

# CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

## Paso Basin Land Use Management Area (PBLUMA) Planting Ordinance

### I. PROJECT DESCRIPTION

The proposed Paso Basin Land Use Management Area (PBLUMA) Planting Ordinance (“planting ordinance,” “ordinance,” or “proposed project”) consists of a new ordinance framework that would allow the County of San Luis Obispo (County) to continue exercising its land use authority to regulate planting of production agriculture irrigated from groundwater wells within the PBLUMA after the termination of the existing agricultural offset requirements (on the effective date of the proposed planting ordinance or August 31, 2023, whichever occurs first). The new ordinance would allow an exemption for farms to plant irrigated crops that were not able to be planted under the agricultural offset requirements. The proposed ordinance would require a planting permit or exemption verification for new or expanded planting of crops irrigated from groundwater wells within the PBLUMA.

The PBLUMA consists of 313,661 acres within the northeastern portion of the San Luis Obispo County and includes the unincorporated communities of Shandon, San Miguel, Creston, and Whitley Gardens. The majority of land within the PBLUMA is designated as Agriculture, Rural Lands, and Residential Rural by the County General Plan. Existing uses within the PBLUMA include agricultural uses, including seasonal grazing; residential, commercial, and industrial uses; and vacant, undeveloped land.

The proposed planting ordinance would allow an exemption for farms to plant irrigated crops that were not able to be planted under the existing agricultural offset requirements. The proposed ordinance would require a planting permit or exemption verification for new or expanded planting of crops irrigated from groundwater wells within the PBLUMA. It is noted that issuance of planting permits and exemptions allowed under the proposed ordinance would be considered ministerial and would not require discretionary actions. As such, when administering the planting ordinance, County staff could only apply objective criteria to planting permits. The proposed ordinance is assumed to be in effect from January 31, 2023 to January 31, 2045, for a total of 22 years.

**Planting Permit.** Under the proposed ordinance, new crop plantings that would be “water neutral” would be eligible for a ministerial planting permit. In this context, “water neutrality” refers to a balanced water demand inventory, where new crops are replacing previous crops and do not result in an overall increase in estimated water demand from groundwater wells within the PBLUMA. Environmental impacts of activities allowed by planting permits are accounted for in the Program Environmental Impact Report (PEIR), and no additional California Environmental Quality Act (CEQA) review would be necessary.

**Exemption.** The proposed ordinance would also exempt new or expanded crop plantings with an estimated total water demand of 25 acre-feet per year (AFY) or less per site, including existing crops, with a site defined as contiguous parcels under common ownership upon the ordinance effective date. The property owner would be required to submit a planting plan and

ownership verification for approval by the County prior to planting. Environmental impacts of exempt plantings are accounted for in the PEIR, and no additional CEQA review would be necessary.

**Outstanding Agricultural Offset Clearances/Exemptions.** Under the proposed ordinance, persons with agricultural offset clearances/exemptions issued under the existing agricultural offset requirements would be issued a new planting permit subject to the timelines and extension requirements of the new ordinance. Persons with a 5-AFY exemption from the agricultural offset requirements would be able to submit an updated planting plan to increase their total estimated irrigation for crops on site to up to 25 AFY under the new ordinance exemption standard. As described above, the environmental impacts of exempt plantings are accounted for in the PEIR, and no additional CEQA review would be necessary.

The PEIR analyzes proposed project activities of site preparation/development, crop planting, crop maintenance, and harvesting. As a reasonable impact scenario, the County has estimated approximately 240 acres of previously uncultivated land would be affected by the proposed ordinance in the first year it is in effect, with an approximately 240-acre increase per year, for a total of 5,280 acres affected by January 31, 2045. This would equate to an annual increase in groundwater use of approximately 450 AFY, for a total increase of 9,900 AFY by January 31, 2045. See Section 2, *Project Description*, of the Final PEIR for a detailed discussion of the proposed project elements and activities.

The proposed ordinance would only regulate new and expanded planting of crops irrigated from groundwater wells within the PBLUMA; the ordinance would not allow new or expanded plantings not authorized by a planting permit or within the 25-AFY exemption. It is also reasonably assumed that new and expanded plantings would be predominately in rural, agricultural areas of the PBLUMA.

It is important to note the proposed ordinance would only regulate new and expanded crop production land uses irrigated from groundwater wells within the PBLUMA. The ordinance would not allow new or expanded plantings not authorized by a planting permit or within the 25-AFY exemption. Existing crop production irrigated from groundwater wells within the PBLUMA would not be affected by the proposed ordinance. The existing overdraft conditions in the Paso Robles Subbasin, which are projected to be 13,700 AFY in the Paso Robles Subbasin Groundwater Sustainability Plan (GSP), will be addressed through management actions implemented by the Groundwater Sustainability Agencies (GSAs). Such actions are separate from the proposed project and therefore are not subject to this PEIR.

The County of San Luis Obispo staff recommend approval of the proposed project (for which these CEQA Findings are prepared). As discussed in Section 6, *Alternatives*, of the PEIR, the No Exemptions Alternative (Alternative 4) was determined to be the environmentally superior alternative but fails to meet the project objectives. Therefore, County staff recommend approval of the proposed project, as described in Section 2, *Project Description*, of the PEIR, with the incorporation of the mitigation measures identified in Attachment H, *Mitigation Monitoring and Reporting Program*, of the Final PEIR.

The proposed project is described in more detail in the Staff Report accompanying these findings.

## **II. THE RECORD**

For the purposes of CEQA and the Findings IV-VI, the record of the Planning Commission and the Board of Supervisors relating to the proposed project includes:

1. Documentary and oral evidence received and reviewed by the Planning Commission and the Board of Supervisors during the public hearings on the project.
2. The Paso Basin Land Use Management Area (PBLUMA) Planting Ordinance Final PEIR (September 2022).
3. The Paso Basin Land Use Management Area (PBLUMA) Planting Ordinance Staff Reports prepared for the Planning Commission and Board of Supervisors hearings.
4. Presentations to advisory committees and the scoping meeting for the Draft PEIR on September 1, 2021.
5. Matters of common knowledge to the Commission and Supervisors which they consider, such as:
  - a. The San Luis Obispo County Code;
  - b. The County General Plan, including the land use maps and elements thereof;
  - c. The California Environmental Quality Act (CEQA) and the *CEQA Guidelines*;
  - d. The County of San Luis Obispo CEQA Guidelines;
  - e. The County of San Luis Obispo Resources Summary Report;
  - f. The San Luis Obispo Air Pollution Control District (SLOAPCD) Clean Air Plan (CAP);
  - g. The County of San Luis Obispo Public Facilities Financing Plan;
  - h. The Countywide Settlement Pattern Strategy Phase 1 and 2 Reports;
  - i. The Countywide Smart Growth Ordinance;
  - j. The Countywide Growth Management Ordinance;
  - k. Other formally adopted County, State, and federal regulations, statutes, policies, and ordinances; and
  - l. Additional documents referenced in the Final PEIR for the Paso Basin Land Use Management Area Planting Ordinance.
6. Recommendation by the Planning Commission.

## **III. CERTIFICATION OF THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT**

The Board of Supervisors certifies the following with respect to the Paso Basin Land Use Management Area (PBLUMA) Planting Ordinance Final PEIR:

- A. The Board of Supervisors has reviewed and considered the Paso Basin Land Use Management Area (PBLUMA) Planting Ordinance Final PEIR.
- B. The Final PEIR for the Paso Basin Land Use Management Area (PBLUMA) Planting Ordinance has been completed in compliance with CEQA.

- C. The Final PEIR, including all related public comments and responses, have been presented to the Planning Commission and Board of Supervisors and they have reviewed and considered the information contained in the Final PEIR and testimony presented at the public hearings prior to approving the Paso Basin Land Use Management Area (PBLUMA) Planting Ordinance.
- D. The Paso Basin Land Use Management Area (PBLUMA) Planting Ordinance Final PEIR reflects the independent judgment of the Board of Supervisors, acting as the decision makers on behalf of the CEQA lead agency for the project.

<b>IV. FINDINGS FOR IMPACTS IDENTIFIED AS NO IMPACT (Class IV) OR LESS THAN SIGNIFICANT (Class III)</b>
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*The findings below are for Class IV impacts. A Class IV impact means the project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.*

**A. Geology and Soils (Class IV)**

- 1. **Septic Tanks and Alternative Wastewater Disposal Systems.** Existing residences within the PBLUMA are connected to septic systems for wastewater. The proposed planting ordinance would not result in construction of new housing or structures or result in new uses requiring septic tank systems. Therefore, no impact involving septic tanks or alternative disposal systems would occur.

**B. Population and Housing (Class IV)**

- 1. **Potential Population and/or Housing Displacement.** The proposed planting ordinance would result in new and expanded agricultural activities, which would not result in displacement of people or housing. Therefore, no impact involving displacement of people or housing would occur.

**C. Public Services (Class IV)**

- 1. **Schools.** The proposed planting ordinance is not anticipated to induce construction of agricultural worker housing beyond baseline trends or result in population growth that would increase demand for school. Therefore, no impact to schools would occur.
- 2. **Parks and Other Public Facilities.** The proposed planting ordinance is not anticipated to induce construction of agricultural worker housing beyond baseline trends or result in population growth that would increase demand for parks or other public facilities. Therefore, no impact to parks or other public facilities would occur.

**D. Recreation (Class IV)**

- 1. **Parks and Recreational Facilities.** The proposed planting ordinance is not anticipated to induce construction of agricultural worker housing beyond baseline trends or result in population growth that would increase demand for parks or recreational facilities. Therefore, no impact to parks or recreational facilities would occur.

