Revegetation Plan that would help to screen the proposed facilities. Mitigation measure AV-3a requires a lighting plan that requires exterior lighting to be energy efficient and shielded to not extend beyond the site.<br><br>As discussed in the various sections of Chapter 4, significant archeological, and agricultural resource impacts at the SMR can be mitigated to less than significant. The Rail Spur Project would not have a significant impact to historical or paleontological resources at the SMR.<br><br>The Rail Spur Project site at the SMR is not within the geologic study area or flood hazard combined designation in the Land Use Element maps for the coastal zone and therefore, would be considered a geologically stable area.<br><br>As discussed in Section 4.3, Air Quality, the air toxic emissions from the operation of the Rail Spur Project at |

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| | the SMR would exceed the acceptable cancer risk levels determined by the SLOCAPCD, based upon a health risk assessment.<br><br>This unacceptable cancer risk at the SMR would make the project potentially inconsistent with these policy provisions.<br><br>**Potentially Inconsistent (Mainline).** The risk analysis for the mainline rail routes (see Chapter 4.7) found that significant hazards would exist to the public in the vicinity of the main line rail routes in the event of a derailment and release of crude oil that lead to a fire or explosion.<br><br>Toxic emissions from the locomotives operating on the mainline rail routes would exceed the cancer risk threshold for area where speeds are limited to 30 miles per hour or less.<br><br>Oil spills along the mainline rail routes could have significant impacts to biological, agricultural, cultural and water resources.<br><br>Based upon mainline rail safety impacts, air toxic emissions, and oil spill impacts, the mainline rail activities would be potentially inconsistent with these policy provisions. |
| **Implementation Strategy E 7.1.1 Non-Renewable Energy facility design, siting, and operation standards.**<br>**Consolidation of energy facilities**<br>14) Require consolidation of energy facilities in any expansion or modification project to the maximum extent technically, environmentally, and economically feasible. Require concurrent processing of the proposed facilities when appropriate to avoid or reduce project and cumulative impacts.<br>15) When new sites are needed for industrial or energy-related development, expansion of facilities on existing sites (or on land adjacent to existing sites) will take priority over new, undeveloped sites. Exceptions will only be allowed when it can be shown that:<br>a. Existing and adjacent locations are infeasible and the environmental impacts of opening up a new site are less than the impacts of expansion on or adjacent to existing sites. | **Potentially Consistent.** Construction of new facilities would only occur at the SMR. The Rail Spur Project would modify/expand existing industrial uses and activities at the SMR, consistent with this policy. The proposed expanded activities would extend onto currently undeveloped portions of the SMR Site that is zoned for industrial use. Therefore, the project would be potentially consistent with these policy provision. |

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| b. To do otherwise would adversely affect the public welfare.<br>c. Adverse environmental impacts are mitigated to the maximum extent feasible.<br>16) Construction and/or expansion of new energy, fossil fuel, or industrial processing facilities at consolidated sites will be considered only if proposed facilities are not redundant. Operators and owners of such sites shall make their facilities and property available for commingled processing and consolidation of oil and gas facilities on an equitable and non-discriminatory basis. | |
| **Implementation Strategy E 7.1.1 Non-Renewable Energy facility design, siting, and operation standards.**<br>**Toxic and hazardous releases**<br>19) The County's emergency response plan and Office of Emergency Services should be consulted prior to operation of a new energy facility. Local fire departments should also be contacted.<br>21) State and federally approved oil spill contingency and countermeasure plans for proposed facilities shall be submitted to the County prior to the start-up of operations. These plans shall demonstrate, at a minimum that adequate containment exists to contain 110% of each tank's contents, unless otherwise required by applicable state and federal regulations.<br>23) Encourage existing and proposed energy facilities to prevent oil, gas, and other toxic releases into the environment by: (1) taking measures to prevent releases and spills, (2) preparing for responding to a spill or release, and (3) providing for the protection of sensitive resources. A review of facilities spill response plans or reports from other agencies should be completed to monitor compliance. | **Potentially Consistent (Project Site).** The Rail Spur Project would modify/expand existing industrial uses and activities at the SMR, consistent with this policy. The proposed expanded activities would extend onto currently undeveloped portions of the SMR Site that is zoned for energy facility use. Both Emergency Services and Cal Fire were consulted with on this project. The Applicant has worked with Cal Fire on the fire protection requirements for the Rail Spur Project.<br><br>The SMR has an approved Spill Prevention Control and Countermeasure Plan. Mitigation Measure PS-3c requires that this plan be updated to include the Rail Spur facilities and reviewed and approved by the County prior to start-up of the facilities.<br><br>The SMR has an approved Emergency Response Plan. Mitigation Measure PS-3b requires that this plan be updated to include the Rail Spur facilities and reviewed and approved by the County prior to start-up of the facilities.<br><br>Therefore, the project would be potentially consistent with these policy provisions.<br><br>**Potentially Inconsistent (Mainline).** The EIR proposes the development of an Oil Spill Contingency Plan for the mainline rail transportation activities (i.e., mitigation measure BIO-11) as well as training and drills for emergency response teams along the mainline rail routes. However, implementation of these measures by the County may be preempted by Federal law. As such, the transportation along the mainline rail routes may be potentially inconsistent with these policy provisions. |
| **Implementation Strategy E 7.1.1 Non-Renewable Energy facility design, siting, and operation** | **Potentially Consistent.** New pipelines would only be installed at the SMR. The project proposes installation |

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| **standards.**<br>**Pipelines**<br>24) Require new pipeline corridors to consolidate within existing pipeline or electrical transmission corridors to the maximum extent technically and environmentally feasible.<br>25) If new pipelines are necessary, encourage common carrier or multiple-user pipeline construction and use. | of pipelines within the fenced area of the SMR, where the pipeline would be installed adjacent to existing infrastructure and roadways and connected to existing storage tanks, consistent with this policy. |
| **Chapter 8: Soil Resources** | |
| ***Goal SL 1: Soils will be protected from wind and water erosion, particularly that caused by poor soil management practices.*** | |
| **Implementation Strategy SL 1.2.1 Retain natural vegetation and topography**<br>Retain natural vegetation and topography to the maximum extent feasible for all discretionary projects adjacent to blue line streams or in areas designated with at least moderate erosion potential. | **Potentially Consistent.** The construction activities would only occur at the SMR. The Rail Spur Project will involve some grading, but none of the grading would be adjacent to blue line streams or in areas where there is the potential for moderate erosion. Once grading is complete revegetation would occur to limit any erosion effects. |
| **Implementation Strategy SL 1.2.2 Restoration of degraded areas**<br>Require proposed discretionary development to restore degraded and eroded areas where feasible by replanting with native vegetation and using other measures approved by soil conservation agencies. | **Potentially Consistent.** New physical development would only occur at the SMR. Mitigation measure BIO-5a requires the development and implementation of a Dune Habitat Restoration Plan (DHRP) using native vegetation. Potions of the areas to be restored are currently considered degraded. |
| **Policy SL 1.3 Minimize Erosion associated with New Development**<br>Avoid development, including roads and driveways, on the steeper portions of a site except when necessary to avoid flood hazards, protect prime soils, and protect sensitive biological and other resources. Avoid grading and site disturbance activities on slopes over 30%. Minimize site disturbance and protect existing vegetation as much as possible. | **Potentially Consistent.** New physical development would only occur at the SMR. Site where development would occur has slopes greater than 30%. Mitigation measure GR-2 requires the development of a Storm Water Pollution Prevention Plan that would address erosion and sedimentation control. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Implementation Strategy SL 1.3.1 Low Impact Development (LID)**<br>Implement Low Impact development (LID) for all new public and private projects. | **Potentially Consistent.** New physical development would only occur at the SMR. The Rail Spur Project would consist mostly of the installation of rail lines. Very few structures would be built as part of the development. This would serve to limit the amount of development at the site. |
| ***Goal SL 3: Important Agricultural Soils will be conserved.*** | |
| **Policy SL 3.1 Conserve Important Agricultural Soils**<br>Conserve the Important Agricultural Soils mapped in Figure SL-1 and listed in Table SL-2. Proposed conversion of agricultural lands to non-agricultural uses | **Potentially Consistent.** New physical development would only occur at the SMR. The Rail Spur Project would permanently convert Important Agricultural Soils to non-agricultural use; however, site conditions and |

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| shall be evaluated against the applicable policies in this COSE and in the Agriculture Element, including policies such as Policies AGP 18 and AGP 24. | regulatory and permitting constraints make it unlikely that the Rail Spur Project Site would be used for agricultural purposes in the future. The project would be generally consistent with the policies of the COSE and Agriculture Element, as discussed above. Although identified as Important Agricultural Soils, the classification does recognize the historic industrial use of the site or unlikely potential for future agricultural production at this location. Considering all applicable policies, from an agricultural land standpoint, the Rail Spur Project would be an appropriate use at this location, and the necessary conversion of Important Agricultural Soils would not be inconsistent with this policy. |
| **Implementation Strategy SL 3.1.1 Non-agricultural structures**<br>Coordinate with the Agricultural Commissioner's Office to limit placement of non-agricultural structures and impermeable surfaces on certain Important Agricultural Soils of San Luis Obispo County, consistent with Policies AGP 18 and AGP 24 in the Agriculture Element, when discretionary approval is required. | **Potentially Consistent.** New physical development would only occur at the SMR. The Rail Spur Project would permanently convert Important Agricultural Soils to non-agricultural use; however, site conditions and regulatory and permitting constrains make it unlikely that the Rail Spur Project Site would be used for agricultural purposes in the future. The project would be generally consistent with the policies of the COSE and Agriculture Element, as discussed above. The County Agricultural Commissioner's Office was consulted with at the time the Notice of Preparation (NOP) was issued for the project, but did not identify any specific concerns relating to the project outside of those identified in the NOP. Considering all applicable policies, the Rail Spur Project would be an appropriate use at this location, and the necessary conversion of Important Agricultural Soils would be minimized to the extent possible, consistent with this policy. |
| **Implementation Strategy SL 3.1.5 Mitigation of impacts to Important Agricultural Soils**<br>Establish mitigation strategies for loss of Important Agricultural Soils through measures such as agricultural easements. | **Potentially Consistent.** New physical development would only occur at the SMR. Various site conditions and applicable regulatory constrains would make future agricultural use of the Rail Spur Project Site unlikely. Therefore, the conversion of Important Agricultural Soils is not likely to result in any loss of agriculturally productive areas. The conversion was determined to be less than significant and no requirement that the conversion of soils be mitigated or replaced through development of an agricultural easement was included. Therefore, the project could be potentially consistent with this policy. |
| **Chapter 9: Visual Resources** | |
| ***Goal VR 1: The natural and agricultural landscape will continue to be the dominant view in rural parts of the county.*** | |
| **Goal VR 1.**<br>The natural and agricultural landscape will continue to | **Potentially Consistent.** New physical development would only occur at the SMR. The project would expand an industrial use into land that currently serves |

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| be the dominant view in rural parts of the county. | as a natural landscape as seen from Highway 1, the California Coastal Trail and the De Anza Trail. Although the project would visually degrade this natural view, the natural and agricultural landscape would remain visually dominant. Mitigation measures would further reduce noticeability of the project. |
| ***Goal VR 2: The natural and historical character and identity of rural areas will be protected.*** | |
| **Goal VR 2.**<br>The natural and historic character and identity of rural areas will be protected. | **Potentially Consistent.** New physical development would only occur at the SMR. The project would expand an industrial use into land that currently helps define the natural visual character as seen from Highway 1, the California Coastal Trail and the De Anza Trail. The alteration of visual character would be potentially inconsistent with this policy. Implementation of mitigation measures would reduce noticeability of the project, consistent with this policy. |
| **Policy VR 2.1 Develop in a manner compatible with Historical and Visual Resources**<br>Through the review of proposed development, encourage designs that are compatible with the natural landscape and with recognized historical character, and discourage designs that are clearly out of place within rural areas. | **Potentially Consistent.** New physical development would only occur at the SMR. The project would expand an industrial use into land that currently serves as an open space visual resource as seen from Highway 1, the California Coastal Trail and the De Anza Trail. The alteration of visual character would be potentially inconsistent with this policy. Implementation of mitigation measures would reduce noticeability of the project consistent with this policy |
| ***Goal VR 4: Protect visual resources within visual sensitive resource areas (SRAs) for scenic corridors.*** | |
| **Goal VR 4.**<br>Protect visual resources within visual sensitive resource areas (SRAs) for scenic corridors. | **Potentially Consistent.** New physical development would only occur at the SMR. Although public viewing corridors in the Coastal Zone are by themselves considered visually sensitive, the project is not within a County-defined visual sensitive resource area (SRAs) for scenic corridors. Also, Highway 1 in the project vicinity is not an Officially Designated State Scenic Highway. |
| ***Goal VR 7: Views of the night sky and its constellations of stars with be maintained.*** | |
| **Policy VR 7.1 Nighttime Light Pollution**<br>Protect the clarity and visibility of the night sky within communities and rural areas, by ensuring that exterior lighting, including streetlight projects, is designed to minimize nighttime light pollution. | **Potentially Consistent.** The project would introduce a substantial number of new lights into the area of the SMR. Some of the lights would be in the existing industrial area, and some would extend security lighting out into what is currently dark open space. No lighting plan has been submitted at this time, therefor the potential exists for significant light trespass into the surrounding area. Implementation of mitigation measures AV-3a through AV-3c regarding lighting would reduce light pollution through the use of dark star compliant lighting fixtures, limits on lighting to the minimum required by safety policies, and limiting the time that the perimeter fencing lighting is on. These measures would serve to minimize nighttime light pollution. Therefore, the project would be potentially |

**Table G-1 San Luis Obispo County General Plan Policy Consistency Analysis**

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| | consistent with this policy. |
| **Chapter 10: Water Resources** | |
| ***Goal WR 1: The County will have a reliable and secure regional water supply (IRWM).*** | |
| **Policy WR 1.7 Agricultural operations**<br>Groundwater management strategies will give priority to agricultural operations. Protect agricultural water supplies from competition by incompatible development through land use controls. | **Potentially Consistent (Project Site).** The water use for the Rail Spur Project would be for meeting the demands of the 12 workers during operations. The proposed Rail Spur Project would increase water demand by 250 gallons per day, or 0.3 AFY. The total SMR water demand would be 1,111.3 AFY, which would be less than the 1,550 AFY of water available for SMR use under the Nipomo Mesa Management Area (NMMA), as defined in the Stipulation for the Santa Maria Groundwater Litigation. One of the goals of the Stipulation for the Santa Maria Groundwater Litigation was to assure adequate supply for agricultural operations. Therefore, operations at the SMR would be potentially consistent with this policy.<br><br>**Potentially Inconsistent (Mainline).** The proposed Rail Spur Project has the potential to result in oil spills that could impact groundwater along the mainline rail routes. An oil spill could result in significant impacts to groundwater resources, as was discussed in Section 4.13 (Water Resources). Within San Luis Obispo County, the trains would use the UPRR Coastal Line, which is an existing transportation corridor that is currently used to transport crude oil and other hazardous materials through San Luis Obispo County. The Rail Spur Project would increase the overall probability of an oil spill occurring along the UPRR Coastal Line. Based upon the hazards analysis, the probability of an incident on the UPRR mainline tracks involving a crude oil spill greater than 100 gallons in San Luis Obispo County would be about one in 126 years. Given the potential significant impacts that could occur to groundwater resources in the case of an oil spill, rail transport of crude oil along the mainline would be potentially inconsistent with this policy. |
| **Policy WR 1.12 Impacts of new development**<br>Accurately assess and mitigate the impacts of new development on water supply. At a minimum, comply with the provisions of Senate Bills 610 and 221. | **Potentially Consistent.** The only new physical development would occur at the SMR. The water use for the Rail Spur Project would be for meeting the demands of the 12 workers during operations. The proposed Rail Spur Project would increase water demand by 250 gallons per day, or 0.3 AFY. The total SMR water demand would be 1,111.3 AFY, which would be less than the 1,550 AFY of water available for SMR use under the Nipomo Mesa Management Area (NMMA), as defined in the Stipulation for the Santa Maria Groundwater Litigation. Therefore, the Rail Spur Project would be potentially consistent with this policy. |