**E. Utilities and Service Systems (Class IV)**

- 1. **Wastewater System Capacity.** The proposed planting ordinance would not result in construction of new housing or structures or result in new uses requiring new

wastewater systems. Irrigated crop production would not require wastewater treatment. Therefore, no impact related to wastewater system capacity would occur.

*The findings below are for Class III impacts. A Class III impact is an impact that may be adverse but does not exceed the significance threshold levels and does not require mitigation measures.*

#### **A. Aesthetics (Class III)**

- 1. Scenic Vistas.** The new and expanded plantings of irrigated crops that would be allowed by the proposed planting ordinance would maintain the existing agricultural landscape within the PBLUMA and preserve rural separation between communities, consistent with the goals of the County's General Plan Conservation and Open Space Element. Therefore, impacts regarding scenic vistas would be Class III, less than significant.
- 2. Scenic Resources within a State Scenic Highway.** There are no officially designated state scenic highways in the PBLUMA. A portion of State Route (SR) 46 is listed as eligible for designation as a state scenic highway by the California Department of Transportation (Caltrans). The new and expanded agricultural crop production would maintain the existing agricultural landscape that is visible from the eligible scenic highway. Therefore, impacts to scenic resources within a state scenic highway would be Class III, less than significant.
- 3. Visual Character and Quality.** The new and expanded plantings allowed by the proposed planting ordinance would be predominantly in the rural agricultural areas of the PBLUMA and would maintain the existing agricultural landscape. Therefore, impacts related to substantial degradation of the PBLUMA's existing visual character and quality would be Class III, less than significant.
- 4. Light and Glare.** Cultivation of irrigated crops may involve temporary intermittent night lighting, which is consistent with current agricultural practices in the PBLUMA. Impacts related to new sources of substantial light or glare which would adversely affect day or nighttime views would be Class III, less than significant.
- 5. Project's Contribution to Cumulative Aesthetics Impacts Would Not be Considerable.** Project aesthetics impacts would be less than significant, and the proposed ordinance's contribution to cumulative impacts would not be considerable.

#### **B. Agriculture and Forestry Resources (Class III)**

- 1. Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to Non-Agricultural Use (Impact AG-1).** No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (collectively referred to as "Farmland") would be converted by the proposed project. The proposed planting ordinance would result in an increase in the use of Farmland for agricultural purposes in the PBLUMA, and would not require revisions or amendments to zoning or land use designations. Therefore, the proposed ordinance would not convert farmland to non-agricultural use, and impacts to Farmland would be Class III, less than significant.
- 2. Conflicts With Existing Agricultural Zoning and Williamson Act Contracts (Impact AG-2).** The proposed planting ordinance would not require redesignating existing

agriculture areas to other land use categories. Additionally, the proposed ordinance would not affect contract compliance status of properties under a Williamson Act contract. Therefore, the proposed ordinance would not conflict with existing zoning for agricultural use or a Williamson Act contract, and impacts would be Class III, less than significant.

- 3. Conflicts With Forest Land Zoning.** The proposed planting ordinance would not change existing zoning or land use designations in the PBLUMA. Therefore, the proposed ordinance would not conflict with existing zoning for forest land or timberland, and impacts would be Class III, less than significant.
- 4. Conversion of Forest Land to Non-Forest Use.** The proposed planting ordinance would not allow conversion of forest land or timberland. If individual projects would result in the removal of oak woodlands to allow for irrigated crop production, such projects would be subject to the County's Oak Woodland Ordinance. Compliance with that ordinance would reduce potential impacts regarding the conversion of forest land to non-forest use to Class III, less than significant.
- 5. Conversion of Farmland to Non-Agricultural Use or Forest Land to Non-Forest Use (Impact AG-3).** The proposed planting ordinance would not convert Farmland to non-agricultural use, nor would it convert forest land to non-forest use. Impacts regarding conversion of Farmland or forest land would be Class III, less than significant.
- 6. Project's Contribution to Significant Cumulative Impacts to Agriculture and Forestry Resources Would Not be Considerable.** Cumulative impacts to agricultural resources from projected cumulative development could potentially be significant. However, the proposed ordinance's contribution to cumulative impacts would not be considerable.

#### **C. Air Quality (Class III)**

- 1. Conflicts With or Obstruction of the Clean Air Plan (Impact AQ-1).** The proposed planting ordinance would not conflict with or obstruct implementation of the San Luis Obispo County Air Pollution Control District (SLOAPCD) 2001 CAP, as it would not alter current population trends for the region and is consistent with transportation and land use strategies outlined in the CAP. Impacts would be Class III, less than significant.
- 2. Potential for Exposure to Odors and Other Emissions.** Farming activities can create emissions leading to odors (e.g., due to equipment emissions, crop type, or chemical application). However, such odors are consistent with existing agricultural practices within the PBLUMA, would be temporary and intermittent, and would occur in rural and agricultural areas with low residential density. Therefore, impacts associated with exposing a substantial number of people to other emissions, including odors, would be Class III, less than significant.

#### **D. Biological Resources (Class III)**

- 1. Water Quality Impacts to Riparian Habitats and State/Federally Protected Wetlands (Impact BIO-3).** The proposed planting ordinance could indirectly impact water quality within riparian and wetland areas, if in proximity to planting sites.

However, with compliance with federal, State, and County regulations for riparian and wetland habitats, indirect impacts to water quality in riparian and wetland habitats would be Class III, less than significant.

- 2. Conflicts With Local Biological Resources Policies/Ordinances.** The proposed planting ordinance would not supersede local policies or ordinances protecting biological resources. If individual projects implemented under the planting ordinance would result in the removal of oak woodlands to allow for irrigated crop production, such projects would be subject to the County's Oak Woodland Ordinance. Impacts related to policies or ordinances that provide protection of biological resources would be Class III, less than significant.
- 3. Conflicts With Adopted Habitat Conservation Plans.** The PBLUMA does not contain an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Impacts related to plans that conserve/preserve biological resources would be Class III, less than significant.

#### **E. Cultural Resources (Class III)**

- 1. Historical Buildings (Impact CUL-1).** Implementation of the proposed planting ordinance could result in potential direct and indirect impacts to historical buildings. However, implementation of existing regulations regarding historical buildings would reduce impacts to Class III, less than significant.
- 2. Human Remains (Impact CUL-3).** Ground-disturbing activities associated with implementation of the proposed planting ordinance could result in damage to or destruction of unknown, buried human remains. However, with compliance with existing regulations, potential impacts to human remains would be Class III, less than significant.

#### **F. Energy (Class III)**

- 1. Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources (Impact E-1).** Agricultural activities facilitated by the proposed planting ordinance would not result in wasteful or unnecessary energy consumption. It is reasonable to assume construction activities would be conducted in a manner to avoid wasteful, inefficient, and unnecessary fuel consumption to reduce construction costs. In the interest of time and cost, diesel-powered equipment would not be operated any more than is necessary to maintain and harvest crops, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources by operation of a planting site under the proposed ordinance. This impact would be Class III, less than significant.
- 2. Conflict With a State or Local Renewable Energy or Energy Efficiency Plan.** The County's strategy to reduce government and community greenhouse gas (GHG) emissions, including promoting energy efficiency and the development and use of renewable energy resources, is outlined in the County of San Luis Obispo EnergyWise Plan. The proposed planting ordinance would not change land use designations, obstruct the development of renewable energy facilities, or conflict with goals, measures, or actions within the EnergyWise Plan. Impacts regarding conflict with or

obstruction of State or local plans for renewable energy or energy efficiency would be Class III, less than significant.

- 3. Project's Contribution to Significant Cumulative Impacts to Energy Would Not be Considerable.** The proposed planting ordinance's contribution to cumulative energy impacts would not be cumulatively considerable.

#### **G. Geology and Soils (Class III)**

- 1. Alquist-Priolo Earthquake Fault Zones.** Several fault zones are located in the vicinity of the project area, including the San Andreas Fault, which is designated as an Alquist-Priolo Earthquake Fault Zone. However, agricultural crop production permitted by the planting ordinance and construction of accessory infrastructure would not exacerbate risk of seismic activity. Given the proposed planting ordinance would regulate the planting of irrigated crops and would not facilitate the construction of housing or other structures near the San Andreas Fault, it is unlikely that the project would directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death, involving rupture of an Alquist-Priolo Earthquake Fault. Therefore, impacts would be Class III, less than significant.
- 2. Strong Seismic Ground Shaking (Impact GEO-1).** The proposed ordinance would apply to a region with a history of seismic activity with the potential to experience seismic shaking. However, agricultural crop production permitted by the planting ordinance and construction of accessory infrastructure would not exacerbate risk of seismic activity. Therefore, impacts would be Class III, less than significant.
- 3. Liquefaction (Impact GEO-2).** The proposed ordinance would be established in a region containing areas known to have moderate and high liquefaction potential. Agricultural crop production permitted by the planting ordinance could increase irrigation which could exacerbate risk of liquefaction or other ground failure. However, with implementation of agricultural best management practices (BMPs) that limit overirrigation, impacts would be reduced less than significant (Class III).
- 4. Landslides (Impact GEO-3).** The PBLUMA is located in a region with mapped landslides and landforms prone to landslide. However, agricultural operations on steeper slopes would be required to obtain a grading permit and comply with County grading requirements. Compliance with County grading requirements would ensure that impacts would be Class III, less than significant.
- 5. Soil Erosion and Loss of Topsoil.** Grading for planting site preparation, construction of accessory infrastructure, and operational agricultural activities have the potential to increase erosion and loss of topsoil. Operation of the new and expanded agricultural uses under implementation of the proposed planting ordinance would be required to implement Erosion Control and Sediment Control BMPs, as well as with the waste discharge requirements within the County's Agricultural Order, which require implementation of sediment and erosion control management measures. Therefore, impacts related to soil erosion and loss or topsoil would be Class III, less than significant.



- 6. Unstable Geologic Units and Soils.** There are no Geologic Study Areas located within the PBLUMA. Additionally, standard BMPs implemented by agricultural operations in the PBLUMA would ensure water efficiency, prevent wasteful irrigation practices, and limit overirrigation, reducing the risk of landslides, liquefaction, and subsidence. Thus, impacts involving unstable geologic units/soils and potential landslides, liquefaction, or subsidence would be Class III, less than significant.
- 7. Expansive Soils.** The proposed planting ordinance would not facilitate construction of housing or accessory structures that could exacerbate risk related to expansive soils. New irrigated crops would not be anticipated to increase substantial direct or indirect risks to life or property related to expansive soils. Thus, impacts involving expansive soils would be Class III, less than significant.
- 8. Project's Contribution to Significant Cumulative Impacts to Geology and Soil (Excluding Paleontological Resources) Would Not be Considerable.** Cumulative impacts related to geology and soils, except of paleontological resources, would be less than significant and the proposed ordinance's contribution to such impacts would not be cumulatively considerable.

#### **H. Hazards and Hazardous Materials (Class III)**

- 1. Transport, Use, and Disposal of Hazardous Materials.** Irrigated crop production often involves use of pesticides. Increased irrigated crop production associated with the proposed planting ordinance would lead to an increase in the routine transportation, use, and disposal of pesticides. Due to federal and State regulations that facilitate the safe transport, use, and disposal of pesticides, impacts related to creation of a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials would be Class III, less than significant.
- 2. Release of Hazardous Materials into the Environment.** Agricultural worker trainings for pesticide handling protocols would reduce the risk of release of hazardous materials into the environment. Additionally, federal and State regulations would facilitate the safe transport, use, and disposal of pesticides needed for new and expanded plantings. Thus, impacts regarding the accidental release of hazardous materials would be Class III, less than significant.
- 3. Hazardous Materials/Wastes Within 0.25 Mile of Schools.** The California Code of Regulations, Title 3, Sections 6690-6692 address agricultural pesticide applications within 0.25 mile of public kindergarten through twelfth grade schools, and provide minimum distance standards for certain agricultural pesticide applications within 0.25 mile of a school. Following compliance with these regulations, impacts related to hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school would be Class III, less than significant.
- 4. Government Code Section 65962.5 Hazardous Waste Sites (Cortese List).** All hazardous waste sites within the PBLUMA that are on the Cortese List have the status "Completed—Case Closed." It is not anticipated that hazardous waste sites within the affected areas would apply for permits or utilize exemptions for agricultural plantings

under the proposed planting ordinance, given the urbanized location of the hazardous waste sites. Thus, impacts involving hazardous waste sites would be Class III, less than significant.

- 5. Safety Hazards and Excessive Noise from Public Airports.** The PBLUMA is within two miles of the Paso Robles Municipal Airport and within its 55 decibel (dB) CNEL noise contours. County noise standards set a 70-dB maximum for daytime exterior noise levels. However, none of agricultural properties in the PBLUMA would be exposed to noise greater than 55 dB. In addition, the proposed planting ordinance would not facilitate construction of tall structures that could result in a safety hazard to airports. Impacts regarding safety hazards or excessive noise from airports would be Class III, less than significant.
- 6. Implementation of Adopted Emergency Response/Evacuation Plans.** The proposed planting ordinance would not alter land use designations or interfere with emergency response or evacuation plans. Any new road construction associated with proposed plantings would require review on a project-by-project basis to ensure emergency access requirements are met. Therefore, impacts regarding impairment of emergency response or evacuation plans would be Class III, less than significant.
- 7. Wildland Fires.** The proposed planting ordinance would not increase the rate of construction of agricultural accessory structures or agricultural worker housing beyond baseline trends. Additionally, irrigated cropland can serve as a buffer between wildlands and urban areas, helping to reduce the risk of loss, injury, or death from wildland fires. Impacts related to exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires would be Class III, less than significant.
- 8. Project's Contribution to Significant Cumulative Impacts to Hazards and Hazardous Materials Would Not be Considerable.** Cumulative impacts related to hazards and hazardous materials would be less than significant and the proposed ordinance's contribution to such impacts would not be cumulatively considerable.

#### **J. Hydrology and Water Quality (Class III)**

- 1. Surface Water Quality and Waste Discharge Violations (Impact HYD-1).** The proposed planting ordinance would increase the amount of agricultural acreage in irrigated cultivation within the PBLUMA. Construction of accessory infrastructure, grading and site preparation, and operation of the new and expanded agriculture facilitated by the proposed planting ordinance would be required to comply with existing water quality regulations to ensure that point source discharges do not violate water quality standards or waste discharge requirements set forth in the County Code, the Construction General Permit, and the Agricultural Order, or degrade surface water quality. Agricultural activities encouraged by the proposed planting ordinance would therefore not violate any water quality standards or waste discharge requirements, and would not degrade surface water quality. Impacts would be Class III, less than significant.
- 2. Groundwater Recharge (Impact HYD-4).** The proposed planting ordinance would not substantially increase impervious surfaces or obstruct natural or artificial groundwater

percolation or recharge. Therefore, the proposed planting ordinance would not interfere substantially with groundwater recharge. Impacts would be Class III, less than significant.

**3. Substantial Erosion or Siltation, Thus Altering Existing Drainage Patterns.**

Compliance with the County's grading standards, Construction General Permit, and Agricultural Order, which require implementation of Erosion Control and Sediment Control BMPs on planting sites with the greatest potential to result in impacts related to erosion and siltation, would reduce potential impacts regarding potential erosion and siltation to Class III, less than significant.

**4. Increase Rate/Amount of Surface Runoff to Result in Flooding.** Most of the agricultural activities facilitated by the proposed planting ordinance would be new or expanded crop production which would not substantially increase impermeable surfaces. The majority of the agricultural infrastructure that would be facilitated by the planting ordinance, such as groundwater wells, pumps, irrigation pipelines, and agriculture ponds/reservoirs, would result in minimal to no increase in impervious surface areas. Impacts related to increases in the rate or amount of surface runoff in a manner that would result in flooding would be Class III, less than significant.

**5. Runoff Exceeding Stormwater Drainage System Capacity.** Drainage improvements would be required for new fields on greater than 30 percent slopes and construction of agricultural roads to reduce runoff. New plantings would also comply with the Agricultural Order, which requires implementing measures to minimize pollutants and reduce runoff. Therefore, the proposed planting ordinance would not result in increased runoff in a manner that would exceed storm drain capacity or substantial additional sources of polluted runoff, and impacts would be Class III, less than significant.

**6. Impede/Redirect Flood Flows.** Agricultural activities and most accessory infrastructure facilitated by the proposed planting ordinance would not involve structures that could impede or redirect flood flows. Impacts related to impeded or redirected flood flows would be Class III, less than significant.

**7. Flood Hazards and Risk of Release Due to Inundation.** Portions of the PBLUMA may be subject to flood hazard. However, pesticide use permits and pesticide management measures would ensure safe storage protocols that reduce the potential for release of pollutants during inundation. Impacts would be Class III, less than significant.

**8. Project's Contribution to Significant Cumulative Impacts to Surface Water Quality Would Not be Considerable.** Future cumulative development would be required to comply with existing regulations governing water quality, including the County grading standards, Construction General Permit, and Phase II Municipal Separate Storm Sewer System (MS4) Program, which require implementation of BMPs during construction and operation to reduce pollutants of concern in stormwater runoff. Expanded agriculture facilitated by the proposed planting ordinance would also comply with existing regulations governing water quality, including the County grading standards, Construction General Permit, and Agricultural Order, and would implement BMPs during construction and operation to reduce pollutants of concern in stormwater

runoff. Compliance with existing regulatory requirements and implementation of BMPs would ensure that cumulative impacts to surface water quality would be less than significant. Therefore, the proposed project would not contribute to cumulative impacts to surface water quality.

#### **K. Land Use and Planning (Class III)**

- 1. Physically Divide an Established Community.** New plantings allowed by the proposed planting ordinance would not physically divide an established community. It is assumed that new plantings would be located in rural and agricultural areas of the PBLUMA and not within the urban and village areas. In addition, the agricultural activities would be consistent with the surrounding agricultural uses and would not include construction of structures that could physically divide a community. Impacts would be Class III, less than significant.

#### **L. Mineral Resources (Class III)**

- 1. Loss of Availability of Known/Locally Important Mineral Resources.** Existing regulations within the San Luis Obispo County Code include standards to protect mineral resources from land uses that would adversely affect the continuing operation or expansion of the extraction use. In addition, crop production in areas that may contain mineral resources would not interfere with the availability of the site to be used for mineral extraction in the future. Impacts regarding the loss of availability of a known mineral resource or locally important mineral resource recovery site would be Class III, less than significant.
- 2. Project's Contribution to Significant Cumulative Impacts to Mineral Resources Would Not be Considerable.** Cumulative impacts to mineral resources would be less than significant and the proposed ordinance's contribution to such impacts would not be cumulatively considerable.