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| **Policy WR 1.14 Avoid net increase in water use**<br>Avoid a net increase in non-agricultural water use in groundwater basins that are recommended or certified as Level of Severity II or III for water supply. Place limitations on further land divisions in these areas until plans are in place and funded to ensure that the safe yield will not be exceeded. | **Potentially Consistent.** The only new water use would occur at the SMR. The water use for the Rail Spur Project would be for meeting the demands of the 12 workers during operations. The proposed Rail Spur Project would increase water demand by 250 gallons per day, or 0.3 AFY. The total SMR water demand would be 1,111.3 AFY, which would be less than the 1,550 AFY of water available for SMR use under the Nipomo Mesa Management Area (NMMA), as defined in the Stipulation for the Santa Maria Groundwater Litigation. One of the goals of the Stipulation for the Santa Maria Groundwater Litigation was to assure adequate supply for agricultural operations. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| ***Goal WR 2: The County will collaboratively manage groundwater resources to ensure sustainable supplies for all beneficial uses.*** | |
| **Goal WR 2.**<br>The County will collaboratively manage groundwater resources to ensure sustainable supplies for all beneficial uses. | **Potentially Consistent.** The only new water use would occur at the SMR. The water use for the Rail Spur Project would be for meeting the demands of the 12 workers during operations. The proposed Rail Spur Project would increase water demand by 250 gallons per day, or 0.3 AFY. The total SMR water demand would be 1,111.3 AFY, which would be less than the 1,550 AFY of water available for SMR use under the Nipomo Mesa Management Area (NMMA), as defined in the Stipulation for the Santa Maria Groundwater Litigation. One of the goals of the Stipulation for the Santa Maria Groundwater Litigation was to assure adequate supply for agricultural operations. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Policy WR 2.3 Well permits.**<br>Require all well permits to be consistent with the adopted groundwater management plans. | **Potentially Consistent.** The only new water use would occur at the SMR. The water use for the Rail Spur Project would come from existing wells that the consistent with the Nipomo Mesa Management Area (NMMA), as defined in the Stipulation for the Santa Maria Groundwater Litigation. |
| **Policy WR 2.4 Groundwater recharge**<br>Where conditions are appropriate, promote groundwater recharge with high-quality water. | **Potentially Consistent.** The only new water use would occur at the SMR Drainage at Rail Spur Project Site would not be materially affected by the proposed development, an most of the site would continue to drain as it currently does. The site is composed of sandy material that supports percolation of runoff into the ground. The drainage from the elevated cover over the unloading rack area would be diverted to retentions basin that will allow the water to percolate into the ground, thereby supporting groundwater recharge. Therefore, the Rail Spur Project would be potentially |

**Table G-1 San Luis Obispo County General Plan Policy Consistency Analysis**

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| | consistent with this policy. |
| **Noise Element** | |
| **Goal 1.**<br>To protect the residents of San Luis Obispo County from the harmful and annoying effects of exposure to excessive noise. | **Potentially Consistent (Project Site).** The noise analysis presented in Section 4.9 used state-of –the-art noise models to estimate noise levels associated with the Rail Spur Project. With the implementation of the identified mitigation measures (N.1a through N.1c) the noise levels would be below the thresholds established in the County Noise Ordinance and Element. Baseline noise levels are projected to increase by about one to five decibels at night and less than one decibel during the daytime hours. These noise levels would only occur during the time there are trains being positioned for unloading. During the actual unloading operations the noise levels would be lower. Positioning of trains would be expected to occur for about two hours five times per week. Mitigation measure AQ-4c would limit train unloading activities to between the hours of 7 a.m. and 7 p.m., which would reduce the nighttime noise levels associated with the proposed project. Therefore, the Rail Spur Project would be potentially consistent with this policy.<br><br>**Potentially Consistent (Mainline).** Noise from locomotive engines and from trains during mainline transportation while traveling along the mainline were estimated using the FTA computational algorithms to estimate hourly equivalent noise levels. If one assumed the baseline traffic on the Coast Route is two freight trains and six passenger trains per day, the addition of two crude oil trans would increase the CNEL noise level by about 2.5 dBA. With six freight trains and six passenger trains per day the CNEL noise level would increase by about 1.0 dBA with the addition of two crude oil trains per day. The higher increases would be for areas that have less existing train traffic. This level of noise increase was found to be less than significant. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Goal 3.**<br>To preserve the tranquility of residential areas by preventing the encroachment of noise-producing uses. | **Potentially Consistent (Project Site).** The Rail Spur Project would modify/expand existing industrial uses and activities at the SMR. The Rail Spur Project would result in operations being closer to some residences that are located to the east of the SMR property. The noise analysis presented in Section 4.9 used state-of –the-art noise models to estimate noise levels associated with the Rail Spur Project. With the implementation of the identified mitigation measures (N.1a through N.1c) the noise levels would be below the thresholds established |

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| | in the County Noise Ordinance and Element. Baseline noise levels are projected to increase by about one to five decibels at night and less than one decibel during the daytime hours. These noise levels would only occur during the time there are trains being positioned for unloading. During the actual unloading operations the noise levels would be lower. Positioning of trains would be expected to occur for about two hours five times per week. Mitigation measure AQ-4c would limit train unloading activities to between the hours of 7 a.m. and 7 p.m., which would reduce the nighttime noise levels associated with the proposed project. Therefore, the project would be potentially consistent with this policy.<br><br>**Potentially Consistent (Mainline).** Noise from locomotive engines and from trains during mainline transportation while traveling along the mainline were estimated using the FTA computational algorithms to estimate hourly equivalent noise levels. If one assumed the baseline traffic on the Coast Route is two freight trains and six passenger trains per day, the addition of two crude oil trans would increase the CNEL noise level by about 2.5 dBA. With six freight trains and six passenger trains per day the CNEL noise level would increase by about 1.0 dBA with the addition of two crude oil trains per day. The higher increases would be for areas that have less existing train traffic. This level of noise increase was found to be less than significant. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Goal 5.**<br>To avoid or reduce noise impacts through site planning and project design, giving second preference to the use of noise barriers and/or structural modifications to buildings containing noise-sensitive land uses. | **Potentially Consistent (Project Site).** The noise analysis presented in Section 4.9 used state-of –the-art noise models to estimate noise levels associated with the Rail Spur Project. With the implementation of the identified mitigation measures (N.1a through N.1c) the noise levels would be below the thresholds established in the County Noise Ordinance and Element. Baseline noise levels are projected to increase by about one to five decibels at night and less than one decibel during the daytime hours. These noise levels would only occur during the time there are trains being positioned for unloading. During the actual unloading operations the noise levels would be lower. Positioning of trains would be expected to occur for about two hours five times per week. Mitigation measure AQ-4c would limit train unloading activities to between the hours of 7 a.m. and 7 p.m., which would reduce the nighttime noise levels associated with the proposed project. Therefore, the Rail Spur Project would be potentially consistent |

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| | with this policy.<br><br>**Potentially Consistent (Mainline).** Noise from locomotive engines and from trains during mainline transportation while traveling along the mainline were estimated using the FTA computational algorithms to estimate hourly equivalent noise levels. If one assumed the baseline traffic on the Coast Route is two freight trains and six passenger trains per day, the addition of two crude oil trains would increase the CNEL noise level by about 2.5 dBA. With six freight trains and six passenger trains per day the CNEL noise level would increase by about 1.0 dBA with the addition of two crude oil trains per day. The higher increases would be for areas that have less existing train traffic. This level of noise increase was found to be less than significant. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Policy 3.3.1**<br>The noise standards in this chapter represent maximum acceptable noise levels. New development should minimize noise exposure and noise generation. | **Potentially Consistent.** The only stationary sources would be located at the SMR. The noise analysis presented in Section 4.9 used state-of –the-art noise models to estimate noise levels associated with the Rail Spur Project. With the implementation of the identified mitigation measures (N.1a through N.1c) the noise levels would be below the thresholds established in the County Noise Ordinance and Element. Baseline noise levels are projected to increase by about one to five decibels at night and less than one decibel during the daytime hours. These noise levels would only occur during the time there are trains being positioned for unloading. During the actual unloading operations the noise levels would be lower. Positioning of trains would be expected to occur for about two hours five times per week. Mitigation measure AQ-4c would limit train unloading activities to between the hours of 7 a.m. and 7 p.m., which would reduce the nighttime noise levels associated with the proposed project. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Policy 3.3.5**<br>Noise created by new proposed stationary noise sources or existing stationary noise sources which undergo modifications that may increase noise levels shall be mitigated as follows and shall be the responsibility of the developer of the stationary noise source:<br>a) Noise from agricultural operations conducted in accordance with accepted standards and practices is not required to be mitigated. | **Potentially Consistent.** The only stationary sources would be located at the SMR. The noise analysis presented in Section 4.9 used state-of –the-art noise models to estimate noise levels associated with the Rail Spur Project. With the implementation of the identified mitigation measures (N.1a through N.1c) the noise levels would be below the thresholds established in the County Noise Ordinance and Element. Baseline noise levels are projected to increase by about one to five decibels at night and less than one decibel during the |

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| b) Noise levels shall be reduced to or below the noise level standards in Table 3-2 where the stationary noise source will expose an existing noise-sensitive land use (which is listed in the Land Use element as an allowable use within its existing land use category) to noise levels which exceed the standards in Table 3-2. When the affected noise-sensitive land use is Outdoor Sports and Recreation, the noise level standards in Table 3-2 shall be increased by 10 Db.<br><br>Where the noise source is one of the following electrical substations which is not modified so as to increase noise levels, the noise standards shall instead be fifty dB between 10 p.m. and 7 a.m. and fifty-five dB between 7 a.m. and 10 p.m., determined at the property line of the receiving land use: the Cholame, San Miguel, Templeton, Cambria, Perry, Cayucos, Baywood, Highway 1 between Morro Bay and the California Men's Colony, Goldtree, Foothill, San Luis Obispo, Oceano, Mesa, Union Oil, Callender, and Mustang electrical substations.<br><br>c) Noise levels shall be reduced to or below the noise level standards in Table 3-2 where the stationary noise source will expose vacant land in the Agriculture, Rural Lands, Residential rural, Residential Suburban, Residential Single-Family, Residential Multi-Family, Recreation, Office and Professional, and Commercial Retail land use categories to noise levels which exceed the standards in Table 3-2.<br><br>Where the noise source is one of the following electrical substations which is not modified so as to increase noise levels, the noise standards shall instead be fifty dB between 10 p.m. and 7 a.m. and fifty-five dB between 7 a.m. and 10 p.m., determined at the property line of the receiving land use: the Cholame, San Miguel, Templeton, Cambria, Perry, Cayucos, Baywood, Highway 1 between Morro Bay and the California Men's Colony, Goldtree, Foothill, San Luis Obispo, Oceano, Mesa, Union Oil, Callender, and Mustang electrical substations.<br><br>This policy may be waived when the Director of Planning and Building determines that such vacant land is not likely to be developed with a noise sensitive land use.<br><br>d) For new proposed resource extraction, manufacturing or processing noise sources or modifications to those sources which increase noise | daytime hours. These noise levels would only occur during the time there are trains being positioned for unloading. During the actual unloading operations the noise levels would be lower. Positioning of trains would be expected to occur for about two hours five times per week. Mitigation measure AQ-4c would limit train unloading activities to between the hours of 7 a.m. and 7 p.m., which would reduce the nighttime noise levels associated with the proposed project. Therefore, the Rail Spur Project would be potentially consistent with the policy. |

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<table>
<tr><th>Policy</th><th>Preliminary Consistency Analysis</th></tr>
<tr><td>levels: where such noise sources will expose existing noise-sensitive land uses (which are listed in the Land Use Element as allowable uses within their land use categories) to noise levels which exceed the standards in Table 3-2, best available control technologies shall be used to minimize noise levels. The noise levels shall in no case exceed the noise level standards in Table 3-2.<br><br>
TABLE 3-2<br>
MAXIMUM ALLOWABLE NOISE EXPOSURE-STATIONARY NOISE SOURCES[1]
<table>
<tr><th></th><th>Daytime (7 a.m.-10 p.m.)</th><th>Nighttime[2] (10 p.m.-7 a.m.)</th></tr>
<tr><td>Hourly $L_{eq9}$, dB</td><td>50</td><td>45</td></tr>
<tr><td>Maximum level, dB</td><td>70</td><td>65</td></tr>
<tr><td>Maximum level, dB-Impulsive Noise</td><td>65</td><td>60</td></tr>
</table>
[1] As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.<br>
[2] Applies only where the receiving land use operates or is occupied during nighttime hours.</td><td></td></tr>
<tr><td>Implementation Measure 4.2<br>When mitigation must be applied to satisfy the policies in Chapter 3.3, the following mitigation measures shall be considered and preference shall be given where feasible to the measures in following item a:<br>a) Site layout, including setbacks, open space separation and shielding of noise-sensitive uses with non-noise-sensitive uses.<br>b) Acoustical treatment of buildings.<br>c) Structural measures: construction of earthen berms or wood or concrete barriers.</td><td>Potentially Consistent. The only new physical development would occur at the SMR. The noise analysis presented in Section 4.9 used state-of –the-art noise models to estimate noise levels associated with the Rail Spur Project. With the implementation of the identified mitigation measures (N.1a through N.1c) the noise levels would be below the thresholds established in the County Noise Ordinance and Element. Baseline noise levels are projected to increase by about one to five decibels at night and less than one decibel during the daytime hours. These noise levels would only occur during the time there are trains being positioned for unloading. During the actual unloading operations the noise levels would be lower. Positioning of trains would be expected to occur for about two hours five times per week. The project design and mitigation measures include the use of earthen berms. In addition, the unloading facilities have been placed to the west end of the development in close proximity to the other refinery operations. Mitigation measure AQ-4c would limit train unloading activities to between the hours of 7 a.m. and 7 p.m., which would reduce the nighttime noise levels associated with the proposed project. Therefore, the Rail Spur Project would be potentially consistent with this policy.</td></tr>
</table>