#### **N. Noise (Class III)**

- 1. Substantial Increase in Noise Levels.** Agricultural activities associated with the plantings allowed by the proposed planting ordinance and construction of accessory infrastructure would generate noise, such as from the operation of pumps and diesel equipment, that would typically be seasonal and sporadic in rural areas away from sensitive receivers. However, compliance with the County Code noise standards would ensure temporary and/or permanent increases in ambient noise levels would be Class III, less than significant.
- 2. Excessive Groundborne Vibration and Groundborne Noise Levels (Impact NOI-1).** Use of heavy equipment for construction of accessory infrastructure and field preparation and grading activities for individual plantings under the proposed planting ordinance would not result in groundborne noise and vibration in the vicinity of sensitive receivers that have not already been impacted by similar agricultural activity. Groundborne noise and vibration impacts would be Class III, less than significant.
- 3. Excessive Noise Levels from Airports.** A portion of the PBLUMA is within two miles of the Paso Robles Municipal Airport and within the 55-60- dBA community noise

equivalent level (CNEL) noise contours. County noise standards set a 70-dBA maximum for daytime exterior noise levels. However, none of agricultural properties in the PBLUMA would be exposed to noise greater than 60 dBA. Impacts regarding excessive noise from airports would be Class III, less than significant.

- 4. Project's Contribution to Significant Cumulative Noise Impacts Would Not be Considerable.** Construction of cumulative projects and the agricultural activities from the new and expanded agricultural operations resulting from the proposed ordinance are not anticipated occur in close proximity to each other and not expected to occur simultaneously. Therefore, cumulative noise and vibration impacts would be less than significant, and the proposed planting ordinance would not contribute to significant cumulative noise and vibration impacts.

#### **O. Population and Housing (Class III)**

- 1. Induce Substantial Unplanned Population Growth.** Agricultural activities facilitated by the proposed planting ordinance are projected to not necessitate the construction of agricultural worker housing above baseline levels. Therefore, impacts related to substantial unplanned population growth would be Class III, less than significant.
- 2. Project's Contribution to Significant Cumulative Impacts to Population and Housing Would Not be Considerable.** Cumulative impacts to population and housing would be less than significant and the proposed ordinance's contribution to such impacts would not be cumulatively considerable.

#### **P. Public Services (Class III)**

- 1. Fire and Police Protection.** The proposed planting ordinance would not result in construction of new housing or in population growth that could increase demand for fire and police protection services. Agricultural uses are currently allowed within the PBLUMA, and the increased agricultural activities would not substantially increase demand for emergency services. Impacts to fire and police protection services would be Class III, less than significant.
- 2. Project's Contribution to Significant Cumulative Impacts to Public Services Would Not be Considerable.** Cumulative impacts to public services would be less than significant and the proposed ordinance's contribution to such impacts would not be cumulatively considerable.

#### **Q. Transportation (Class III)**

- 1. Conflicts With Circulation System Plans, Ordinances, and/or Policies.** The proposed planting ordinance would not remove or block existing or planned circulation systems. Any agricultural roads that are required for new or expanded agricultural activities facilitated by the proposed planting ordinance would most likely be located only along the perimeter of the cultivated areas. In addition, construction of new agricultural roads would require review and approval by the local Resource Conservation District or County Planning & Building to ensure they do not conflict with existing transportation facilities and are consistent with existing land use designations and circulation planning

documents. Therefore, impacts related to conflict with circulation system plans, ordinances, and policies would be Class III, less than significant.

- 2. Conflicts With CEQA Guidelines Section 15064.3(b) – Vehicle Miles Traveled (Impact TRA-1).** The proposed planting ordinance would generate vehicle miles traveled (VMT) related to worker commute trips and hauling trips. The daily VMT that would be generated by the ordinance would be below the significance threshold for VMT. Therefore, the planting ordinance would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), and impacts would be Class III, less than significant.
- 3. Substantially Increase Hazards Due to Incompatible Uses or Geometric Design Features.** It is assumed that plantings allowed by the proposed planting ordinance would occur in rural and agricultural areas, where farming equipment is compatible with existing land use and circulation patterns. Construction of new agricultural roads would require approval by the local Resource Conservation District or County Planning & Building to ensure they do not include hazardous design features. Impacts regarding substantially increased hazards due to incompatible uses or geometric design features would be Class III, less than significant.
- 4. Inadequate Emergency Access.** The proposed planting ordinance would not alter land use designations or interfere with emergency response or evacuation plans. Any new road construction associated with plantings allowed by the proposed planting ordinance would require California Department of Forestry and Fire Protection (CAL FIRE) and County of San Luis Obispo Department of Public Works review on a project-by-project basis to ensure emergency access requirements are met. Impacts associated with inadequate emergency access would be Class III, less than significant.
- 5. Project's Contribution to Significant Cumulative Impacts to Transportation Would Not be Considerable.** Cumulative VMT impacts would potentially be significant. However, the proposed ordinance's contribution to cumulative transportation impacts, including VMT impacts, would not be considerable.

#### **R. Utilities and Service Systems (Class III)**

- 1. Significant Environmental Effects Due to Construction/Relocation of Utility Infrastructure (Impact UTIL-1).** Reasonably foreseeable crop production under the proposed ordinance may require the relocation or construction of new or expanded water, stormwater, and electric power or natural gas facilities in the PBLUMA. However, such relocation and construction would not cause significant environmental effects beyond those already identified in the PEIR. Impacts would be Class III, less than significant.
- 2. Solid Waste Generation and Compliance With Solid Waste Regulations.** New and expanded irrigated crop production may increase the generation of solid agricultural waste; agricultural waste management systems would require approval by the local Resource Conservation District. Agricultural operations would be required to comply with State Bill (SB) 1383, which requires reduction of statewide disposal of organic waste, including agricultural waste. Additionally, the Food Bank Coalition of San Luis

Obispo County has a program that allows farmers to donate unused produce, reducing overall agricultural waste. Thus, impacts related to solid waste generation and compliance with solid waste regulations would be Class III, less than significant.

- 3. Project's Contribution to Significant Cumulative Impacts to Utilities and Service Systems (Except for Water Supply) Would Not be Considerable.** Cumulative impacts regarding stormwater drainage would not be significant, and the proposed ordinance would not contribute to cumulative impacts to natural gas or electrical supply.

## **S. Wildfire (Class III)**

- 1. Impair Adopted Emergency Response or Evacuation Plan.** The proposed planting ordinance would not interfere with emergency response or evacuation plans. Any new road construction associated with plantings allowed by the proposed planting ordinance would require CAL FIRE and County of San Luis Obispo Department of Public Works review on a project-by-project basis to ensure emergency access requirements are met. Impacts regarding impairment of emergency response or evacuation plans would be Class III, less than significant.
- 2. Exacerbate Wildfire Risk and Pollutant Concentrations From Wildfires.** The proposed planting ordinance would regulate crop production, and would not result in the construction of housing or other structures above baseline trends. Furthermore, irrigated cropland can serve as a buffer between wildlands and urban areas; thus, reducing wildfire risk and spread. Impacts related to risk of wildfire spread and/or exposure to pollutants from wildfires would be Class III, less than significant.
- 3. Include Proposed Infrastructure that would Exacerbate Fire Risk or Increase Environmental Impacts.** The proposed planting ordinance may require the installation of new agricultural roads. However, these roads would be consistent with existing development patterns and subject to County grading standards and would not exacerbate fire risk. Impacts would be Class III, less than significant.
- 4. Expose People/Structures to Wildfire-Induced Hazards.** Due to the topography within the PBLUMA, most of the agricultural activities under the proposed planting ordinance would not be anticipated to occur on steep slopes. The proposed planting ordinance also would not include construction of housing or structures. Additionally, irrigated cropland, such as that allowed by the proposed planting ordinance, can serve as a buffer between wildlands and urban areas, helping to reduce potential wildfire risk. For these reasons, impacts related to exposure of people or structures to wildfire-induced hazards would be Class III, less than significant.
- 5. Project's Contribution to Significant Cumulative Wildfire Impacts Would Not be Considerable.** Cumulative wildfire impacts would be less than significant and the proposed ordinance's contribution to such impacts would not be cumulatively considerable.

## **V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)**

*A Class II impact is an impact that can be reduced to below the significance threshold level given reasonably available and feasible mitigation measures.*

The proposed planting ordinance would not result in any Class II impacts.

**VI. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)**

*The findings below are for Class I impacts. A Class I impact is an impact that cannot be reduced to below the significance threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved per Section 15093 of the CEQA Guidelines (see Section VII, below).*

**A. Aesthetics (Class I):** No Class I impacts for Aesthetics were identified.

**B. Agriculture and Forestry Resources (Class I):** No Class I impacts for Agriculture and Forestry Resources were identified.

**C. Air Quality (Class I)**

- 1. Cumulatively Considerable Net Increase of Criteria Pollutants Currently in Non-Attainment and Exposure of Sensitive Receptors to Substantial Pollutant Concentrations (Impact AQ-2).** Criteria pollutants generated by construction and operation of agricultural activities facilitated by the proposed planting ordinance would exceed applicable San Luis Obispo Air Pollution Control District (SLOAPCD) thresholds. Because emissions would exceed SLOAPCD thresholds, overall criteria pollutant impacts from the proposed planting ordinance would be Class I, significant and unavoidable.

**a. Mitigation.**

**AQ-1: Construction Emissions Reduction.** Prior to adoption of the planting ordinance, the County of San Luis Obispo shall amend the ordinance to include the following planting requirement in Section 22.30.205 of Title 22 of the San Luis Obispo County Code:

- On individual planting sites that have been uncultivated for 10 years or more preceding the date of application, the planting permit applicant and/or property owner shall maintain unpaved roads, driveways, and/or parking areas with a dust suppressant (consistent with the “Approved Dust Suppressant” section of SLOAPCD’s CEQA Handbook) such that fugitive dust emissions do not exceed SLOAPCD’s 20 percent opacity limit for greater than 3 minutes within any 60-minute period (SLOAPCD Rule 401) or prompt nuisance violations (SLOAPCD Rule 402). To improve the dust suppressant’s long-term efficacy, the planting permit applicant and/or property owner utilizing the planting ordinance shall also implement and maintain design standards to ensure vehicles that use unpaved roads are physically limited (e.g., speed bumps) to a posted speed limit of 15 miles per hour (mph) or less.