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| **Safety Element** | |
| **Chapter 3: Water Hazards** | |
| ***Goal S-2: Reduce damage to structures and the danger to life caused by flooding dam inundation and tsunami.*** | |
| **Implementation Measures: Standard S-16**<br>To the extent practicable, do not allow development in areas of high flood hazard potential. | **Potentially Consistent.** New physical development would only occur at the SMR. The Rail Spur Project would not be located within the 100-year flood plan and is not in a high flood hazard area. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Chapter 4: Fire Safety** | |
| ***Goal S-4: Reduce the threat to life, structures and the environment caused by fire.*** | |
| **Goal S-4.**<br>Reduce the threat to life, structures and the environment caused by fire. | **Potentially Consistent (Project Site).** As discussed in Chapter 2, Project Description and Section 4.11 Public Services and Utilities, the Rail Spur Project would have a fire protection system installed at the unloading racks at the SMR. Mitigation measure PS-3a requires the facility to have a Fire Protection Plan that meets the applicable requirements of API, NFPA, UFC, and Cal Fire. Implementation of this measure would reduce the threat to life, structures and the environment from a fire at the rail unloading facility. Therefore, the portion of the Rail Spur Project at the SMR would be potentially consistent with this policy.<br><br>**Potentially Inconsistent (Mainline).** As discussed in Section 4.11 Public Services and Utilities, there is the potential for fire and explosions along the mainline rail tracks due to a train derailment, which could impact life, structures, and the environment depending upon the location of the accident. A number of mitigation measures were identified (PS-4a through PS-4e) that would serve to improve emergency response to crude train accidents. However, the County may be preempted from implementing these measures so the project could potentially be inconsistent with this policy. |
| **Policy S-14. Facilities, Equipment and Personnel**<br>Ensure that adequate facilities, equipment and personnel are available to meet the demands of fire fighting in San Luis Obispo County based on the level of service set forth in the fire agency's master plan. | **Potentially Consistent (Project Site).** As discussed in Chapter 2, Project Description and Section 4.11 Public Services and Utilities, the Rail Spur Project would have a fire protection system installed at the unloading racks. Mitigation measure PS-3a requires the facility to have a Fire Protection Plan that meets the applicable requirements of API, NFPA, UFC, and Cal Fire. Implementation of this measure would reduce the threat to life, structures and the environment from a fire at the rail unloading facility.<br><br>The SMR has a full-time fire brigade that is staffed 24/7, 365 days per year. The SMR fire brigade also conducts drills with Cal Fire staff. Mitigation measures PS-3d |

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| | requires that the fire brigade meets all the requirements outlined in Occupational Safety and Health Administration 29 CFR 1910.156, and NFPA 600 & 1081, which would help to assure adequate response capabilities. Mitigation measure PS-3e requires the Applicant to enter into an MOU with Cal Fire that would address staffing/training requirements. These measures would assure that adequate facilities, equipment, and personnel are available to address any fire associated with the Rail Spur Project.<br><br>**Potentially Inconsistent (Mainline).** As discussed in Section 4.11 Public Services and Utilities, there is the potential for fire and explosions along the mainline rail tracks due to a train derailment. The Hazmat team in SLOC lacks the adequate training, resources, and information to adequately respond to these types of accidents. A number of mitigation measures were identified (PS-4a through PS-4e) that would serve to improve emergency response to crude train accidents. However, the County may be preempted from implementing these measures so the project could potentially be inconsistent with this policy. |
| **Implementation Measures: Program S-43**<br>Require a "defensible space" around structures and values at risk. The area need not be cleared of all vegetation, but be able to provide fire fighters with enough room to defend structures and maneuver. Each situation will differ, so the permit granting authority will need flexibility in reviewing fire safety plans. | **Potentially Consistent.** New structures would only be located at the SMR. The Rail Spur Project would occur within the boundaries of the existing SMR property. Even with this expansion there would remain a large buffer area on all sides of the SMR that serves as "defensible space". Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Implementation Measures: Program S-44**<br>Review development plans by fire safety personnel to assure adequacy of access for equipment, water supplies, construction standards, and vegetation clearance. | **Potentially Consistent.** New physical development would only occur at the SMR. As discussed in Chapter 2, Project Description and Section 4.11 Public Services and Utilities, the Rail Spur Project would have a fire protection system installed at the unloading racks. Mitigation measure PS-3a requires the facility to have a Fire Protection Plan that meets the applicable requirements of API, NFPA, UFC, and Cal Fire. Implementation of this measure would reduce the threat to life, structures and the environment from a fire at the rail unloading facility. In addition, an emergency access road would be built to the east of rail spur. The Applicant included this as part of the project based upon pre-application meetings with Cal Fire. This emergency access road would provide a secondary access to the rail spur and the refinery, thereby improving access for equipment. Therefore, the Rail Spur Project would be potentially consistent with this policy. |

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| **Implementation Measures: Program S-45**<br>Continue to insure that sufficient water supplies are available for protection of structures and encourage other built-in fire protection systems such as sprinklers. | **Potentially Consistent.** New structures would only be located at the SMR. As discussed in Chapter 2, Project Description and Section 4.11 Public Services and Utilities, the Rail Spur Project would have a fire protection system installed at the unloading racks. Mitigation measure PS-3a requires the facility to have a Fire Protection Plan that meets the applicable requirements of API, NFPA, UFC, and Cal Fire. Firewater supplies at the SMR are provided by onsite groundwater wells with diesel firewater pumps. This would ensure adequate firewater supplies for the Rail Spur Project. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Chapter 5: Geologic & Seismic Hazards** | |
| ***Goal S-5: Minimize the potential for loss of life and property resulting from geologic and seismic hazards.*** | |
| **Goal S-5.**<br>Minimize the potential for loss of life and property resulting from geologic and seismic hazards. | **Potentially Consistent.** The Rail Spur Project is not within the geologic study area combined designation in the Land Use Element maps for the coastal zone. Mitigation measure GR-1c requires that a geological investigation be conducted prior to final design of the Rail Spur facilities. Mitigation measure GR-1a requires that the unloading facilities and oil pipeline be designed to within anticipated horizontal and vertical ground accelerations in the project area, based upon the California Building Code. Mitigation measure GR-1b would require that all surface facilities and equipment shall have suitable foundations and anchoring design, surface restraints, and moment-limiting supports to withstand seismically induced groundshaking. This would serve to minimize the potential for loss of life and property from geologic and seismic hazards. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Policy S-18 Fault Rupture Hazards.**<br>Locate new development away from active and potentially active faults to reduce damage from fault rupture. Fault studies may need to include mapping and exploration beyond project limits to provide a relatively accurate assessment of a fault's activity. The County will enforce applicable regulations of the Alquist-Priolo Earthquake Fault Zoning Act pertaining to fault zones to avoid development on active faults. | **Potentially Consistent.** New physical development would only occur at the SMR. No active or potentially active faults underlie the Project Site. The closest Alquist-Priolo Fault Zone to the Project Site is the Los Osos Fault Zone, located near the City of San Luis Obispo, approximately 17 miles to the north-northwest. Therefore, the potential for surface fault rupture at the Project Site is low. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Policy S-19 Reduce Seismic Hazards.**<br>The County will enforce applicable building codes relating to the seismic design of structures to reduce the potential for loss of life and reduce the amount of property damage. | **Potentially Consistent.** New structures would only be located at the SMR. The Rail Spur Project is not within the geologic study area combined designation in the Land Use Element maps for the coastal zone. Mitigation measure GR-1c requires that a geological investigation |

**Table G-1 San Luis Obispo County General Plan Policy Consistency Analysis**

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| | be conducted prior to final design of the Rail Spur facilities. Mitigation measure GR-1a requires that the unloading facilities and oil pipeline be designed to within anticipated horizontal and vertical ground accelerations in the project area, based upon the California Building Code. Mitigation measure GR-1b would require that all surface facilities and equipment shall have suitable foundations and anchoring design, surface restraints, and moment-limiting supports to withstand seismically induced groundshaking. This would serve to minimize the potential for loss of life and property from geologic and seismic hazards. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Policy S-20 Liquefaction and Seismic Settlement.**<br>The County will require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the currently adopted Uniform Building Code. | **Potentially Consistent.** New structures would only be located at the SMR. The Rail Spur Project is not within the geologic study area combined designation in the Land Use Element maps for the coastal zone. Mitigation measure GR-1c and GR-1d requires that a Registered Civil Engineer and Certified Engineering Geologist shall complete an updated geotechnical investigation specific to the proposed rail spur and oil pipeline site, as previous on-site geotechnical investigations were completed in other areas of the refinery. All geotechnical recommendations provided in the report shall be followed during grading and construction at the Project Site. This report would be required to address both liquefaction and seismic settlement. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **Implementation Measures: Standard S-55**<br>The County will require geotechnical studies to be performed for habitable or important structures (as defined by the building code) sited in areas having moderate to high liquefaction potential as defined in Table 4-15 of the Technical Background Report. The geotechnical study should evaluate the potential for liquefaction and/or seismic related settlement to impact the development, and mitigation to reduce these potential impacts, if needed. | **Potentially Consistent.** New structures would only be located at the SMR. The Rail Spur Project is not within the geologic study area combined designation in the Land Use Element maps for the coastal zone. Mitigation measure GR-1c and GR-1d requires that a Registered Civil Engineer and Certified Engineering Geologist shall complete an updated geotechnical investigation specific to the proposed rail spur and oil pipeline site, as previous on-site geotechnical investigations were completed in other areas of the refinery. All geotechnical recommendations provided in the report shall be followed during grading and construction at the Project Site. This report would be required to address both liquefaction and seismic settlement. Therefore, the Rail Spur Project would be potentially consistent with this policy. |

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| **Chapter 6: Other Safety Issues** | |
| ***Goal S-6: Reduce the potential for harm to individuals and damage to the environment from aircraft hazards, radiation hazards, hazardous materials, electromagnetic fields, radon, and hazardous trees.*** | |
| **Policy S-26 Hazardous Materials.**<br>Reduce the potential for exposure to humans and the environment by hazardous substances.<br>**Implementation Measures:**<br>**Program S-68:**<br>Review commercial projects which use, store, or transport hazardous materials to ensure necessary measures are taken to protect public health and safety.<br>**Standard S-69:**<br>Work with CalTrans to require all transport of hazardous materials to follow CalTrans approved routes.<br>**Program S-70:**<br>Inform residents along approved haul routes of the potential for hazard release. | **Potentially Consistent (Project Site).** The Rail Spur Project would modify/expand existing industrial uses and activities at the SMR, by delivering crude oil to the refinery by rail. The worst case hazards associated with the Rail Spur Project at the SMR were found to be less than significant. The Rail Spur unloading facilities have been designed to handle all of the crude oil in closed systems that would reduce the potential for exposure to humans and the environment. In the event of an oil release at the unloading rack, oil would be collected in two parallel 30,000 gallon rectangular storage tanks (approximately 60,000 gallons total volume) located in a vault for secondary containment. Therefore, the Rail Spur Project would be potentially consistent with this policy.<br><br>**Potentially Inconsistent (Mainline).** A risk assessment was conducted for the mainline rail routes to the SMR. The risk of injury and facility along the mainline were found to be significant in the event of a rail accident that occurred near populated areas. The EIR identified mitigation measures to reduce the potential for release of crude oil in the event of an accident. However, the County may be preempted by Federal law from applying this mitigation to the project. Even with the proposed mitigation measures the safety impact would remain significant. Therefore, the Rail Spur Project could potentially be inconsistent with this policy.<br><br>The Rail Spur Project has under gone environmental review by the County and various plans are required to be reviewed and approved by the County before the Rail Spur Project could be built and operated. County review of the plans would assure that the necessary measures have been taken for the design and operation of the facilities to protect public health and safety. No hazardous materials would be transported by truck as part of the Rail Spur Project. |

Sources: San Luis Obispo County General Plan, available at: http://www.slocounty.ca.gov/planning/General_Plan__Ordinances_and_Elements/Elements.htm.

**Table G-2 San Luis Obispo County Land Use Ordinances Consistency Analysis**

| Policy | Preliminary Consistency Analysis |
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| **Title 23 Coastal Zone Land Use Ordinance (CZLUO)** | |
| **Chapter 4: Site Design Standards** | |
| **23.04.050 - Non-Agricultural Uses in the Agriculture Land Use Category:**<br>This section establishes permit requirements and standards for non-agricultural uses in the Agriculture category consistent with Local Coastal Plan Agricultural policies 3, 4, and 5.<br>a. **Sighting of structures.** A single-family dwelling and any agricultural accessory buildings supporting the agricultural use shall, where feasible, be located on other than prime soils and shall incorporate mitigation measures necessary to reduce negative impacts on adjacent agricultural uses.<br>b. **Supplemental non-agricultural uses.**<br>(1) **Supplemental non-agricultural uses defined:** Uses allowed by Coastal Table "O" in the Agriculture category that are not directly related to the principal agricultural use on the site. (Example: where crop production or grazing are the principal agricultural use of a parcel, petroleum extraction, mining or rural sports and group facilities may be allowed as supplemental non-agricultural uses consistent with this section.)<br>(2) **Priority supplemental non-agricultural uses.** When continued agricultural use is not feasible without some supplemental use, priority shall be given to commercial recreation and low intensity visitor-serving uses allowed by Coastal Table "O", Part I of the Land Use Element.<br>(3) **Permit requirement:** Minor use permit approval, unless Development Plan approval is otherwise required by another provision of this title or planning area standard of the Land Use Element.<br>(4) **Required findings:** Supplemental non-agricultural uses may be established only if the following findings are made by the applicable approval body:<br>(i) For prime soils, it has been demonstrated that no alternative project site exists except on prime soils; and<br>(ii) The least amount of prime soils possible will be converted; and<br>(iii) The proposed use will not conflict with surrounding agricultural lands and uses. | **Potentially Consistent.** Development in the agricultural land use category would only occur at the SMR. The Rail Spur Project would result in the development of an emergency vehicle access road through a portion of the Rail Spur Project Site within the Agriculture land use category. The access road would be a supplemental use allowed within this category. Making the required findings would also be appropriate, considering no prime soils would be converted to non-agricultural use, the conversion of all soils would be minimized to the extent feasible by locating the emergency vehicle access road within the existing unpaved dirt access road, and the minimal potential for any effects on on-site or adjacent agricultural operations would be minimized through implementation of standard mitigation measures. Therefore, the proposed use would be consistent with this provision of the Coastal Zone Land Use Ordinance. |

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| (5) **Application content.** In addition to the information required for a land use permit application by Sections 23.02.033 et seq. of this title, the application for a supplemental non-agricultural use shall also include the following:<br>(i) The site layout plan shall identify all portions of the site that are undevelopable, that are not suitable for agriculture, or that are intended to be used for agricultural purposes.<br>(ii) Documentation which demonstrates that revenues to affected local governments as a result of the project will equal the public costs of providing and/or maintaining roads, water, sewer, fire and police protection to serve the project.<br>(iii) Documentation which demonstrates that the proposed project is designed and sited to protect habitat values and to be compatible with the rural character of the surrounding area.<br>(iv) Proposed provisions for public coastal access consistent with Local Coastal Plan policies for lateral and vertical access in agricultural areas, if the site is located between the first public road and the ocean.<br>(6) **Site design and development standards.** A land use permit for a supplemental non-agricultural use shall not be approved unless the proposed project will satisfy all the following requirements:<br>(i) Project location. The project shall be designed so that no development occurs on prime agricultural soils, except where it is demonstrated that all agriculturally unsuitable land on the site has been developed or cannot be used because of terrain constraints.<br>(ii) Limitation on project area. The total area of the site allocated for supplemental non-agricultural uses shall not exceed two percent of the gross site area.<br>(iii) Priority for agricultural use. The primary use of the site shall be the continuing, renewed or expanded production of food and fiber. The proposed supplemental use shall support, not interfere with, and be economically necessary to the primary use of the site as a productive agricultural unit. | |

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| (iv) Prevention of land use conflicts. The proposed use shall be designed to provide buffer areas between on- and off-site agricultural and non-agricultural uses to minimize land use conflicts.<br>(v) On-site water resources. Adequate water resources shall be available to the site, to maintain habitat values and serve both the proposed development and existing and proposed agricultural operations.<br>(vi) Urban services prohibited. No extension of urban sewer and water services shall be permitted to support on-site agricultural operations or other uses, except for reclaimed wastewater that may be used for agricultural enhancement.<br>(vii) Land division prohibited. The project shall not require land division.<br>(7) **Guarantee of continuing agricultural or open space use.** As a condition of approval of a supplemental non-agricultural use, the applicant shall insure that the remainder of the parcel(s) be retained in agriculture, and if appropriate, open space use by the following methods:<br>(i) Agricultural Easement. The applicant shall grant an easement to the county over all agricultural land shown on the site plan. Such easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily accessory to agriculture, farm labor housing, and a single-family dwelling accessory to the agricultural use.<br>(ii) Open space easement. The applicant shall grant an open space easement to the county over all lands shown on the site plan as land unsuitable for agriculture, not a part of the approved development or determined to be undevelopable. The open space easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land to non-structural, open space uses.<br>(iii) Procedures for agricultural or open space easements. Any easement required by this section shall be reviewed as set forth in Section 23.04.420g(4) of this title. | |