- b. Findings.** Mitigation Measure AQ-1 would help reduce impacts associated with criteria pollutants under the proposed ordinance by requiring the planting permit applicants and/or property owners to help suppress dust from use of unpaved roads, driveways, and parking areas. Additionally, with compliance with the regulatory frameworks discussed in Section 4.2, *Air Quality*, of the PEIR, including the Federal Clean Air Act (CAA), California CAA, and SLOAPCD’s 2001 CAP and 2012 CEQA



Air Quality Handbook, impacts associated with criteria pollutants from agricultural activities in the County would be reduced to the greatest extent feasible. There are no additional feasible mitigation measures available to reduce criteria pollutants impacts (refer to PEIR Section 4.0, *Environmental Impact Analysis*, for further discussion of mitigation feasibility). Therefore, criteria pollutants impacts are conservatively determined to remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.

**c. Supportive Evidence.** Please refer to Section 4.2, *Air Quality*, and Appendix D of the PEIR.

**2. Project's Contribution to Significant Cumulative Impacts to Air Quality Would be Considerable.** The emissions estimates presented in the CAP represent the cumulative emissions anticipated within the SLOAPCD jurisdiction based on growth within the County. Criteria pollutant emissions resulting from the proposed ordinance would be cumulatively considerable from a regional standpoint. Consistent with the regional analysis, localized impacts would be cumulative considerable if emissions exceed SLOAPCD thresholds or the project would be inconsistent with the CAP. As demonstrated under Impact AQ-1 in Section 4.2, *Air Quality*, in the PEIR, the proposed planting ordinance would be consistent with the CAP. However, as discussed under Impact AQ-2, above, daily construction and operational emissions associated with the proposed ordinance would be potentially significant. Although compliance with regulatory frameworks discussed in Section 4.2, *Air Quality*, of the PEIR, including the Federal CAA, California CAA, and SLOAPCD's 2001 CAP and 2012 CEQA Air Quality Handbook, and implementation of Mitigation Measure AQ-1 (see above) would help reduce criteria pollutant emissions, there are no additional feasible mitigation measures available to reduce criteria pollutants impacts under the proposed ordinance. Therefore, the activities associated with the planting ordinance (e.g., grading, planting, maintenance, harvesting, etc.) may incrementally contribute to the significant cumulative air quality impacts associated with criteria pollutants. There are no additional feasible mitigation measures available to reduce the project's contribution to significant cumulative impacts to air quality to less than cumulatively considerable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.

**a. Mitigation.** Refer to Mitigation Measure AQ-1 (under Impact AQ-2).

**b. Findings.** Mitigation Measure AQ-1 would help reduce impacts associated with criteria pollutants under the proposed ordinance by requiring the planting permit applicants and/or property owners to help suppress dust from use of unpaved roads, driveways, and parking areas. Additionally, with compliance with the regulatory frameworks discussed in Section 4.2, *Air Quality*, of the PEIR, including the Federal CAA, California CAA, and SLOAPCD's 2001 CAP and 2012 CEQA Air Quality Handbook, impacts associated with criteria pollutants from agricultural activities in the County would be reduced to the greatest extent feasible. There are no additional feasible mitigation measures available to reduce criteria pollutants impacts (refer to

PEIR Section 4.0, *Environmental Impact Analysis*, for further discussion of mitigation feasibility). Therefore, emissions resulting from the proposed ordinance would be cumulatively considerable from a regional standpoint. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.

- c. **Supportive Evidence.** Please refer to Section 4.2, *Air Quality*, and Appendix D of the PEIR.

#### **D. Biological Resources (Class I)**

##### **1. Substantial Adverse Effects to Special Status Species (Impact BIO-1).**

Implementation of the planting ordinance could potentially result in substantial adverse impacts on special status plant and animal species, either directly or through habitat modifications. Such potential impacts would be Class I, significant and unavoidable.

- a. **Mitigation.** There are no feasible mitigation measures for this impact.

- b. **Findings.** With compliance with the regulatory frameworks discussed in Section 4.3, *Biological Resources*, of the PEIR, including the Federal Endangered Species Act (FESA), the California Endangered Species Act (CESA), California Fish and Game Code, County Grading Code, Construction General Permit, and Agricultural Order, direct and indirect impacts to special status species from agricultural activities in the County would be reduced to the greatest extent feasible. However, there are no feasible mitigation measures available to reduce impacts to special status species (refer to PEIR Section 4.0, *Environmental Impact Analysis*, for further discussion of mitigation feasibility). Therefore, impacts to special status species would be significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.

- c. **Supportive Evidence.** Please refer to Section 4.3, *Biological Resources*, and Appendix F of the PEIR.

##### **2. Substantial Adverse Direct Effects to Riparian Habitat or Other Sensitive Natural Communities (Impact BIO-2).** Implementation of the planting ordinance may result in substantial adverse direct impacts on sensitive habitats, including riparian and wetland habitats, if sensitive habitats are present on planting sites. If sensitive habitats are directly impacted, such impacts would be Class I, significant and unavoidable.

- a. **Mitigation.**

**BIO-1: Riparian and Wetland Habitat Setback.** Prior to adoption of the planting ordinance, the County of San Luis Obispo shall amend the ordinance to include the following planting requirement in Section 22.30.205 of Title 22 of the San Luis Obispo County Code:

- Proposed planting plans for planting permits and 25-AFY exemptions shall be required to include a setback of at least 50 feet from the proposed planting areas to the edge of riparian vegetation and wetland areas unless the applicant can verify that the proposed planting area within the setback was in irrigated crop production when the ordinance went into effect.

**b. Findings.** Mitigation Measure BIO-1 would reduce impacts to riparian and wetland habitats under the proposed ordinance by requiring a setback of at least 50 feet from the proposed planning areas to the edge of riparian vegetation and wetland areas. Additionally, with compliance with the regulatory frameworks discussed in Section 4.3, *Biological Resources*, of the PEIR, including the County's General Plan and Oak Woodland Ordinance, as well as the Clean Water Act and California Fish and Game Code (which requires obtaining Section 404 permits, Section 401 water quality certifications, and/or Section 1602 Lake and Streambed Alteration Agreements, as applicable), direct impacts to sensitive habitats, including riparian areas and wetlands, from agricultural activities in the County would be reduced to the greatest extent feasible. However, significant impacts could still occur from construction of accessory infrastructure that are constructed in the vicinity of riparian areas and wetlands (such as agricultural drainage crossings). There are no additional feasible mitigation measures available to reduce impacts to sensitive habitats. Therefore, impacts to sensitive natural communities, including riparian and wetland habitats, are determined to remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

**c. Supportive Evidence.** Please refer to Section 4.3, *Biological Resources*, of the PEIR.

**3. Substantially Interfere With Wildlife Movement and/or Impede Use of Native Wildlife Nursery Sites (Impact BIO-4).** New irrigated crop plantings within the PBLUMA that would be facilitated by the planting ordinance have the potential to impact wildlife movement through removal of natural habitats, conversion of sensitive habitats to agricultural use, and habitat fragmentation. Implementation of the planting ordinance may substantially interfere with wildlife movement, including fish migration, and/or impede the use of a native wildlife nursery. This impact would be Class I, significant and unavoidable.

**a. Mitigation.** With compliance with the regulatory frameworks discussed in Section 4.3, *Biological Resources*, including the County's General Plan, impacts to wildlife movement from agricultural activities in the County would be reduced to the greatest extent feasible. There are no additional feasible mitigation measures available to reduce impacts to wildlife movement (refer to Section 4.0, *Environmental Impact Analysis*, of the PEIR for further discussion of mitigation feasibility). Therefore, wildlife movement impacts are conservatively determined to remain significant and unavoidable.

**b. Findings.** There are no changes or alterations that can be incorporated into the project that would avoid or substantially lessen the significant environmental effects as identified in the PEIR. Since no feasible mitigation measures are available to reduce impacts to wildlife movement, impacts would be significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.

**c. Supportive Evidence.** Please refer to Section 4.3, *Biological Resources*, of the PEIR.

- 4. Project's Contribution to Significant Cumulative Impacts to Biological Resources Would be Considerable.** Cumulative residential and non-residential development pursuant to local and regional planning efforts within the PBLUMA would result in impacts to these biological resources, as well as contribute cumulatively to additional groundwater extraction. The Paso Robles Subbasin is currently in a state of critical overdraft, and groundwater demand exceeds the perennial yield with groundwater storage already declining. Cumulative impacts to special status species and their habitat; sensitive habitats, including riparian and wetland habitats; and wildlife movement would be significant. Given the large scale of the PBLUMA, the proposed planting ordinance would have a considerable contribution to cumulative biological resources impacts.
- a. Mitigation.** Refer to Mitigation Measure BIO-1 (under Impact BIO-2, above).
- b. Findings.** Mitigation Measure BIO-1 would reduce impacts to riparian and wetland habitats under the proposed ordinance by requiring a setback of at least 50 feet from the proposed planning areas to the edge of riparian vegetation and wetland areas. Additionally, with compliance with the regulatory frameworks discussed in Section 4.3, *Biological Resources*, of the PEIR, including the County's General Plan and Oak Woodland Ordinance, as well as the Clean Water Act and California Fish and Game Code (which requires obtaining Section 404 permits, Section 401 water quality certifications, and/or Section 1602 Lake and Streambed Alteration Agreements, as applicable), direct impacts to sensitive habitats, including riparian areas and wetlands, from agricultural activities in the County would be reduced to the greatest extent feasible. However, significant impacts could still occur from construction of accessory infrastructure that are constructed in the vicinity of riparian areas and wetlands (such as agricultural drainage crossings). There are no additional feasible mitigation measures available to reduce the project's contribution to significant cumulative impacts to biological resources to less than cumulatively considerable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.
- c. Supportive Evidence.** Please refer to Section 4.3, *Biological Resources*, of the PEIR.

#### **E. Cultural Resources (Class I)**

- 1. Historical Resources, Except for Historical Buildings (Impact CUL-1).** It is noted that potential direct and indirect impacts to historical buildings would be Class III, less than significant (refer to Section IV.E.1, above). Implementation of the proposed planting ordinance could result in potentially significant impacts to other historical resources either directly (via demolition or alteration) and/or indirectly (damage to structures due to vibrations from use of heavy equipment). Specific potential impacts to other historical resources can only be determined on an individual planting permit/exemption basis because potential impacts are dependent upon both the individual resource and the characteristics of the proposed activity. Implementation of existing regulations discussed in Section 4.4, *Cultural Resources*, of the PEIR would reduce impacts to other historical resources. However, no feasible mitigation measures are available to eliminate significant direct impacts on other historical resources and impacts would remain Class I, significant and unavoidable.

- a. Mitigation.** With compliance with the regulatory frameworks discussed in Section 4.4, *Cultural Resources*, of the PEIR, including the County Grading Ordinance, impacts to historical resources (except for historical buildings) from agricultural activities in the County would be reduced to the greatest extent feasible. However, there are no additional feasible mitigation measures available to reduce impacts to other historical resources (refer to Section 4.0, *Environmental Impact Analysis*, of the PEIR for further discussion of mitigation feasibility). Therefore, impacts to other historical resources are conservatively determined to remain significant and unavoidable.
    - b. Findings.** There are no changes or alterations that can be incorporated into the project that would avoid or substantially lessen the significant environmental effects as identified in the PEIR. Therefore, impacts to other historical resources are determined to remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.
    - c. Supportive Evidence.** Please refer to Section 4.4, *Cultural Resources*, of the PEIR.
  - 2. Substantial Adverse Change in Significance of Archaeological Resources (Impact CUL-2).** Ground-disturbing activities, particularly in areas that have not been previously developed with urban uses, previously cultivated, or subject to a cultural resources investigation, or in areas where proposed tilling/grading depths may exceed the depths of previous disturbance, have the potential to impact previously undiscovered archaeological resources that may be present on or below the ground surface. Specific potential impacts to archaeological resources can only be determined on an individual planting permit/exemption basis because potential impacts are dependent upon both the individual resource and the characteristics of the proposed activity. Such impacts to archaeological resources would be Class I, significant and unavoidable.

    - a. Mitigation.** With compliance with the regulatory frameworks discussed in Section 4.4, *Cultural Resources*, of the PEIR, including the County Grading Ordinance, impacts to archaeological resources from agricultural activities in the County would be reduced to the greatest extent feasible. However, there are no additional feasible mitigation measures available to reduce impacts to archeological resource (refer to Section 4.0, *Environmental Impact Analysis*, of the PEIR for further discussion of mitigation feasibility). Therefore, impacts to archaeological resources are conservatively determined to remain significant and unavoidable.
      - b. Findings.** There are no changes or alterations that can be incorporated into the project that would avoid or substantially lessen the significant environmental effects as identified in the PEIR. Since no feasible mitigation measures are available to reduce impacts to archaeological resources, impacts would be significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.
      - c. Supportive Evidence.** Please refer to Section 4.4, *Cultural Resources*, of the PEIR.
- 2. Project's Contribution to Significant Cumulative Impacts to Cultural Resources Would be Considerable.** Cumulative residential and non-residential development, in

combination with the proposed planting ordinance, would result in potential exposure of and permanent loss of cultural resources. The County would require mitigation measures for cumulative development. Cumulative development would also be subject to applicable federal and State laws, and local goals and policies. The proposed planting ordinance could incrementally contribute to the cumulative loss of cultural resources because individual projects would not be subject to CEQA review or any site-specific analysis of cultural resource impacts. Therefore, the activities associated with the planting ordinance (e.g., grading, planting, maintenance, etc.) may result in ground disturbance that could incrementally contribute to the cumulative loss of culture resources. When combined with potential impacts of the other cumulative projects, cumulative impacts to cultural resources would be potentially significant, and the proposed ordinance's incremental contribution to this impact would be cumulatively considerable.

- a. Mitigation.** The County would require mitigation measures for cumulative development. Such mitigation measures may include monitoring during ground-disturbing activities, as well as a Phase I Inventory, Phase II Testing and Evaluation, and/or Phase III Data Recovery, depending on the significance of cultural resources on the project sites. Cumulative development would also be subject to applicable federal and state laws, and local goals and policies.
- b. Findings.** The proposed planting ordinance could incrementally contribute to the cumulative loss of cultural resources because individual projects would not be subject to CEQA review or any site-specific analysis of cultural resource impacts. With compliance with the regulatory frameworks discussed in Section 4.4, *Cultural Resources*, of the PEIR, including the County Grading Ordinance, impacts to cultural resources from agricultural activities in the County would be reduced to the greatest extent feasible. However, there are no additional feasible mitigation measures available to reduce impacts to cultural resources (refer to Section 4.0, *Environmental Impact Analysis*, for further discussion of mitigation feasibility). These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.
- c. Supportive Evidence.** Please refer to Section 4.4, *Cultural Resources*, of the PEIR.

**F. Energy (Class I):** No Class I impacts for Energy were identified.

**G. Geology and Soils (Class I)**

- 1. Destruction of Unique Paleontological Resources (Impact GEO-4).** The PBLUMA is located in an area with known paleontological resources. Implementation of the proposed ordinance has the potential to impact paleontological resources through ground-disturbing activities. Construction of new irrigation groundwater wells would potentially impact underlying paleontological resources, and construction of agriculture infrastructure could impact paleontological resources if excavation exceeds a depth of four feet in previously undisturbed soil. Grading activities at depths exceeding four feet also have a potential to impact paleontological resources. Impacts would be Class I, significant and unavoidable.

- a. Mitigation.** With compliance with the regulatory frameworks discussed in Section 4.6, *Geology and Soils*, of the PEIR, including the County Grading Ordinance, impacts to paleontological resources from agricultural activities in the County would be reduced to the greatest extent feasible. There are no additional feasible mitigation measures available (refer to Section 4.0, *Environmental Impact Analysis*, for further discussion of mitigation feasibility). Therefore, paleontological resources impacts are conservatively determined to remain significant and unavoidable.
  - b. Findings.** There are no changes or alterations that can be incorporated into the project that would avoid or substantially lessen the significant environmental effects as identified in the PEIR. Since no feasible mitigation measures are available to reduce impacts to paleontological resources, impacts would be significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.
  - c. Supportive Evidence.** Please refer to Section 4.6, *Geology and Soils*, of the PEIR.
- 2. Project's Contribution to Significant Cumulative Impacts to Paleontological Resources Would be Considerable.** Ground-disturbing activities from new or expanded agricultural activities resulting from the proposed ordinance, combined with cumulative development projects, could incrementally result in exposure of paleontological resources in the PBLUMA. However, it is not feasible for the County to require mitigation measures for agricultural activities facilitated by the planting ordinance that may result in impacts to paleontological resources. When considered together, cumulative impacts of the cumulative development projects and the proposed planting ordinance would be significant and unavoidable. As the proposed planting ordinance would result in significant and unavoidable impacts to paleontological resources, the proposed project's contribution to cumulative impacts to paleontological resources would be cumulatively considerable.

  - a. Mitigation.** New non-agricultural development projects in the county are required to undergo a project-specific analysis of potential impacts to paleontological resources, as applicable. The analysis would provide site-specific recommendations for projects to avoid or minimize, to the extent feasible, impacts to paleontological resources. With compliance with the regulatory frameworks discussed in Section 4.6, *Geology and Soils*, of the PEIR, including the County Grading Ordinance, impacts to paleontological resources from agricultural activities in the County would be reduced to the greatest extent feasible. However, as discussed previously, it is not feasible for the County to require mitigation measures for agricultural activities facilitated by the planting ordinance that may result in impacts to paleontological resources.
  - b. Findings.** The proposed planting ordinance could incrementally contribute to the cumulative loss of paleontological resources because individual projects would not be subject to CEQA review or any site-specific analysis of paleontological resources impacts. It is not feasible for the County to require mitigation measures for agricultural activities facilitated by the proposed planting ordinance that may result in impacts to paleontological resources. When considered together, cumulative

impacts of the cumulative development projects and the proposed planting ordinance would be significant and unavoidable. As the proposed planting ordinance would result in significant unavoidable impacts to paleontological resources, the projects contribution to cumulative impacts to paleontological resources would be cumulatively considerable. However, there are no additional feasible mitigation measures available to reduce impacts to paleontological resources (refer to Section 4.0, *Environmental Impact Analysis*, for further discussion of mitigation feasibility). These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.

**c. Supportive Evidence.** Please refer to Section 4.6, *Geology and Soils*, of the PEIR.

## **H. Greenhouse Gas Emissions (Class I)**

- 1. Generation of Greenhouse Gas Emissions (Impact GHG-1).** Estimated annual GHG emissions produced by the proposed planting ordinance would exceed the SLOAPCD project-specific threshold of 690 metric tons of carbon dioxide equivalent (MT CO<sub>2</sub>e) such that it would result in significant effects on the environment. Therefore, GHG emissions impacts from the increased agricultural activities facilitated by the proposed planting ordinance would be Class I, significant and unavoidable.