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| **23.04.124 - Height Limitations:**<br>The maximum height for new structures is as follows, except where other height limitations are established by planning area standards of the Land Use Element (for allowed fence heights, see Section 23.04.190c(2):<br>a. **Permitted heights by land use category.**<br>Industrial – 45 feet<br>b. **Exceptions to height limitations:**<br>(1) **Planning Commission modifications:** Buildings and structures exceeding the heights permitted in subsection a. of this section may be authorized through Development Plan approval, provided the Planning Commission first finds the project will not result in substantial detrimental effects of the enjoyment and use of adjoining properties, and that the modified height will not exceed the lifesaving equipment capabilities of the fire protection agency having jurisdiction.<br>(3) **Uninhabited structures:** The height limits specified in subsection a. of this section or by planning area standards of the Land Use Element do not apply to the following structures (measurement of height is from the ground, as set forth in Section 23.04.122):<br>(iv) Barns, grain elevators, silos, water tanks, windmills, wind generators and all other similar structures not containing residential uses and located in the Agriculture, Rural Lands, Residential Rural, and Industrial land use categories.<br>(vi) Industrial towers, non-portable equipment and other uninhabited structures no more than 60 feet in height located in an Industrial category. | **Potentially Consistent.** The highest component of the Rail Spur Project would be the cover over the rail unloading facility at the SMR, which would be 31 feet above grade. This would be less than the 45 feet allowed for industrial facilities. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance. |
| **23.04.210 - Visual Resources**<br>e. **General Visual Standards for Coastal Development.** Notwithstanding subsections (a)-(d) above, all development requiring a coastal development permit must be consistent with the requirements of Coastal Plan Visual and Scenic Resource Policies 1-11 as applicable. | **Potentially Consistent.** New physical development would only occur at the SMR. Because the project would expand an industrial use into land that currently serves as visual open space as seen from Highway 1, the California Coastal trail and the De Anza Trail, the project would be inconsistent with Coastal Plan policies related to scenic vistas, visual character, and coastal visual resources. Implementation of the defined mitigation measures would however reduce visibility and noticeability of the project, consistent with this provision of the Coastal Zone Land Use Ordinance. |

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| **23.04.320 - Outdoor Lights:**<br>The standards of this section are applicable to all outdoor night-lighting sources installed after the effective date of this Title, except for street lights located within public rights-of-way and all uses established in the Agriculture land use category. No land use permit is required for lighting facilities, though an electrical permit may be required by Title 19 of this code.<br>a. **Illumination only:** Outdoor lighting is to be used for the purpose of illumination only, and is not to be designed for or used as an advertising display, except as provided by Sections 23.04.300 et. seq. (Signing).<br>b. **Light directed onto lot:** Light sources are to be designed and adjusted to direct light away from any road or street, and away from any dwelling outside the ownership of the applicant.<br>c. **Minimization of light intensity:** No light or glare shall be transmitted or reflected in such concentration or intensity as to be detrimental or harmful to persons, or to interfere with the use of surrounding properties or streets.<br>d. **Light sources to be shielded:**<br>(1) **Ground illuminating lights:** Any light source used for ground area illumination except incandescent lamps of 150 watts or less and light produced directly by the combustion of natural gas or other fuels, shall be shielded from above in such a manner that the edge of the shield is level with or below the lowest edge of the light source. Where any light source intended for ground illumination is located at a height greater than eight feet, the required shielding is to extend below the lowest edge of the light source a distance sufficient to block the light source from the view of any residential use within 1,000 feet of the light fixture.<br>(2) **Elevated feature illumination:** Where lights are used for the purpose of illuminating or accenting building walls, signs, flags, architectural features, or landscaping, the light source is to be shielded so as not to be directly visible from off-site.<br>e. **Height of light fixtures:** Free-standing outdoor lighting fixtures are not to exceed the height of the tallest building on the site.<br>f. **Street Lighting:** Street lighting shall be designed to minimize light pollution by preventing the light | **Potentially Consistent.** The project would introduce a substantial number of new lights into the area. Some of the lights would be in the existing industrial area, and some would extend security lighting out into what is currently dark open space. No lighting plan has been submitted at this time; therefor the potential exists for significant light trespass into the surrounding area. Implementation of mitigation measures AV-3a through AV-3c regarding lighting would reduce light pollution through the use of dark star compliant lighting fixtures, limits on lighting to the minimum required by safety policies, and limiting the time that the perimeter fencing lighting is on. These measures would serve to minimize nighttime light pollution. Implementation of these mitigation measures regarding lighting would reduce light pollution, consistent with this provision of the Coastal Zone Land Use Ordinance. |

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| from going beyond the horizontal plane at which the fixture is directed. | |
| **23.04.420 - Coastal Access Required.**<br>Development within the Coastal Zone between the first public road and the tidelands shall protect and/or provide coastal access as required by this section. The intent of these standards is to assure public rights of access to the coast are protected as guaranteed by the California Constitution. Coastal access standards are also established by this section to satisfy the intent of the California Coastal Act.<br>a. **Access defined:**<br>(1) **Lateral access:** Provides for public access and use along the shoreline.<br>(2) **Vertical access:** Provides access from the first public road to the shore, or perpendicular to the shore.<br>(3) **Pass and repass:** The right of the public to move on foot along the shoreline.<br>b. **Protection of existing coastal access.** Development shall not interfere with public rights of access to the sea where such rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sand and rocky beaches to the first line of terrestrial vegetation.<br>c. **When new access is required.** Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:<br>(1) Access would be inconsistent with public safety, military security needs or the protection of fragile coastal resources; or<br>(2) The site already satisfies the provisions of subsection d of this section; or<br>(3) Agriculture would be adversely affected; or<br>(4) The proposed new development is any of the following:<br>(i) Replacement of any structure pursuant to the provisions of Section 30610(g) of the California Coastal Act.<br>(ii) The demolition and reconstruction of a single-family residence; provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the | **Potentially Consistent.** Public coastal access consistent with Section 23.04.420 of the Coastal Zone Land Use Ordinance was a condition of approval of the recently-approved Phillips 66 Throughput Increase Project (approved by the County Board of Supervisors in February 2013). A preliminary assessment of the feasibility of coastal access at this location is included in Chapter 9 of this EIR. Because a requirement for coastal access consistent with Section 23.04.420 has already been made at this location, and the feasibility of that coastal access is being considered in conjunction with the Rail Spur Project EIR, the Rail Spur Project is consistent with this requirement. No additional provision of public access in conjunction with the Rail Spur Project, as opposed to the Throughput Increase Project, is necessary because a single public right of access that meets the requirements of Section 23.04.420 would satisfy the requirements of this section for both projects. Over time, conditions may change that would make reconsideration of the adequacy or feasibility of coastal access at this location appropriate. However, at this time, the determination of whether and what kind of coastal access would be appropriate at this location as a result of the Throughput Increase Project would apply equally to the Rail Spur Project. Therefore, the proposed Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance. |

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| former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure. As used in this subsection, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.<br>(iii) Improvements to any structure that do not change the intensity of its use, or increase either the floor area, height or bulk of the structure by more than 10 percent, which do not block or impede public access and do not result in additional seaward encroachment by the structure. As used in this subsection, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.<br>(iv) The reconstruction or repair of any seawall; provided that the reconstructed or repaired seawall is not seaward of the location of the former structure.<br>(v) Any repair or maintenance activity excluded from obtaining a land use permit by this title, except where the Planning Director determines that the use or activity will have an adverse effect on lateral public access along the beach.<br>(vi) Nothing in this subsection shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.<br>d. Type of access required:<br>(1) Vertical Access:<br>(i) Within urban and village areas: Within an urban or village area where no dedicated or public access exists within one-quarter mile of the site, or if the site has more than one-quarter mile of coastal frontage, an accessway shall be provided for each quarter mile of frontage.<br>(ii) In rural areas: In rural areas where no dedicated or public access exists within one mile, or if the site has more than one mile of coastal frontage, an accessway shall be provided for each mile of frontage.<br>(iii) Prescriptive rights: An accessway shall be | |

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| provided on any site where prescriptive rights of public access have been determined by a court to exist.<br>(iv) Additional accessways: The applicable approval body may require accessways in addition to those required by this section where the approval body finds that a proposed development would, at the time of approval or at a future date, increase pedestrian use of any adjacent accessway beyond its capacity. | |
| **Chapter 5: Site Development Standards** | |
| **23.05.024 - Grading Plan:**<br>a. **When required:** In any case where a proposed project requiring land use permit approval involves 50 or more cubic yards of earth moving, the land use permit application shall include a grading plan containing the information specified by subsection b of this section. | **Potentially Consistent.** Grading would only occur at the SMR. As part of the Land Use Application to the County, the Applicant submitted preliminary grading plans. These are provided in Appendix A of the EIR. As part of final grading approval by the County, the Applicant would have to submit final grading plans for the Rail Spur Project that would have to be reviewed and approved by the County. These plans would have to meet all the County requirements for grading plans. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance. |
| **23.05.025 - Grading Permit Required:**<br>A grading permit shall be obtained before beginning any: grading, excavation, or fill activities; or for any diking or dredging activities involving wetlands and riparian areas; or for any earthwork, paving, surfacing or other construction activity that alters any natural or other existing offsite drainage pattern, including but not limited to any change in the direction, velocity or volume of flow; except for the activities identified by Section 23.05.026 (Grading Permit Exemptions). This section and Section 23.05.026 supersede Section 7003 of the Uniform Building Code. Where a grading permit application proposes a project that is not otherwise subject to the land use permit requirements of Chapters 23.03 or 23.08 or other applicable section of this title, grading permit approval certifies that the proposed project will satisfy all applicable provisions of this title and thereby constitutes approval of a coastal development permit. Where a grading permit is appealable to the Coastal Commission pursuant to Section 23.01.043, Minor Use Permit approval is also required as set forth in Section 23.02.033. | **Potentially Consistent.** Grading would only occur at the SMR. As part of the Land Use Application to the County, the Applicant submitted preliminary grading plans. These are provided in Appendix A of the EIR. This project would require grading permits from the County prior to the start of any construction activities. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance. |
| **23.05.030 - Grading Permit Review and Approval:** | **Potentially Consistent.** Grading would only occur at the SMR. As part of the Land Use Application to the |

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| e. **Criteria for approval:** A grading permit may be issued only where the Building Official first finds, where applicable, that:<br>(1) The extent and nature of proposed grading is appropriate to the use proposed, and will not create site disturbance to an extent greater than that required for the use;<br>(2) Proposed grading will not result in erosion, stream sedimentation, or other adverse off-site effects or hazards to life or property;<br>(3) The proposed grading will not create substantial adverse long-term visual effects visible from off-site.<br>(4) Proposed drainage measures have been approved by the County Engineer. | County, the Applicant submitted preliminary grading plans. These are provided in Appendix A of the EIR. As part of final grading approval by the County, the Applicant would have to submit final grading plans for the Rail Spur Project that would have to be reviewed and approved by the County before any grading permit could be issued. These plans would have to meet all the County requirements for grading plans. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance. |
| **23.05.034 - Grading Standards:**<br>b. **Grading for siting of new development.** Grading for the purpose of creating a site for a structure or other development shall be limited to slopes less than 20% except:<br>(3) **Grading adjustment.** Grading on slopes between 20% and 30% may occur by Minor Use Permit or Development Plan approval subject to the following:<br>(i) The applicable review body has considered the specific characteristics of the site and surrounding area including: the proximity of nearby streams or wetlands, erosion potential, slope stability, amount of grading necessary, neighborhood drainage characteristics, and measures proposed by the applicant to reduce potential erosion and sedimentation.<br>(ii) Grading and erosion control plans have been prepared by a registered civil engineer and accompany the request to allow the grading adjustment.<br>(iii) It has been demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.<br>(iv) It has been found that there is no other feasible method of establishing an allowable use on the site without grading on slopes between 20% and 30%.<br>c. **Grading adjacent to Environmentally Sensitive Habitats.** Grading shall not occur within 100 feet of any Environmentally Sensitive Habitat except: | **Potentially Consistent.** Grading would only occur at the SMR. As part of the Land Use Application to the County, the Applicant submitted preliminary grading plans. These are provided in Appendix A of the EIR. As part of final grading approval by the County, the Applicant would have to submit final grading plans for the Rail Spur Project that would have to be reviewed and approved by the County. These plans would have to meet all the County requirements for grading plans. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance. |

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| (1) Where a setback adjustment has been granted as set forth in Sections 23.07.172d(2) (Wetlands) or 23.07.174d(2) (Streams and Riparian Vegetation) of this title.<br>d. **Landform alterations within public view corridors.** Grading, vegetation removal and other landform alterations shall be minimized on sites located within areas determined by the Planning Director to be a public view corridors from collector or arterial roads. Where feasible, contours of finished grading are to blend with adjacent natural terrain to achieve a consistent grade and appearance.<br>g. **Revegetation:** Where natural vegetation has been removed through grading in areas not affected by the landscape requirements (Section 23.04.180 et seq. - Landscape, Screening and Fencing), and that are not to be occupied by structures, such areas are to be replanted as set forth in this subsection to prevent erosion after construction activities are completed. [Amended 1993, Ord. 2649] | |
| **23.05.036 - Sedimentation and Erosion Control:**<br>a. **Sedimentation and erosion control plan required:** Submittal of a sedimentation and erosion control plan for review and approval by the County Engineer is required when:<br>(1) Grading requiring a permit is proposed to be conducted or left in an unfinished state during the period from October 15 through April 15; or<br>(2) Land disturbance activities, including the removal of more than one-half acre of native vegetation are conducted in geologically unstable areas, on slopes in excess of 30%, on soils rated as having severe erosion hazard, or within 100 feet of any water course shown on the most current 7-1/2 minute USGS quadrangle map.<br>(3) The placing or disposal of soil, silt, bark, slash, sawdust or other organic or earthen materials from logging, construction and other soil disturbance activities above or below the anticipated high water line of a watercourse where they may be carried into such waters by rainfall or runoff in quantities deleterious to fish, wildlife or other beneficial uses.<br>When a sedimentation and erosion control plan is required, none of the activities described in subsections a(1) through a(3) above shall be commenced until such plan is approved by the | **Potentially Consistent.** Grading would only occur at the SMR. The exact timing of the construction activities for the Rail Spur Project are unknown and would depend upon the timing of obtaining all required permits. It is possible that construction could occur during October 15 and April 15, which would require the Applicant to prepare a sedimentation and erosion control plan for review and approval by the County. This plan would have to meet all of the requirements of the County. With the submittal of a sedimentation and erosion control plan, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance. |