### **a. Mitigation.**

**GHG-1: Carbon Sequestration.** Prior to adoption of the planting ordinance, the County of San Luis Obispo shall amend the ordinance to include the following planting requirement in Section 22.30.205 of Title 22 of the San Luis Obispo County Code:

- The applicants of 25-AFY exemptions shall include conservation practices (e.g., cover cropping, composting) to sequester carbon and/or reduce GHG emissions by at least 0.15 MT CO<sub>2</sub>e per acre of planting area (1:1 offset) as estimated by COMET-Planner according to the California Department of Food and Agriculture (CDFA) Healthy Soils Program guidelines, to be implemented prior to final planting.
- b. Findings.** Mitigation Measure GHG-1 would reduce GHG emissions impacts under the proposed ordinance by requiring agricultural operators to sequester carbon and/or reduce GHG emissions. Additionally, with compliance with the regulatory frameworks discussed in Section 4.7, *Greenhouse Gas Emissions*, of the PEIR, including applicable State Assembly Bills (ABs), Senate Bills (SBs), and Executive Orders (EOs), and the County EnergyWise Plan, impacts associated with GHG emissions from agricultural activities in the County would be reduced to the greatest extent feasible. However, GHG emissions may still exceed thresholds. There are no additional feasible mitigation measures available to reduce impacts associated with GHG emissions (refer to Section 4.0, *Environmental Impact Analysis*, of the PEIR for further discussion of mitigation feasibility). Therefore, GHG emissions impacts are conservatively determined to remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.





emissions may still exceed thresholds. There are no additional feasible mitigation measures available to reduce GHG emissions impacts (refer to Section 4.0, *Environmental Impact Analysis*, of the PEIR for further discussion of mitigation feasibility). These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.

**c. Supportive Evidence.** Please refer to Section 4.4, *Cultural Resources*, of the PEIR.

**I. Hazards and Hazardous Materials (Class I):** No Class I impacts for Hazards and Hazardous Materials were identified.

**J. Hydrology and Water Quality (Class I)**

**1. Groundwater Quality (Impact HYD-2).** The proposed planting ordinance is projected to increase the amount of agricultural acreage in use for irrigated crop production within the PBLUMA, which would result in corresponding increases in fertilizer use, runoff and discharge, and farm waste. The combination of decreasing water levels and increasing pollutant amounts throughout the PBLUMA may degrade groundwater quality and result in Class I, significant and unavoidable impacts.

**a. Mitigation.** Refer to Mitigation Measures UTIL-1 and UTIL-2 under Section VI.S, below (Impact UTIL-2).

**b. Findings.** With compliance with the regulatory frameworks discussed in Section 4.8, *Hydrology and Water Quality*, of the PEIR, especially the relevant National Pollutant Discharge Elimination System (NPDES) permits such as the Agricultural Order, impacts to groundwater quality in the County would be reduced to the greatest amount feasible. Mitigation Measures UTIL-1 and UTIL-2, which require well metering and groundwater usage reporting and preparation of a hydrology report to demonstrate that groundwater levels at nearby wells would not be affected, would reduce impacts related to groundwater supplies and groundwater levels. However, the planting ordinance would allow up to 25 AFY of groundwater extraction per site which would result in decline of groundwater levels and could significantly affect groundwater quality. There is no additional feasible mitigation available beyond the requirements of the existing regulations and Mitigation Measures UTIL-1 and UTIL-2 to reduce impacts to groundwater quality from declining groundwater levels. Impacts to groundwater quality would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.

**c. Supportive Evidence.** Please refer to Section 4.8, *Hydrology and Water Quality*, of the PEIR.

**2. Substantially Decrease Groundwater Supply or Interfere With Groundwater Recharge (Impact HYD-3).** Implementation of the proposed planting ordinance would increase the amount of acreage utilized for irrigated agriculture within the PBLUMA and would increase the amount of groundwater extracted from the Paso Robles Subbasin, which is currently in severe overdraft. Such withdrawals would be required to comply with future management actions developed under the GSP. However, at this time, there

are no such actions available that could reduce the potential of withdrawals to further exacerbate the overdraft of the Paso Robles Subbasin. The increased groundwater extraction would decrease groundwater supplies such that sustainable groundwater management of the basin would be impeded, and these impacts would be Class I, significant and unavoidable.

- a. Mitigation.** Refer to Mitigation Measures UTIL-1 and UTIL-2 under Section VI.S, below (Impact UTIL-2).
  - b. Findings.** Mitigation Measure UTIL-1, which requires well metering and groundwater usage reporting, would help ensure that the increased groundwater pumping allowed by the planting ordinance is consistent with agricultural BMPs for irrigation efficiency. This mitigation measure would be consistent with the project objective to conserve groundwater resources in the PBLUMA for use by production agriculture. Mitigation Measure UTIL-2, which requires preparation of a hydrology report to demonstrate that groundwater levels at nearby wells would not be affected by proposed new plantings, would reduce localized impacts to groundwater levels. Regardless, the planting ordinance would allow up to 25 AFY of groundwater extraction per site, which would further increase water extraction from a currently overdrafted subbasin. There is no additional feasible mitigation available beyond UTIL-1 and UTIL-2 to reduce impacts to water supply and sustainable groundwater management from declining groundwater levels. As a result, impacts to available groundwater supply and sustainable groundwater management in the Paso Robles Subbasin would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.
  - c. Supportive Evidence.** Please refer to Section 4.8, *Hydrology and Water Quality*, of the PEIR.
- 3. Conflicts With Water Quality Control Plans (Impact HYD-5).** The proposed planting ordinance is projected to increase the amount of irrigated agricultural acreage in use and groundwater extraction within the PBLUMA, with corresponding increases in fertilizer use, runoff and discharge, and decreased groundwater levels which, when combined, may adversely affect groundwater quality. Impacts to groundwater quality within the basin would be potentially inconsistent with the goals reducing water quality pollution, achieving water quality objectives, and maintaining beneficial uses identified in the Basin Plan, and such impacts would be Class I, significant and unavoidable.
  - a. Mitigation.** Refer to Mitigation Measures UTIL-1 and UTIL-2 under Section VI.S, below (Impact UTIL-2).
  - b. Findings.** The existing Agricultural Order would serve to limit the impacts of individual agricultural operations facilitated by the proposed planting ordinance to the goals of the Basin Plan, including serving as regulatory control over the amount of fertilizers and pesticides being utilized and agricultural pollutants potentially discharged or infiltrating into surface and groundwater within the PBLUMA. With compliance with the existing regulations, including the Agricultural Order, impacts to groundwater quality in the County would be reduced to the greatest amount

feasible. Mitigation Measures UTIL-1 and UTIL-2, which require well metering and groundwater usage reporting and preparation of a hydrology report to demonstrate that groundwater levels at nearby wells would not be affected, would reduce impact related to groundwater supplies and groundwater levels. However, the planting ordinance would allow up to 25 AFY of groundwater extraction per site which would result in decline of groundwater levels, which could significantly affect groundwater quality. There is no additional feasible mitigation available beyond the requirements of the existing regulations and Mitigation Measures UTIL-1 and UTIL-2 to reduce impacts to groundwater quality from declining groundwater levels. Impacts would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.

**c. Supportive Evidence.** Please refer to Section 4.8, *Hydrology and Water Quality*, of the PEIR.

**4. Conflicts with a Sustainable Groundwater Management Plan (Impact HYD-6).**

Future compliance with management actions under the GSP are explicitly included in the ordinance and General Plan language as part of the proposed planting ordinance; thus, the proposed planting ordinance would not obstruct implementation of the GSP or any other sustainable groundwater management plans. However, the increased groundwater extraction allowed by the proposed planting ordinance would be potentially inconsistent with the GSP's goals and water balance projections and would increase the burden on the GSP management actions. Impacts associated with conflicts with the GSP would be Class I, significant and unavoidable.

**a. Mitigation.** Refer to Mitigation Measures UTIL-1 and UTIL-2 under Section VI.S, below (Impact UTIL-2).

**b. Findings.** Mitigation Measure UTIL-1, which requires well metering and groundwater usage reporting, and Mitigation Measure UTIL-2, which requires preparation of a hydrology report to demonstrate that groundwater levels at nearby wells would not be affected by proposed new plantings, would reduce impacts related to groundwater supplies and groundwater elevation levels. Even with these mitigation measures, the planting ordinance would allow up to 25 AFY of groundwater extraction per site which would further increase water extraction from a currently overdrafted subbasin, which would be potentially inconsistent with the sustainable groundwater management goals of the GSP. In addition, the GSP modeling used for water balance calculations and scope of GSA management actions may need to be updated to account for the increased groundwater extraction resulting from the planting ordinance. There is no additional feasible mitigation available beyond Mitigation Measures UTIL-1 and UTIL-2 to reduce impacts to potential inconsistencies with the GSP. As a result, impacts related to GSP inconsistencies would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.