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| County Engineer pursuant to this section.<br>b. **Sedimentation and erosion control plan preparation and processing:** Sedimentation and erosion control plans shall address both temporary and final measures and shall be submitted to the County Engineer for review and approval. | |
| **23.05.042 - Drainage Plan Required:**<br>No land use or construction permit (as applicable) shall be issued for a project where a drainage plan is required, unless a drainage plan is first approved pursuant to Section 23.05.046. Drainage plans shall be submitted with or be made part any land use, building or grading permit application for a project that:<br>a. Involves a land disturbance (grading, or removal of vegetation down to duff or bare soil, by any method) of more than 40,000 square feet; or<br>b. Will result in an impervious surface of more than 20,000 square feet; or<br>c. Is subject to local ponding due to soil conditions and lack of identified drainage channels; or<br>d. Is located in an area identified by the County Engineer as having a history of flooding or erosion that may be further aggravated by or have a harmful effect on the project; or<br>e. Is located within a Flood Hazard (FH) combining designation; or<br>f. Involves land disturbance or placement of structures within 50 feet of any watercourse shown on the most current USGS 7-1/2 minute quadrangle map; or<br>g. Involves hillside development on slopes steeper than 10 percent.<br>h. May, by altering existing drainage, cause an on-site erosion or inundation hazard, or change the off-site drainage pattern, including but not limited to any change in the direction, velocity, or volume of flow.<br>i. Involves development on a site adjacent to any coastal bluff. | **Potentially Consistent.** Grading and new physical development would only occur at the SMR. As part of the Land Use Application to the County, the Applicant submitted a preliminary drainage plan. These are provided in Appendix A of the EIR. As part of final grading approval by the County, the Applicant would have to submit a final drainage plan for the Rail Spur Project that would have to be reviewed and approved by the County. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance. |
| **23.05.050 - Drainage Standards:**<br>e. **Water Runoff.**<br>(2) **Best Management Practices - Non-Residential development.** All new non-residential development subject to discretionary review shall use Best Management Practices (BMPs) to control and prevent pollutants from entering the storm drain system. BMPs shall be | **Potentially Consistent.** Grading and new physical development would only occur at the SMR. Mitigation measure GR-2 requires that during construction and operations, the Applicant shall implement a Storm Water Pollution Prevention Plan using Best Management Practices and monitor and maintain stormwater pollution control facilities identified in the Storm Water Pollution Prevention Plan, in a manner |

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| consistent with the guidance found in documents such as the California Storm Water Best Management Practices Handbook (Industrial/Commercial). Such measures shall include both source control and treatment control practices to ensure that contaminants do not leave the site. Stormwater runoff from commercial development shall be filtered through BMPs that treat storm water runoff up to and including the 85th percentile storm event. Restaurant and other commercial cleaning practices that can impact water quality (such as floor mat rinsing and vehicle cleaning) by introducing chemicals to storm drain systems (detergents, oils and grease and corrosive chemicals) shall provide designated areas that collect and dispose of this runoff through the sanitary septic system. Street sweeping and cleaning shall use best management practices outlined in the above referenced handbook or the Model Urban Runoff Program to keep contaminants and cleaning products from entering the storm drain system. The Best Management Practices shall include measures to minimize post-development loadings of total suspended solids. Where feasible, other Low Impact Design (LID) techniques shall be implemented.<br>f. **Parking lots and paved areas.** Parking lots and other paved areas where automobiles are parked that are 1.0 acres or greater in size shall be equipped with facilities and/or measures to address post-construction runoff and ongoing non-point source pollution (e.g., sediment and grease traps, oil/water separators, biofilters), and shall be subject to a periodic maintenance program which is funded and carried out by the property owner. | consistent with the provisions of the Federal Water Pollution Control Act (National Pollutant Discharge Elimination System Program). Stormwater management protection measures and wet weather measures shall be designed by a California registered, Qualified Storm Water Pollution Prevention Plan Developer. In addition, a California registered, Qualified Storm Water Pollution Prevention Plan Practitioner shall oversee and monitor construction and operational Best Management Practices and stormwater management, in accordance with the State General Construction Permit and the Central Coast Regional Water Quality Control Board. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance. |
| **23.05.086 - Fire Safety Standards.**<br>In areas where fire protection is provided by the San Luis Obispo County Fire Department/California Department of Forestry and Fire Protection, new uses shall comply with applicable provisions of the Uniform Fire Code, 1988 Edition, or such later edition as adopted by an ordinance of San Luis Obispo County. In areas where fire protection is provided by another official agency (e.g., a community services district, etc.), new uses shall comply with such fire safety standards as required by the fire protection agency. | **Potentially Consistent (Project Site).** As discussed in Chapter 2, Project Description and Section 4.11 Public Services and Utilities, the Rail Spur Project would have a fire protection system installed at the unloading racks. Mitigation measure PS-3a requires the facility to have a Fire Protection Plan that meets the applicable requirements of API, NFPA, UFC, and Cal Fire. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance.<br>**Potentially Consistent (Mainline).** The transportation of crude by rail would have to meet the fire safety |

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<table>
<tr><th>Policy</th><th>Preliminary Consistency Analysis</th></tr>
<tr><td></td><td>standard of the Federal Railroad Administration (FRA) and other DOT agencies. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance.</td></tr>
<tr><th colspan="2">Chapter 6: Operational Standards</th></tr>
<tr><td>23.06.044 - Exterior Noise Level Standards:<br>The exterior noise level standards of this section are applicable when a land use affected by noise is one of the following noise-sensitive uses which are defined in the Land Use Element and Local Coastal Plan: residential uses listed in Table O, Framework for Planning, except for residential accessory uses and temporary dwellings; health care services (hospitals and similar establishments only); hotels and motels; bed and breakfast facilities; schools (preschool to secondary, college and university, specialized education and training); churches; libraries and museums; public assembly and entertainment; offices, and outdoor sports and recreation.<br>a. No person shall create any noise or allow the creation of any noise at any location within the unincorporated areas of the county on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level when measured at any of the preceding noise-sensitive land uses situated in either the incorporated or unincorporated areas to exceed the noise level standards in the following table. When the receiving noise-sensitive land use is outdoor sports and recreation, the following noise level standards shall be increased by 10dB.<br><br>EXTERIOR NOISE LEVEL STANDARDS
<table>
<tr><th></th><th>Daytime (7 a.m.-10 p.m.)</th><th>Nighttime[1] (10 p.m.-7 a.m.)</th></tr>
<tr><td>Hourly Equivalent Sound Level ($L_{eq9}$, Db)</td><td>50</td><td>45</td></tr>
<tr><td>Maximum level, dB</td><td>70</td><td>65</td></tr>
</table>
Notes:<br>[1] Applies only to uses that operate or are occupied during nighttime hours</td><td>Potentially Consistent. This would only apply to the development at the SMR. The noise analysis presented in Section 4.9 used state-of –the-art noise models to estimate noise levels associated with the Rail Spur Project. With the implementation of the identified mitigation measures (N.1a through N.1c) the noise levels would be below the thresholds established in the County Noise Ordinance and Element. Baseline noise levels are projected to increase by about one to five decibels at night and less than one decibel during the daytime hours. These noise levels would only occur during the time there are trains being positioned for unloading. During the actual unloading operations the noise levels would be lower. Positioning of trains would be expected to occur for about two hours five times per week. Mitigation measure AQ-4c would limit train unloading activities to between the hours of 7 a.m. and 7 p.m., which would reduce the nighttime noise levels associated with the proposed project.<br><br>Therefore, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance.</td></tr>
<tr><td>23.06.060 - Vibration Standards:<br>Any land use conducted in or within one-half mile of an urban or village reserve line is to be operated to not produce detrimental earth-borne vibrations perceptible</td><td>Potentially Consistent. This would only apply to the development at the SMR since moving sources, including railroads are exempted from this standard. But, the proposed rail unloading facility would be located approximately 0.5 mile from the Callendar-</td></tr>
</table>

**Table G-2 San Luis Obispo County Land Use Ordinances Consistency Analysis**

<table>
<tr><th>Policy</th><th>Preliminary Consistency Analysis</th></tr>
<tr><td>at the points of determination identified in the following table:
<table>
<tr><th>LAND USE CATEGORY IN WHICH VIBRATION SOURCE IS LOCATED</th><th>POINT OF DETERMINATION</th></tr>
<tr><td>Residential, Office & Professional, Recreation, Commercial</td><td>At or beyond any lot line of the lot containing the use.</td></tr>
<tr><td>Industrial</td><td>At or beyond the boundary of the Industrial Category</td></tr>
</table>
23.06.062 - Exceptions to Standards:<br>
The vibration standards of this chapter are not applicable to:<br>
a. Vibrations from construction, the demolition of structures, surface mining activities or geological exploration between 7:00 A.M. and 9:00 P.M.;<br>
b. Vibrations from moving sources such as trucks and railroads.</td><td>Garrett village reserve line, so this would potentially apply to the offloading activities. The major source of vibration from the Rail Spur Project unloading operations would be when the trains are being moved at the site. The Federal Transportation Administration (FTA) screening assessment for residential locations indicates that residences should be located more than 200 feet from a railway with diesel locomotives traveling at 50 mph. For the rail spur area located within the SMR, locomotive speeds would be substantially below this and distances to receptors would be substantially more than 200 feet. Therefore, vibration from the Rail Spur operations would not produce detrimental earth-borne vibrations perceptible at the nearest residential area. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance.</td></tr>
<tr><td>23.06.084 - Odors:<br>
Any non-agricultural land use conducted in, or within one-half mile of an urban or village reserve line is to be so operated as not to emit matter causing noxious odors which are perceptible at the points of determination identified in the following table:
<table>
<tr><th>LAND USE CATEGORY IN WHICH VIBRATION SOURCE IS LOCATED</th><th>POINT OF DETERMINATION</th></tr>
<tr><td>Residential, Office & Professional, Recreation, Commercial</td><td>At or beyond any lot line of the lot containing the use.</td></tr>
<tr><td>Industrial</td><td>At or beyond the boundary of the Industrial Category</td></tr>
</table></td><td>Potentially Consistent This would only apply to the development at the SMR. The proposed rail unloading facility would be located approximately 0.5 mile from the Callendar-Garrett village reserve line, so this would potentially apply to the offloading activities. The Rail Spur unloading facilities have been designed to handle all of the crude oil in closed systems that would reduce the potential for exposure to humans and the environment. Venting of vapors that are required for the unloading operations would be passed through carbon canisters to remove any of the hydrocarbons. These design measures would eliminate the potential for emitting matter causing noxious odors which are perceptible at the nearest residential area. Therefore, the Rail Spur Project would potentially be consistent with this provision of the Coastal Zone Land Use Ordinance.</td></tr>
<tr><td>23.06.100 - Water Quality:<br>
a. Standards for Preventing Polluted Runoff Impacts from Non-point Sources. New development shall be designed and located to avoid significant adverse impacts to wetlands, streams, tidepools, sensitive plants, riparian vegetation, agricultural lands, and other environmentally sensitive habitat areas from surface water runoff and wastewater. The following shall apply to new development:<br>
(1) Where potentially significant adverse impacts might occur, new development shall assess</td><td>Potentially Consistent. The Physical development would only occur at the SMR. Mitigation measure GR-2 requires that during construction and operations, the Applicant shall implement a Storm Water Pollution Prevention Plan using Best Management Practices and monitor and maintain stormwater pollution control facilities identified in the Storm Water Pollution Prevention Plan, in a manner consistent with the provisions of the Federal Water Pollution Control Act (National Pollutant Discharge Elimination System Program). Stormwater management protection measures and wet weather measures shall be designed by a California registered, Qualified Storm Water Pollution</td></tr>
</table>

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| potential pollutants resulting from the development project, as well as the potential impacts of those pollutants on nearby waterways and agricultural lands. Proposed new development shall furthermore be consistent with the Central Coast Basin Plan's current water quality objectives for ocean waters, inland surface waters, enclosed bays, and estuaries.<br>Where polluted surface water runoff might occur as the result of a proposed development project, the proposed project shall be evaluated for potential impacts to critical waterway components, such as: dissolved oxygen, pH, suspended material, oil/grease, sediment, turbidity, temperature, toxicity, pesticides, chemicals, etc. Where applicable, measures shall be developed and implemented to avoid and mitigate potentially significant adverse impacts (e.g., establish a vegetation "filter" strip between a waterway and development). | Prevention Plan Developer. In addition, a California registered, Qualified Storm Water Pollution Prevention Plan Practitioner shall oversee and monitor construction and operational Best Management Practices and stormwater management, in accordance with the State General Construction Permit and the Central Coast Regional Water Quality Control Board. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance. |
| **23.06.126 - Flammable and Combustible Liquids Storage:**<br>Any storage of flammable or combustible liquids (those with flash points below 140°F) is subject to the following standards:<br>a. **Permit requirements:**<br>(1) **Health Department permit.** Facilities used for the underground storage of hazardous substances, including but not limited to gasoline and diesel fuel, are subject to the permit requirements of Chapter 8.14 of this code.<br>(2) **Land use permit.** No land use permit is required for the storage of flammable or combustible liquids, except that where the quantity stored exceeds the limitations specified in subsection c. of this section, Minor Use Permit approval is required unless the land use involving the storage of flammable or combustible liquids would otherwise be required by this title to have Development Plan approval.<br>b. **Limitation on use:** The storage of flammable or combustible liquids for sale is allowed only in the Recreation, Commercial or Industrial categories, unless authorized by Development Plan approval.<br>c. **Limitations on quantity:** The quantity of | **Potentially Consistent.** No new crude oil storage tanks would be built as part of the Rail Spur Project. Crude oil delivered by rail to the SMR would be stored in existing crude oil tanks that are already permitted by the County Planning and Building Department and by the SLO APCD. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance. |

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| flammable or combustible liquids stored on a site is to be limited as follows:<br>(2) **Other areas:** Storage is to be limited to the following quantities on any single building site, unless greater quantities are authorized through Development Plan or Minor Use Permit approval:<br><br>**QUANTITY ALLOWED (GALLONS)**<br>Type of Storage<br>**TYPE OF LIQUID** \| Aboveground \| Underground<br>Combustible \| 20,000 \| Unlimited<br>Flammable \| 2,000 \| 20,000<br><br>d. **Setbacks:** Aboveground storage facilities for flammable or combustible liquids are to be set back 50 feet from any property line or residential use or as otherwise set forth in the Uniform Fire or Building Code where a smaller setback is allowed by those codes.<br>e. **Additional standards:**<br>(1) All storage of bulk flammable liquids within an urban or village reserve line is to be underground, except:<br>(i) As specified by Subsection c(1) of this section;<br>(ii) Where a petroleum refining or related industrial use is authorized in an Industrial category pursuant to Section 23.08.120b (Miscellaneous Special Uses);<br>(iii) Where an automobile service station or other approved vendor of flammable liquids stores such liquids for sale in approved quantities and containers.<br>(iv) Where a public agency maintains a corporation yard or other approved service facility in a Public Facilities or Industrial category, and such storage is authorized through Minor Use Permit.<br>(v) In a Commercial Service or Industrial land use category where authorized through Minor Use Permit.<br>(2) All aboveground storage of flammable and combustible liquids is to be within types of containers approved by the county fire chief. | |

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| **Chapter 7: Combining Designation Standards** | |
| **23.07.065 - General Hazard Avoidance:**<br>a. New Development in Flood Hazard Areas. New structural development, including expansions, additions and improvements to existing development, shall be located outside of the flood hazard areas to the maximum extent feasible. | **Potentially Consistent.** New physical development would only occur at the SMR. As discussed in Section 4.13, The Rail Spur Project would not be located within the 100-year floodplain. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance. |
| **23.07.120 – Local Coastal Program Area**:<br>The Local Coastal Program combining designation identifies areas of San Luis Obispo County that are within the California Coastal Zone as determined by the California Coastal Act of 1976. The provisions of this title apply to all unincorporated portions of the county located within the Coastal Zone, and do not apply to any areas outside of the LCP combining designation. | The project site is located in the Coastal Appealable Zone of San Luis Obispo County. The project is appealable to the Coastal Commission because the project site is located between the first public road and the sea. |
| **23.07.170 - Environmentally Sensitive Habitats:**<br>The provisions of this section apply to development proposed within or adjacent to (within 100 feet of the boundary of) an Environmentally Sensitive Habitat as defined by Chapter 23.11 of this title.<br>b. **Required findings:** Approval of a land use permit for a project within or adjacent to an Environmentally Sensitive Habitat shall not occur unless the applicable review body first finds that:<br>(1) There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.<br>(2) The proposed use will not significantly disrupt the habitat.<br>e. **Development standards for environmentally sensitive habitats:** All development and land divisions within or adjacent to an Environmentally Sensitive Habitat Area shall be designed and located in a manner which avoids any significant disruption or degradation of habitat values. This standard requires that any project which has the potential to cause significant adverse impacts to an ESHA be redesigned or relocated so as to avoid the impact, or reduce the impact to a less than significant level where complete avoidance is not possible.<br>(1) **Development within an ESHA.** In those cases where development within the ESHA cannot be avoided, the development shall be modified as necessary so that it is the least environmentally damaging feasible alternative. Development shall be consistent with the biological continuance of the | **Potentially Inconsistent.** New physical development would only occur at the SMR. As shown in Figure 4.4-1 portions of the Proposed Rail Spur Project improvements would impact about 20 acres of would impact about 20 acres of California Department of Fish and Wildlife sensitive habitat, which would be considered ESHA. In addition, portions of the Rail Spur Project would be within 100 feet of areas that would be considered ESHA.<br><br>California Department of Fish and Wildlife sensitive habitat, which would be considered ESHA., is present within the central portion of the Rail Spur Project area, within the portions of the Rail Spur Project areas that comprises the EVA route, and within the area where the pipelines would be constructed from the Rail Spur unloading facility to the existing storage tanks (see Figure 4.4-1).<br><br>Mitigation measures have been proposed that would reduce the level of impact to the sensitive habitat to less than significant levels by creating/restoring and enhancing similar habitat at the site at a 2:1 ratio and requiring and conservation easement on the created/restored and enhanced habitat.<br><br>A tributary to Oso Flaco Creek (Streams and Riparian Vegetation) is located 500 feet to the south of the Disturbance area. Actions adjacent to the Terrestrial Habitat designation (immediately west of the UPRR) are limited to modifications within areas currently disturbed by the existing connection of the rail spur to the main line, and would not require disturbance west of the UPRR. Mitigation is identified that address the |

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| habitat. Circumstances in which a development project would be allowable within an ESHA include:<br><br>i. **Resource dependent uses**. New development within the habitat shall be limited to those uses that are dependent upon the resource.<br>**ii. Coastal accessways**. Public access easements and interpretive facilities such as nature trails which will improve public understanding of and support for protection of the resource.<br>**iii. Incidental public services and utilities in wetlands.** Essential incidental public services and utilities pursuant to ESHA Policy 13 and CZLUO Section 23.07.172(e).<br>**iv. Habitat creation and enhancement.** Where the project results in an unavoidable loss (i.e., temporary or permanent conversion) of habitat area, replacement habitat and/or habitat enhancements shall be provided and maintained by the project applicant. Plans for the creation of new habitat, or the enhancement of existing habitat, shall consider the recommendations of the California Coastal Commission, the California Department of Fish and Game and/or U.S. Fish and Wildlife Service. Generally, replacement habitat must be provided at recognized ratios to successfully reestablish the habitat at its previous size, or as is deemed appropriate in the particular biologic assessment(s) for the impacted site. Replacement and/or enhanced habitat, whenever feasible, shall be of the same type as is lost ("same-kind") and within the same biome ("same-system"), and shall be permanently protected by a deed restriction or conservation easement.<br>**v. Restoration of damaged habitats.** Restoration or management measure required to protect the resource. Projects located within or adjacent to environmentally sensitive habitat areas that have been damaged shall be conditioned to require the restoration, monitoring, and long-term protection of such habitat areas through a restoration plan and a accompanying deed restriction or conservation easement. Where previously disturbed but restorable habitat for rare and sensitive plant and animal species exists on a site that is surrounded by other environmentally sensitive habitat areas, these areas shall be delineated and considered for | potential for stormwater runoff contamination, limiting area of disturbance, and preventing potential accidental spills or leaks, which may inadvertently affect land within the Terrestrial Habitat designation (refer to EIR Section 4.7 Hazards, and Section 4.13 Water Resources).<br><br>With the proposed mitigation, the proposed project would not result in a significant negative impact on sensitive habitat and would not interfere with the continuance of the habitat. However, construction of the Rail Spur Project could significantly disturb the existing sensitive habitat.<br><br>Based upon the alternatives analysis (see Chapter 6.0) development of the Rail Spur Project at the SMR site could not avoid impacts to ESHA, and other rail development sites were found to be infeasible. The use of the No Project Alterative, would allow some additional delivery of crude to the SMR without impacting ESHA at the SMR site. The No Project Alternative would meet most of the basic objectives of the Rail Spur Project. However, it may not allow the SMR to operate at its permitted throughput capacity since less crude oil could be available to the refinery.<br><br>The proposed Rail Spur Project would not be considered a resource dependent use, a coastal accessway, or an incidental public services or utility. Therefore, the proposed Rail Spur Project would be potentially inconsistent with this provision of the Coastal Zone Land Use Ordinance. |

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| restoration as recommended by a restoration plan. | |
| **23.07.174 - Streams and Riparian Vegetation:**<br>Coastal streams and adjacent riparian areas are environmentally sensitive habitats. The provisions of this section are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams.<br>a. **Development adjacent to a coastal stream.** Development adjacent to a coastal stream shall be sited and designed to protect the habitat and shall be compatible with the continuance of such habitat.<br>d. **Riparian setbacks:** New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible. In the urban areas (inside the URL) this setback shall be a minimum of 50 feet. In the rural areas (outside the URL) this setback shall be a minimum of 100 feet. A larger setback will be preferable in both the urban and rural areas depending on parcel configuration, slope, vegetation types, habitat quality, water quality, and any other environmental consideration. These setback requirements do not apply to non-structural agricultural developments that incorporate adopted nest management practices in accordance with LUP Policy 26 for Environmentally Sensitive Habitats. | **Potentially Consistent (Project Site).** As documented in EIR Section 4.4 Biological Resources, the Rail Spur Project would be located approximately 500 feet north of a tributary to Oso Flaco Creek (Environmentally Sensitive Habitat, Streams and Riparian Vegetation). The new rail facilities would be designed and equipped with oil spill containment devices that would protect the natural hydrological system and ecological functions of coastal streams in the event of an oil spill. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Coastal Zone Land Use Ordinance.<br><br>**Potentially Inconsistent (Mainline).** The UPRR Coastal Line is an existing transportation corridor that is currently used to transport crude oil and other hazardous materials through San Luis Obispo County. As discussed in Sections 4.4 and 4.13 (Biological and Water Resources) an oil spill along the mainline rail routes could result in significant impact to streams and riparian vegetation. Within San Luis Obispo County, the trains would use the UPRR Coastal Line, which is an existing transportation corridor that is currently used to transport crude oil and other hazardous materials through San Luis Obispo County. The Rail Spur Project would increase the overall probability of an oil spill occurring along the UPRR Coastal Line. Based upon the hazards analysis, the probability of an incident on the UPRR mainline tracks involving a crude oil spill greater than 100 gallons in San Luis Obispo County would be about one in 126 years. Given the potential significant impacts that could occur to coastal streams and riparian vegetation in the case of an oil spill, rail transport of crude oil along the mainline would be potentially inconsistent with this provision of the Coastal Zone Land Use Ordinance. |
| **Chapter 8: Special (S) Uses** | |
| **23.08.286 - Pipelines and Transmission Lines:**<br>This section provides standards for pipeline and communications transmission lines and related facilities, where designated as S-13 uses by Coastal Table O, Part I of the Land Use Element. This section applies to emergency repairs, replacement, renewal and upgrading of existing facilities, as well as to new facilities.<br>b. **General permit requirements.**<br>(1) **Determination of permit level.** Except as otherwise provided by this section for specific facilities, and except where county land use | **Potentially Consistent.** New pipelines would only be installed at the SMR. The Rail Spur Project would be generally consistent with these standards, including the requirement for development plan approval, cultural resource surveys, restoration of ground disturbance areas, and development of spill prevention, control and countermeasure plan and emergency response plan. |

**Table G-2 San Luis Obispo County Land Use Ordinances Consistency Analysis**

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| permit authority is preempted by state law, the land use permit required to authorize a proposed land use of this type is determined by the magnitude of site disturbance, i.e., the area in square feet per site (or project if the project crosses more than one site) of grading or removal of natural ground cover, as follows:<br><br>**Permit Requirement** — **Area of Site Disturbance**<br>Plot Plan — Less than 40,000 square feet<br>Minor Use Permit — 40,000 or more square feet<br><br>(2) **No permit required.** No land use or grading permit is required for routine pipeline maintenance practices disturbing areas less than 1,000 square feet; or installation, testing, placement in service, or the replacement of any necessary utility connection between an existing facility and an individual customer or approved development for utilities regulated by the Public Utilities Commission, including electrical, water, telephone, sewage disposal or natural gas lines on a single site or within a public right-of-way provided that the exemption from grading permit does not apply to areas identified in Section 23.05.026h.<br>(3) **Application contents.** In addition to the application materials required by chapter 23.02, The application for a proposed new or replacement pipeline, electrical or communications transmission line is to be accompanied by documentation that the applicant:<br>(i) Is the owner of record of the land involved; or<br>(ii) Has easements or lease arrangements from the owners of record sufficient to carry-out the actions proposed; or<br>(iii) Has notified all landowners of record (e.g., a copy of a letter informing landowners of the proposed activities and proposed rights-of-way for this project and the mailing list used) potentially involved within the corridor being proposed. | |

**Table G-2 San Luis Obispo County Land Use Ordinances Consistency Analysis**

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| c. **Pipeline facilities.**<br>(1) **Permit requirement - pipelines.**<br>(i) Where an existing or proposed pipeline is to be used for conveyance of toxic substances or highly volatile liquids (HVL) other than crude oil, and non-HVL liquefied petroleum products, development plan approval is required.<br>(ii) Development Plan approval is required for all surface facilities, pumping or booster stations for pipelines, except that such facilities included by Section d, Chapter 7, Part I of the Land Use Element under the definition of "Public Utility Facilities" are subject to the applicable permit requirements for that use.<br>(4) **Development standards.**<br>(i) Underground pipelines. The following standards apply to the development of proposed underground pipelines in addition to any that may be established during the permit review process. Standards for pipeline surface facilities shall be determined through Development Plan review.<br>(a) Prior to construction, the entire right-of-way shall be prominently staked. All property owners shall be notified at least 30 days prior to start of construction.<br>(b) Before entering upon any property for construction, the applicant shall demonstrate to the planning director that it has obtained the right to enter the property for purposes of such construction.<br>(c) Included in the land use permit application will be a plan for a route-specific cultural resources survey of the entire right-of-way. This shall include an identification and mitigation program for all known, or later identified sites.<br>(d) Restore the ground surface following underground installation to a condition compatible with adjacent properties and land uses.<br>(e) Prior to operation, there will be an | |

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| approved oil spill contingency and emergency response plan in place which details identification, cleanup and restoration procedures to be employed in the event of such a spill.<br>(f) After startup, use of the pipeline right-of-way shall be restricted to operational maintenance, inspection, repair, and protection of the pipeline.<br>(ii) Surface facilities. To be determined through Development Plan approval. | |
| **Title 22 Land Use Ordinance (LUO)** | |
| **Article 3: Site Planning and Project Design Standards** | |
| **22.10.155 - Stormwater Management.**<br>G. **General provisions.**<br>1. **Stormwater Quality Plan (SWQP).** In order to demonstrate compliance with this Section, applicants shall complete an SWQP application. Best Management Practices (BMPs) shall be in compliance with the Low Impact Development (LID) Handbook.<br>3. **Stormwater pollutants of concern.** Stormwater runoff from a site has the potential to contribute oil and grease, suspended solids, metals, gasoline, pesticides, and pathogens to the stormwater conveyance system. The development must be designed so as to minimize the introduction of pollutants that may result in significant impacts, generated from site runoff of directly connected impervious areas (DCIA), to the stormwater conveyance system as approved by the Building Official. In meeting this specific requirement, "minimization of the pollutants of concern" will require the incorporation of a BMP or combination of BMPs best suited to maximize the reduction of pollutant loadings in that runoff to the maximum extent practicable.<br>4. **Drainage plan required.** All projects subject to this Section shall require preparation of a Drainage Plan, pursuant to Section 22.52.110. Post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increased peak stormwater discharge rate will result in increased potential for downstream erosion. | **Potentially Consistent.** Physical development would only occur at the SMR. As part of the permitting process for the Rail Spur Project, the Applicant would have to submit to the County a Stromwater Quality Plan before final grading permits could be issued.<br>The exact timing of the construction activities for the Rail Spur Project are unknown and would depend upon the timing of obtaining all required permits. It is possible that construction could occur during October 15 and April 15, which would require the Applicant to prepare a sedimentation and erosion control plan for review and approval by the County. This plan would have to meet all of the requirements of the County.<br>As part of the Land Use Application to the County, the Applicant submitted a preliminary drainage plan. These are provided in Appendix A of the EIR. As part of final grading approval by the County, the Applicant would have to submit a final drainage plan for the Rail Spur Project that would have to be reviewed and approved by the County. Therefore, the Rail Spur Project would potentially be consistent with this provision of the Land Use Ordinance. |

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| 5. **Erosion and sedimentation control plan required.** All projects subject to this Section shall require the preparation of an erosion and sedimentation control plan pursuant to Section 22.52.120. Project plans shall include both construction phase and long-term Best Management Practices (BMPs) consistent with this Title to decrease the potential of slopes and/or channels from eroding and impacting stormwater runoff, including the following:<br>a. Safely convey runoff away from the tops of slopes and stabilize disturbed slopes.<br>b. Maximize the use of use natural drainage systems.<br>c. Stabilize permanent channel crossings.<br>d. Vegetate slopes with native or drought tolerant vegetation.<br>e. Install energy dissipaters (such as riprap) at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels in accordance with applicable specifications to minimize erosion. Approval of all agencies with jurisdiction (e.g. U.S. Army Corps of Engineers, California Department of Fish and Game, etc.) is required. | |
| **Article 5: Site Development Standards** | |
| ***Chapter 22.52: Grading and Drainage*** | |
| **22.52.050 - Grading Permit Required**<br>Where not otherwise exempt by Section 22.52.070 (Exemptions from Grading Permits) or authorized through the alternative review process pursuant to Section 22.52.080 (Alternative Review), a grading permit shall be obtained where grading is to occur meeting the definition set forth in Section 22.52.060 (Grading). A separate permit shall be required for each site and shall cover both excavations and fills. Contiguous sites being graded as one integrated project may be considered one site, as deemed appropriate by the Director, in order to enforce the requirements of this Chapter.<br>Even those activities that do not constitute grading as defined in this Chapter, or are exempt from grading permits, may be subject to other applicable sections in this ordinance. This includes requirements, such as preparation and approval of an erosion and sedimentation control plan, drainage plan, and/or stormwater pollution prevention plan.<br>In granting any permit in compliance with this Chapter, | **Potentially Consistent.** Grading would only occur at the SMR. As part of the Land Use Application to the County, the Applicant submitted preliminary grading plans. These are provided in Appendix A of the EIR. As part of final grading approval by the County, the Applicant would have to submit final grading plans for the Rail Spur Project that would have to be reviewed and approved by the County. These plans would have to meet all the County requirements for grading plans. Therefore, the Rail Spur Project would be potentially consistent provision of the Land Use Ordinance. |

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| the Director and, where provided, the Public Works Director, may impose conditions as necessary. These conditions may include requiring a licensed contractor to perform the work or a licensed professional (e.g. civil engineer, geotechnical engineer, etc.) to prepare plans or technical reports in order to prevent creation of a nuisance or a hazard to public health, public safety, or public or private property, or to assure conformity to the County General Plan. | |
| **22.52.090 - Review, Approval and Permits**<br>E. **Approvals.**<br>1. **Criteria for approval.**<br>a. **Grading plan.** A grading permit may be issued where the Director first finds, where applicable, that:<br>(1) Proposed grading is consistent with erosion and sedimentation control plan requirements (Section 22.52.120) and applicable standards (Section 22.52.150C);<br>(2) The proposed grading design is consistent with the characteristics and constraints of the site;<br>(3) The extent and nature of proposed grading is appropriate for the use proposed, and will not create site disturbance to an extent greater than that required to establish the use;<br>(4) Proposed grading is consistent with the intent of the General Plan and any applicable specific plan;<br>(5) Proposed grading will not result in accelerated erosion, stream sedimentation, significantly reduced groundwater recharge or other adverse effects or hazards to life or property;<br>(6) Proposed erosion and sedimentation control measures are appropriate for the degree of site disturbance proposed and characteristics of the site and will result in the establishment of a permanent vegetative cover on denuded areas not otherwise permanently stabilized;<br>(7) Unless overriding findings have been made through preparation of an Environmental Impact Report, the proposed grading will not create | **Potentially Consistent.** Grading and physical development would only occur at the SMR. As part of the Land Use Application to the County, the Applicant submitted preliminary grading plans. These are provided in Appendix A of the EIR. As part of final grading approval by the County, the Applicant would have to submit final grading plans for the Rail Spur Project that would have to be reviewed and approved by the County. These plans would have to meet all the County requirements for grading plans. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Land Use Ordinance. |

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| substantial adverse long-term visual effects;<br>(8) If the proposed grading is for the creation of a building site, a design for an access road, if necessary, shall be approved with the grading permit;<br>(9) Adequate sewage disposal and water supplies are available;<br>(10) Project plans and approvals comply with General Construction Permit and NPDES Phase II provisions, including the preparation of a stormwater pollution prevention plan, if applicable; and<br>(11) The proposed grading complies with the air quality control procedures identified in Section 22.52.160C.<br>(12) If the proposed grading is to accommodate non-agricultural development on agricultural land, the non-agricultural development has been located off of prime agricultural soils to the maximum extent feasible.<br>b. **Drainage plan.** All drainage plans shall be submitted to the Public Works Director for review, and are subject to the approval of the Public Works Director, prior to issuance of a land use, grading or construction permit, as applicable. | |
| **22.52.110 - Drainage Plan Required**<br>A. **Requirements.** Drainage plans shall be prepared and submitted for review and approval by the Public Works Director, where required by this Title, by Article 9 (Planning Area Standards), or where a project:<br>1. Increases or decreases runoff volume or velocity leaving any point of the site beyond those that existed prior to site disturbance activities; or<br>2. Involves a land disturbance (grading, or removal of vegetation down to duff or bare soil, by any method) of more than 20,000 square feet; or<br>3. Will result in an impervious surface of more than 20,000 square feet; or<br>4. Is subject to local ponding due to soil or topographic conditions; or | **Potentially Consistent.** Physical development would only occur at the SMR. As part of the Land Use Application to the County, the Applicant submitted a preliminary drainage plan. These are provided in Appendix A of the EIR. As part of final grading approval by the County, the Applicant would have to submit a final drainage plan for the Rail Spur Project that would have to be reviewed and approved by the County. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Land Use Ordinance. |

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| 5. Is located in an area identified by the Public Works Director or building inspector as having a history of flooding or erosion that may be further aggravated by or have a harmful effect on the project or adjoining properties; or<br>6. Is located within a Flood Hazard (FH) combining designation; or<br>7. Is located over a known high recharge area identified by the Public Works Director; or<br>8. Involves land disturbance or placement of structures within 100 feet of the top bank of any watercourse shown with a blue line on the most current USGS 7½ minute quadrangle map; or<br>9. Involves hillside development on slopes steeper than 10 percent; or<br>10. May, by altering existing drainage, cause an on-site erosion or inundation hazard, or change the off-site drainage pattern, including, but not limited to any change in the direction, velocity, or volume of flow. | |
| **22.52.120 - Erosion and Sedimentation Control Plan Required**<br>A. **Requirements.** An erosion and sedimentation control plan shall be required year-round for the following types of projects:<br>1. **Construction and grading.** All construction and grading permit projects.<br>2. **Site disturbance activities.** Any site disturbance activities involving removal of one-half acre or more of native vegetation in any of the following areas:<br>a. Geologically unstable areas.<br>b. On slopes in excess of 30 percent.<br>c. On soils rated by the National Resources Conservation Service (NRCS) as being highly erodible.<br>d. Within 100 feet of any watercourse shown on the most current 7-1/2 minute USGS quadrangle map.<br>C. **Stormwater Quality Plan (SWQP).** All erosion and sedimentation control plans shall be accompanied with a complete SWQP application, unless exempted by the Director or the Public Works Director. Best Management Practices (BMPs) shall be in compliance with the Low Impact Development (LID) Handbook. | **Potentially Consistent.** Physical development would only occur at the SMR. The Applicant would be required to prepare a sedimentation and erosion control plan for review and approval by the County. This plan would have to meet all of the requirements of the County. With the submittal of a sedimentation and erosion control plan, the Rail Spur Project would be potentially consistent with this provision of the Land Use Ordinance. |

**Table G-2 San Luis Obispo County Land Use Ordinances Consistency Analysis**

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| D. **Erosion and sedimentation control plan content.** An erosion and sedimentation control plan shall address pre-construction, during construction, and post-construction measures. Measures shall be in place to control erosion and sedimentation prior to the commencement of grading and site disturbance activities unless the Director of Planning and Building or the Public Works Director determines temporary measures to be unnecessary based upon location, site characteristics or time of year. | |
| **22.52.130 - Stormwater Pollution Prevention Plan (SWPPP) Required.**<br>A. **Requirement Criteria.** Unless exempted by Subsection B, a Stormwater Pollution Prevention Plan (SWPPP) is required prior to issuance of grading and/or construction permits, and/or prior to approval of subdivision improvement plans, for a project that involves clearing, grubbing, grading, or disturbance to the ground such as stockpiling or excavation that:<br>1. Results in site disturbance of one acre or more of land area; or<br>2. Results in site disturbance of less than one acre if the activity is part of a larger common plan of development that encompasses one acre or more of site disturbance. | **Potentially Consistent.** Physical development would only occur at the SMR. Mitigation measure GR-2 requires that during construction and operations, the Applicant shall implement a Storm Water Pollution Prevention Plan using Best Management Practices and monitor and maintain stormwater pollution control facilities identified in the Storm Water Pollution Prevention Plan, in a manner consistent with the provisions of the Federal Water Pollution Control Act (National Pollutant Discharge Elimination System Program). Stormwater management protection measures and wet weather measures shall be designed by a California registered, Qualified Storm Water Pollution Prevention Plan Developer. In addition, a California registered, Qualified Storm Water Pollution Prevention Plan Practitioner shall oversee and monitor construction and operational Best Management Practices and stormwater management, in accordance with the State General Construction Permit and the Central Coast Regional Water Quality Control Board. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Land Use Ordinance. |
| **22.52.140 - Groundwater Recharge**<br>A. **Requirements.** Groundwater recharge elements must be included in the project design to mitigate the impacts on recharge caused by the reduction in the permeability of soil areas on the site, except when any of the following site characteristics exist:<br>1. High groundwater in the area limits the effectiveness of recharge efforts or enhancing groundwater recharge would create additional problems related to high groundwater.<br>2. The entire site being developed is shown to contain impervious soils that would not benefit from recharge efforts.<br>3. There is a known geologic instability that would be negatively impacted by increased groundwater recharge. | **Potentially Consistent.** The only groundwater use would occur at the SMR. Drainage at Rail Spur Project Site would not be materially affected by the proposed development, and most of the site would continue to drain as it currently does. The site is composed of sandy material that supports percolation of runoff into the ground. The drainage from the elevated cover over the unloading rack area would be diverted to retentions basin that will allow the water to percolate into the ground, thereby supporting groundwater recharge. Therefore, the Rail Spur Project would be potentially consistent with this provision of the Land Use Ordinance. |

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| 4. It can be demonstrated that no additional runoff will occur from the development.<br>5. Federal or state regulations prohibit recharge.<br>B. **Groundwater recharge.** All areas on the project site that will become impervious or will have their soil permeability impaired (such as compaction of soil under an all weather driveway) must be mitigated to the maximum extent practicable with recharge enhancement elsewhere on the parcel. Offsite mitigation is a secondary alternative. | |

Source: Titles 22 and 23 and the San Luis Obispo County Land Use Ordinance; Available at: http://www.slocounty.ca.gov/planning/General_Plan__Ordinances_and_Elements/Land_Use_Ordinances.htm

**Table G-3 San Luis Obispo County Area Plan Policy Consistency Analysis**

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|---|---|
| **South County Coastal Area Plan** | |
| **Chapter 4: Circulation** | |
| ***A. Roads*** | |
| **Principal Arterials**<br>State Highway 1 - Caltrans has proposed realignments in the Callender- Garrett village area and some rights-of-way have been acquired. Due to state budget cutbacks in highway funding, the project has been postponed indefinitely; however, the proposed realignment is shown on the plan and it is expected to be a long-term proposal. Wherever possible, direct access should not be allowed onto the highway from adjacent properties. Access should be from local and collector streets. (LCP) | **Potentially Consistent.** The Rail Spur Project would not involve the construction on any new principal arterials. Access to the site would be from the existing SMR access road off of State Highway 1. A new emergency access road would be constructed that would connect with State Highway 1. This is an existing road on the SMR property that would be upgraded to meet Cal Fire requirements. |
| ***B. Other Transportation Modes*** | |
| **Rail**<br>The Southern Pacific Railroad provides freight service in the area with rail spurs to serve the industrial development on the mesa. This service is expected to remain and could possibly expand if additional industrial development occurs. (LCP) | **Potentially Consistent.** The Rail Spur Project would extend an existing rail spur that currently enters the SMR refinery. No new rail spurs from the Union Pacific Railroad mainline track would be built. |
| **Chapter 6: Land Use** | |
| ***A. Rural Area Land Use*** | |
| **Agriculture**<br>Agriculture has historically been, and still is, the most widespread use of land in the South County Planning Area. Agricultural practices of varying degrees of intensity involve over two-thirds of the planning area. Any appreciable loss in farm acreage should be avoided. (LCP) | **Potentially Consistent.** Physical development would only occur at the SMR. The Rail Spur Project would convert Important Agricultural Soils to non-agricultural uses. However, the proposed use would not disturb existing grazing activities and this area is not currently used for intense agricultural production. Substantial site and regulatory constraints would make the future agricultural use of these soils unlikely. Therefore, the project would not result in an appreciable loss of farm acreage, consistent with this policy. |
| **Industrial**<br>The large industrial area west and south of Highway 1 is currently occupied by the Santa Maria Oil Refinery (operated by Union Oil Company of California) and the Santa Maria Chemical Plant operated by the Union Chemical Division, Carbon Group. These uses occupy only a portion of the total area, and the large vacant areas provide a desirable buffer from adjacent uses and an area where wind-carried pollutants can be deposited on-site, thereby not affecting neighboring properties. This is particularly important to the agricultural uses in the Santa Maria Valley. Any proposed modification or expansion of the refinery and coke ovens should be subject to Development Plan approval covering the entire property to designate buildable and open space | **Potentially Inconsistent.** The Rail Spur Project proposes alterations to the existing refinery and coke processing facilities that would require an extension of industrial development into vacant areas that are recognized by the policy as providing a desirable buffer from adjacent uses. The proposed development would be subject to development plan approval, consistent with this policy. The policy recognizes that expansion of industrial uses in the vacant portion of the Rail Spur Project Site may be appropriate in the future to accommodate offshore oil and gas lease sales, but does not envision expansion for other purposes such as those proposed in the Rail Spur Project. Therefore, the project may be inconsistent with this policy. |

**Table G-3 San Luis Obispo County Area Plan Policy Consistency Analysis**

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| areas. No major expansion or alterations to these operations are envisioned at this time. Proposed offshore oil and gas lease sales, however, may generate the need for onshore partial oil and gas processing facilities. The siting of such facilities may be appropriate in this area due to similarities in scale and use, adequate vacant lands, and proximity to areas being considered for lease. (LCP) | |
| **Chapter 8: Planning Area Standards** | |
| ***A. South County Rural Area Standards*** | |
| **AREAWIDE: Site Design and Construction**<br>5. Sloping Sites. Development Plan proposals for sites with varied terrain are to include design provisions for concentrating developments on moderate slopes, with the steeper slopes visible from public roads remaining undeveloped. (LCP) | **Potentially Consistent.** Physical development would only occur at the SMR. The Rail Spur Project would be built on terrain that is mainly flat. Some of the rail lines that would serve the unloading facilities would be on gentle slopes. All of the major unloading facilities would be built on flat terrain. Preliminary grading plans are provided in Appendix A. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| **AREAWIDE: Agriculture, Nipomo and Santa Maria (Oso Flaco) Valleys**<br>The following standards apply only to lands in the Nipomo and Santa Maria valleys (see Figure 2). (LCP)<br>1. **Limitation on Use. U**ses allowed by Coastal Table O, Part I of the Land Use Element are limited to: agricultural processing; agricultural accessory structures; crop production and grazing; animal raising and keeping; farm labor quarters; residential accessory uses; single family dwellings; mobilehome dwellings; temporary dwellings; roadside stands; pipelines and power transmission; water wells and impoundments; and coastal accessways. (LCP) | **Potentially Consistent.** The Rail Spur Project would result in road improvements on a parcel in the Agriculture land use category. This would be an allowable accessory use, consistent with this policy. |
| **INDUSTRIAL: Union Oil**<br>The following standards apply to the large industrial area west and south of Highway 1 currently occupied by the Santa Maria Oil Refinery and the Santa Maria chemical plant. (LCP)<br>l. **Permit Requirements.** Any proposed modification or expansion of the existing refinery or coke oven or the construction of partial oil and gas processing facilities to service off-shore derived oil and gas that involves land area beyond that presently developed requires Development Plan approval and shall be subject to the following: (LCP)<br>a. Phasing plan for staging development indicating the anticipated time table and site plans for project initiation, expansion possibilities, completion, consolidation | **Potentially Inconsistent.** The Rail Spur Project would be subject to development plan approval, consistent with this policy. It includes a fire protection system, spill prevention control and countermeasure plan, and screening of the proposed facilities through mitigation proposed in this EIR. The proposed uses are within those permitted at the Rail Spur Project Location. Biological surveys have been conducted to minimize impacts to sensitive plant species and various alternative designs for the rail extension were considered prior to selection of the preferred alternative based on its minimization of environmental effects on dune habitat and need for ground disturbance and grading. The Rail Spur Project does not propose any development on areas west of the UPRR, consistent with the buffer zone requirements of this policy. |

**Table G-3 San Luis Obispo County Area Plan Policy Consistency Analysis**

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| possibilities, and decommissioning. (LCP)<br>b. A fire protection system approved by the governing authority. (LCP)<br>c. Screening of the facilities from public view through height limitations, careful site design, artificial contoured banks and mounding, extensive landscaping, and decorative walls and fences. (LCP)<br>d. Any part of the facilities that cannot effectively be screened by the above methods shall be painted with non-reflective paint of colors that blend with the surrounding natural landscape. (LCP)<br>e. Oil spill contingency plan (using most effective feasible technology) indicating the location and type of cleanup equipment, designation of responsibilities for monitoring, cleanup, waste disposal and reporting of incidents and provisions for periodic drills by the operator, as requested by the county, to test the effectiveness of the cleanup and containment equipment and personnel. (LCP)<br>2. **Limitation on Use.** All uses are prohibited except petroleum refining and related industries (including partial oil and gas processing and related industries); coastal accessways; water wells and impoundments; and pipelines and power transmissions. No off-road vehicular use is permitted other than for management of the industrial and natural areas. (LCP)<br>3. **Site Location.** Site location shall minimize impacts to identified rare and endangered plant species and be located to provide a buffer from exposed dune areas on site. A qualified biologist shall survey the site and make recommendations on siting alternatives and appropriate mitigation. (LCP)<br>4. **Buffer Zones.** No facilities shall be located in the area west of the railroad, which shall serve as a protective, natural buffer separating the heavy industrial use from the recreational activities within the dunes. This buffer area shall be managed cooperatively between the property owners and the California Department of Parks and Recreation to encourage dune revegetation and stabilization within the buffer area. A buffer area shall be required to reduce impacts to the nearby residential areas. (LCP)<br>5. **Air Pollutions Standards.** Any expansion or modification of existing petroleum processing or | The SMR has an approved Spill Prevention Control and Countermeasure Plan. Mitigation Measure PS-3c requires that this plan be updated to include the Rail Spur facilities and reviewed and approved by the County prior to start-up of the facilities.<br><br>The SMR has an approved Emergency Response Plan. Mitigation Measure PS-3b requires that this plan be updated to include the Rail Spur facilities and reviewed and approved by the County prior to start-up of the facilities.<br><br>Mitigation measure PS-3a requires the facility to have a Fire Protection Plan that meets the applicable requirements of API, NFPA, UFC, and Cal Fire. This plan would have to be reviewed and approved by Cal Fire prior to a notice to proceed.<br><br>As identified in Section 4.3, Air Quality, the Rail Spur Project would generate criteria pollutant air emissions due to the construction equipment and fugitive dust, operations of the rail spur unloading facilities, project-related offsite vehicles emissions, and rail transportation of the crude oil. Implementation of mitigation measures AQ- 2a and AQ-3b would reduce criteria pollutant emissions to less than significant levels within SLOC. As part of these mitigation, the Applicant would have to provide emission offsets for the unloading and rail operations within the SMR property. However, the County may be pre-empted from requiring offsets for mainline rail emissions or for requiring the use of Tier 4 locomotives. Without out this use of Tier 4 locomotives, it is unlikely that DPM emissions at the SMR can be reduced below the SLOCAPCD significance threshold, which would not be consistent with APCD standards.<br><br>As discussed in Section 4.3, Air Quality, the air toxic emissions from the operation of the Rail Spur Project would exceed the acceptable cancer risk levels determined by the SLOCAPCD, based upon a health risk assessment. Operation of the proposed Rail Spur Project at the SMR would exceed the cancer risk threshold. This would not be consistent with APCD standards.<br><br>Therefore, the Rail Spur Project would be potentially inconsistent with this policy. |

**Table G-3 San Luis Obispo County Area Plan Policy Consistency Analysis**

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| transportation facilities or the construction of new facilities shall meet San Luis Obispo County Air Pollution District (APCD) standards. (LCP) | |

Source: San Luis Obispo County Area Plans, Available at: http://www.slocounty.ca.gov/planning/General_Plan__Ordinances_and_Elements/Area_Plans.htm

**Table G-4 San Luis Obispo County Air Pollution Control District Clean Air Plan and SLOCOG 2010 Transportation Plan Consistency Analysis**

| Policy | Preliminary Consistency Analysis |
|---|---|
| **SLOCAPCD Clean Air Plan** | |
| **Stationary and Transportation Source Measures** | |
| **Existing rules and regulations** | As identified in Section 4.3, Air Quality, the Rail Spur Project would generate criteria pollutant air emissions due to the construction equipment and fugitive dust, operations of the rail spur unloading facilities, project-related offsite vehicles emissions, and rail transportation of the crude oil. Implementation of mitigation measures AQ- 2a and AQ-3b would reduce criteria pollutant emissions to less than significant levels within SLOC. As part of these mitigation, the Applicant would have to provide emission offsets for the unloading and rail operations within the SMR property. However, the County may be pre-empted from requiring offsets for mainline rail emissions or for requiring the use of Tier 4 locomotives. Without out this use of Tier 4 locomotives, it is unlikely that DPM emissions at the SMR can be reduced below the SLOCAPCD significance threshold, which might not be consistent with some of the APCD rules and regulations.<br><br>As discussed in Section 4.3, Air Quality, the air toxic emissions from the operation of the Rail Spur Project would exceed the acceptable cancer risk levels determined by the SLOCAPCD, based upon a health risk assessment. Operation of the proposed Rail Spur Project at the SMR would exceed the cancer risk threshold. Toxic emissions from the locomotives operating on the mainline rail routes in SLOC would exceed the cancer risk threshold for area where speeds are limited to 30 miles per hour or less. This might not be consistent with some of the APCD rules and regulations.<br><br>However, the Applicant would have to obtain and Authority to Construct (ATC) and Permit to Operate (PTO) from the SLOCAPCD for the Rail Spur Project. This would assure that the project complies with all the rules and regulations of the SLOCAPCD. The requirement to obtain these permits would assure the project is consistent with this policy. |
| **SLOCOG 2010 Transportation Plan** | |
| ***Rail*** | |
| Rail 1: Increase the frequency, reliability, and convenience of intercity passenger rail services and the amenities needed for comfortable and convenient travel. | **Potentially Consistent.** The Rail Spur Project would add two more trains per day to the UPRR mainline tracks, which would increase rail traffic. As discussed in Section 4.12, Transportation and Circulation, the addition of these two trains per day would not affect the on time performance of the existing passenger train |

**Table G-4 San Luis Obispo County Air Pollution Control District Clean Air Plan and SLOCOG 2010 Transportation Plan Consistency Analysis**

| Policy | Preliminary Consistency Analysis |
|---|---|
| | service. SLOCOG has been working with other agencies and UPRR to add the Coast Daylight passenger train, which would provide service between Los Angeles and San Francisco. This is discussed in the Section 4.12.5, Cumulative Transportation Impacts. A number of studies have been conducted covering the addition of this new passenger rail service. All the studies agree that some amount of improvements would be needed to the UPRR mainline between San Luis Obispo and San Jose. However, there is disagreement about want the level of improvements would need to be. Studies done by the State and other local agencies have determined that relatively minor improvements would be needed to begin the service. A Study done by UPRR has determined that major improvements would be need between Los Angeles and San Jose before the service could begin.<br><br>All of these studies assumed an increase in freight traffic along the UPRR mainline ranging from an additional two to six freight trains per day. The addition of the Rail Spur Project trains would be within the projected increase in all the studies, and therefore, would not affect the projected improvements needed to begin the Coast Daylight passenger train service. As such, the Rail Spur Project would be potentially consistent with this policy. |
| Rail 6: Continue to support acquisition of sufficient equipment and construction of necessary improvements to offer services between San Francisco and Los Angeles along and through the coast route. | **Potentially Consistent.** The Rail Spur Project would add two more trains per day to the UPRR mainline tracks, which would increase rail traffic. As discussed in Section 4.12, Transportation and Circulation, the addition of these two trains per day would not affect the on time performance of the existing passenger train service. SLOCOG has been working with other agencies and UPRR to add the Coast Daylight passenger train, which would provide service between Los Angeles and San Francisco. This is discussed in the Section 4.12.5, Cumulative Transportation Impacts. A number of studies have been conducted covering the addition of this new passenger rail service. All the studies agree that some amount of improvements would be needed to the UPRR mainline between San Luis Obispo and San Jose. However, there is disagreement about want the level of improvements would need to be. Studies done by the State and other local agencies have determined that relatively minor improvements would be needed to begin the service. A Study done by UPRR has determined that major improvements would be need between Los Angeles and San Jose before the service could begin. |

**Table G-4 San Luis Obispo County Air Pollution Control District Clean Air Plan and SLOCOG 2010 Transportation Plan Consistency Analysis**

| Policy | Preliminary Consistency Analysis |
|---|---|
| | All of these studies assumed an increase in freight traffic along the UPRR mainline ranging from an additional two to six freight trains per day. The addition of the Rail Spur Project trains would be within the projected increase in all the studies, and therefore, would not affect the projected improvements needed to begin the Coast Daylight passenger train service. As such, the Rail Spur Project would be potentially consistent with this policy. |
| Rail 8: Minimize street, road and highway conflicts with railroad facilities by encouraging grade separated crossings, safety gates, and closing at-grade facilities where possible and discouraging intensification of vehicles at existing at-grade facilities | **Potentially Consistent.** The Rail Spur Project would not result in any new public at-grade crossings. Therefore, the Rail Spur Project would be potentially consistent with this policy. |
| Rail 9: Discourage the establishment of any additional at-grade rail crossings. | **Potentially Consistent.** The Rail Spur Project would not result in any new public at-grade crossings. The project would have a number of new private at-grade crossings that would be located within the SMR. Since the Rail Spur Project would not result in the establishment of any new at-grade crossings outside of the SMR property, the project would be potentially consistent with this policy. |

**Table G-5 AB 32 Consistency Analysis**

In February 2014, CARB released a Proposed First Update to the Climate Change Scoping Plan (Scoping Plan Update), which contemplates Executive Order S-3-05's year 2050 reduction target. The Final Scoping Plan Update was formally approved by CARB in May 2014. The Scoping Plan Update states that achieving the 2050 target will require the pace of GHG emissions reductions in California to accelerate significantly, declining several times faster than the rate needed to reach the 2020 emissions reduction target. However, the Scoping Plan Update does not quantify the emissions reductions that can be achieved in various market sectors to meet a 2050 target, nor does it identify strategies that would ensure attainment of a statewide reduction target for 2050. The Scoping Plan Update also includes a summary of recommended actions for state agencies to take to help achieve midterm goals, but does not identify strategies that should be implemented at a project level to meet the post-2020 goals.

In April, 2015, Governor Brown issued Executive Order B-30-15 establishing “A new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030 . . . in order to ensure California meets its target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050.”

The CEQA significance threshold used in the EIR as recommended by the SLOCAPCD CEQA Air Quality Handbook, demonstrates that the project is consistent with both the Executive’s and the Legislature’s GHG emissions reductions goals for 2020, 2030 and 2050 as it is new development. The SLOCAPCD *GHG Thresholds and Supporting Evidence* report dated March 2012 states that "The AB 32 target of reducing GHG emissions to 1990 levels by 2020 represents an initial step toward achieving the longer term goal of Executive Order S-3-05, which calls for reducing GHG emissions to 80% below 1990 levels by 2050; this equates to less than 2 metric tons of GHGs per capita. Reducing GHG emissions from new development alone cannot provide sufficient GHG reductions to achieve this long-term target. Therefore, climate action plans should address energy use and emissions from existing development as well. In its review of climate action plans, the APCD recommends aggressive and innovative strategies to achieve emission reductions from existing as well as new development."

The SLOCAPCD report also states that, for new development such as the proposed project, "Staff’s recommended significance threshold for stationary source GHG emissions (10,000 MTCO2e) to be evaluated under CEQA uses the Governor’s Executive Order S-3-05 emission reduction goals as its basis." This is because the threshold was developed to capture over 90% of GHG emissions from new development.

Therefore, the proposed project is consistent with both the AB32 near-term reduction target and the Executive Orders S-3-05 and B-30-15, as the development of the CEQA thresholds by the SLOCAPCD were intended to address the longer term goal of the year 2050. Therefore, with mitigation measure AQ-6, the project supports and does not impede future state efforts for accelerated emission reductions statewide, demonstrating consistency with the Executive’s 2030 and 2050 reduction targets.

At the time of this writing, no regulatory guidance exists for determining whether a project’s total emissions are consistent with the Executive’s 2050 reduction target. Studies relied upon by CARB in developing the Scoping Plan Update conclude that achieving GHG emissions reductions of 80 percent below 1990 levels in 2050 would require more than project-by-project

mitigation and would, instead, require a dramatic transformation of the state's building, transportation and energy sectors. These studies generally agree that meeting the target would require reducing electricity demand through energy efficient and zero net energy buildings, decarbonizing the transportation sector through increased reliance on fuel efficiency, electric and alternative fuel vehicles, and decarbonizing the state's electricity resource portfolio. (Greenblatt 2012, Williams 2012, Wei 2013.) The studies relied on by CARB also conclude that meeting any one of these goals would be insufficient to meet the Executive's 2050 target, and that the state as a whole must progress toward all three objectives simultaneously.

The studies relied upon by CARB also recognize that some of the technologies that are necessary to achieve the Executive's reduction target for 2050 are either not currently or not widely commercially available. (Greenblatt 2012, Williams 2012, Wei 2013.) In the Scoping Plan Update, CARB acknowledged that the state "will need to monitor the market and technology progress alongside emissions, and continue to rely on strong supporting research as it builds on its climate policy framework." In short, broader state efforts are necessary to complement the City's efforts in attaining the Executive's 2050 emission reduction target.

Pursuant to Mitigation Measure AQ-6, the Applicant is required to provide GHG emission reduction credits for all of the project GHG emissions for the life of the project. Compliance with this mitigation measure would ensure that the proposed project would support and not impede GHG emissions reduction measures estimated today by the SLOCAPCD to be necessary to achieve the Executive's 2050 (and thereby the 2030) targets. However, mitigation measure AQ-6 may be preempted by Federal law and thereby preventing the implementation of AQ-6, resulting in significant and unavoidable GHG emissions impacts.

An important note, however, is that transportation fuels purchased within California would be covered by the CARB Cap-and-Trade program, which is an AB32 and Scoping Plan program designed to reduce GHG emissions from over 80% of California's GHG sources, including transportation sources. Although the Cap-and-Trade program has not been designed past the year 2020, the CARB has indicated that the program will continue and would be used to achieve the interim 2030 and 2050 Executive targets. Therefore, even without the implementation of AQ-6, if the locomotive diesel fuels are purchased within California, the GHG emissions would be part of a statewide program to reduce GHG emissions and the proposed project would support and would not impede future state efforts for accelerated emission reductions statewide, demonstrating consistency with the Executive's 2030 and 2050 reduction targets. Modern locomotives have a fuel capacity between 4,000 and 5,000 gallons, translating into a range of about 1,000 miles. As the distance within California round trip would be about 1,300 miles, locomotives would be required to purchase some fuel within California.

**References**

Greenblatt, Jeffery et al. 2012. California's Energy Future: Portraits of Energy Systems for Meeting Greenhouse Gas Reduction Targets. September 2012.

Wei, Max et al. 2013. Deep Carbon Reductions in California Requires Electrification and Integration Across Economic Sectors. Environmental Research Letters. March 12, 2013.

Williams, James H et al. 2012. The Technology Path to Deep Greenhouse Gas Emission Cuts by 2050: The Pivotal Role of Electricity. Science Magazine. January 6, 2012.