**c. Supportive Evidence.** Please refer to Section 4.8, *Hydrology and Water Quality*, of the PEIR.

- 5. Project's Contribution to Significant Cumulative Impacts to Hydrology and Water Quality (Except for Surface Water Quality) Would be Considerable.** Increased groundwater extractions resulting from the planting ordinance, when combined with groundwater extractions for future cumulative development, have the potential to result in significant cumulative impacts to groundwater storage and groundwater quality. Given that the agricultural operations allowed by the proposed planting ordinance would account for 86 percent of the total increase in groundwater extraction, the proposed planting ordinance would result in a cumulatively considerable contribution to significant cumulative impacts related to degradation of groundwater quality, decreased groundwater supplies, and potential inconsistencies with a groundwater management plan.
- a. Mitigation.** Refer to Mitigation Measures UTIL-1 and UTIL-2 under Section VI.S, below (Impact UTIL-2).
- b. Findings.** With compliance with the existing regulations included in Section 4.8, *Hydrology and Water Quality*, of the PEIR, including the Agricultural Order, impacts to groundwater quality in the County would be reduced to the greatest amount feasible. Mitigation Measures UTIL-1 and UTIL-2, which require well metering and groundwater usage reporting and preparation of a hydrology report to demonstrate that groundwater levels at nearby wells would not be affected, would reduce impact related to groundwater supplies and groundwater levels. However, the planting ordinance and other cumulative development would result in decline of groundwater levels, which could significantly affect groundwater quality and levels. There is no additional feasible mitigation available beyond the requirements of the existing regulations, and Mitigation Measures UTIL-1 and UTIL-2, to reduce impacts to groundwater quality from declining groundwater levels. The proposed project's contribution to cumulative impacts would remain cumulatively considerable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.
- c. Supportive Evidence.** Please refer to Section 4.8, *Hydrology and Water Quality*, of the PEIR.

**K. Land Use and Planning (Class I)**

- 1. Conflicts With Land Use Plans, Policies, or Regulations Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect (Impact LU-1).** The proposed planting ordinance is potentially consistent with most applicable goals and policies found in the County General Plan and would be consistent with the General Plan as a whole. However, the proposed planting ordinance is also potentially inconsistent with some of the goals and policies, specifically those found in the Conservation and Open Space Element, Land Use Element, and Agricultural Element pertaining to air quality, GHG emissions, sensitive biological resources, sensitive ecological habitats, wildlife corridors, historic resources, cultural and tribal cultural resources, paleontological resources, and groundwater management and supply. Impacts would be Class I, significant and unavoidable.

- a. Mitigation.** Refer to Mitigation Measures AQ-1, BIO-1, GHG-1, UTIL-1, and UTIL-2 in this section.
  - b. Findings.** Implementation of Mitigation Measures AQ-1, BIO-1, GHG-1, UTIL-1, and UTIL-2 would reduce impacts to the extent feasible. However, the proposed project would continue to result in significant and unavoidable impacts to air quality, GHG emissions, sensitive biological resources, sensitive ecological habitats, wildlife corridors, historic resources, cultural and tribal cultural resources, paleontological resources, and groundwater management and supply. The County acknowledges the importance and breadth of the potential inconsistencies associated with the proposed planting ordinance by finding them to be significant and unavoidable impacts. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.
  - c. Supportive Evidence.** Please refer to Section 4.9, *Land Use and Planning*, and Appendix G of the PEIR.
- 2. Project's Contribution to Significant Cumulative Impacts to Land Use and Planning Would be Considerable.** Cumulative land use impacts would occur if projected residential and non-residential development within the PBLUMA, in combination with the proposed planting ordinance, would conflict with plans, policies, or regulations adopted for the purpose of mitigating environmental effects. Cumulative development may conflict with existing land use plans, policies, or regulations. However, without knowing the location and existing project site characteristics of individual cumulative projects—and which specific land use documents might pertain to the individual project—it would be too speculative at this time to estimate if cumulative development would significantly impact land use and planning. Therefore, cumulative land use impacts could be potentially significant.

  - a. Mitigation.** Implementation of Mitigation Measures AQ-1, BIO-1, GHG-1, UTIL-1, and UTIL-2 would reduce the proposed project's impacts to the extent feasible. However, it is currently unknown what avoidance, minimization, and/or mitigation measures could be included as part of individual cumulative development projects to reduce potential significant impacts to land use and planning.
  - b. Findings.** As discussed under Impact LU-1, above, the proposed planting ordinance would be potentially consistent with most of the applicable General Plan goals and policies, but would be potentially inconsistent with some goals and policies due to potentially significant and unavoidable impacts to environmental resources. Due to the potential inconsistencies, the proposed ordinance would incrementally contribute to significant cumulative impacts related to potential conflict with land use plans. It is currently unknown what avoidance, minimization, and/or mitigation measures could be included as part of individual cumulative development projects to reduce potential significant impacts to land use and planning. There is no additional feasible mitigation available beyond the requirements of the existing regulations, and Mitigation Measures AQ-1, BIO-1, GHG-1, UTIL-1, and UTIL-2, to reduce land use and planning impacts. The proposed project's contribution to cumulative impacts would remain cumulatively considerable. These impacts are

acceptable by reason of the overriding considerations discussed in Section VII, below.

**c. Supportive Evidence.** Please refer to Section 4.9, *Land Use and Planning*, of the PEIR.

**L. Mineral Resources (Class I):** No Class I impacts for Mineral Resources were identified.

**M. Noise (Class I):** No Class I impacts for Noise were identified.

**N. Population and Housing (Class I):** No Class I impacts for Population and Housing were identified.

**O. Public Services (Class I):** No Class I impacts for Public Services Public Services were identified.

**P. Recreation (Class I):** No Class I impacts for Recreation were identified.

**Q. Transportation (Class I):** No Class I impacts for Transportation were identified.

**R. Tribal Cultural Resources (Class I)**

**1. Tribal Cultural Resources (Impact TCR-1).** Ground-disturbing activities related to proposed new and expanded agricultural activities, such as site grading, and proposed accessory infrastructure associated with planting ordinance have the potential to impact tribal cultural resources that may be present on or below the ground surface. Impacts to tribal cultural resources would be Class I, significant and unavoidable.

**a. Mitigation.** There are no feasible mitigation measures available to reduce impacts to tribal cultural resources.

**b. Findings.** The County has complied with the requirements of AB 52 and SB 18 for sending notifications for requests for formal consultation with tribes affiliated with the PBLUMA. The new and expanded agricultural activities allowed under the ordinance would be permitted via ministerial permits, and no further CEQA clearances or amendments to the General Plan would occur, and thus, further tribal consultation would not be required. With compliance with the regulatory frameworks discussed in Section 4.12, *Tribal Cultural Resources*, including the County Grading Ordinance, impacts to tribal cultural resources from agricultural activities in the County would be reduced to the greatest extent feasible. There are no feasible mitigation measures available to reduce impacts to tribal cultural resources (refer to Section 4.0, *Environmental Impact Analysis*, of the PEIR for further discussion of mitigation feasibility). These impacts would remain significant and unavoidable and are acceptable by reason of the overriding considerations discussed in Section VII, below.

**c. Supportive Evidence.** Please refer to Section 4.12, *Tribal Cultural Resources*, of the PEIR.

**2. Project's Contribution to Significant Cumulative Impacts to Tribal Cultural Resources Would be Considerable.** Cumulative residential and non-residential development, in combination with the proposed planting ordinance, would result in potential exposure of and permanent loss of tribal cultural resources. When combined

with potential impacts of the other cumulative projects, cumulative impacts to tribal cultural resources would be potentially significant, and the proposed ordinance's incremental contribution to this impact would be cumulatively considerable.

- a. Mitigation.** The County would require mitigation measures for cumulative residential and non-residential development subject to CEQA review. Project-specific mitigation measures may include monitoring during ground-disturbing activities, as well as a Phase I Inventory, Phase II Testing and Evaluation, and/or Phase III Data Recovery, depending on the significance of tribal cultural resources on the project sites. However, it is not feasible for the County to require similar mitigation measures as part of the ministerial permits issued under the proposed planting ordinance.
- b. Findings.** Because it is not feasible for the County to require mitigation measures as part of the ministerial permits issued under the proposed planting ordinance, the proposed ordinance could incrementally contribute to the cumulative loss of tribal cultural resources. The proposed project's contribution to cumulative impacts would remain cumulatively considerable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.
- c. Supportive Evidence.** Please refer to Section 4.12, *Tribal Cultural Resources*, of the PEIR.

## **S. Utilities and Service Systems (Class I)**

- 1. Sufficient Water Supplies (Impact UTIL-2).** Reasonably foreseeable crop production under the proposed ordinance would increase groundwater demand within the PBLUMA. The Paso Robles Subbasin is currently in critical overdraft, and implementation of the proposed ordinance would increase groundwater use and exacerbate overdraft conditions, leading to a Class I, significant and unavoidable impact.

### **a. Mitigation.**

**UTIL-1: Well Metering and Reporting.** Prior to adoption of the planting ordinance, the County of San Luis Obispo shall amend the ordinance to include the following planting requirement in Section 22.30.205 of Title 22 of the San Luis Obispo County Code:

- The planting permit applicant shall comply with the requirements of a County GSA-approved groundwater extraction measurement program which shall require all non-de-minimis groundwater pumpers to measure and report their monthly groundwater extractions annually and use a groundwater extraction water measuring method approved by the GSA. In the event that a County GSA-approved groundwater extraction measurement program is not established, then the planting permit applicant shall install well meter(s) in accordance with County standards to measure all groundwater used to irrigate plantings allowed by a planting permit or exemption under this section prior to beginning irrigation of the new or expanded plantings. The property owner or responsible party designated by the property owner must read the water meter and record the



water usage on or near the first day of the month with a date-stamped photo or other date verification method, maintain monthly meter records, and submit an annual report of groundwater usage to the County of San Luis Obispo, Department of Planning & Building. The metered groundwater use for irrigation shall not exceed the estimated annual water demand based on the methodology in Section G, subject to the enforcement provisions of Chapter 22.74.

**UTIL-2: Hydrology Report.** Prior to adoption of the planting ordinance, the County of San Luis Obispo shall amend the ordinance to include the following planting requirement in Section 22.30.205 of Title 22 of the San Luis Obispo County Code:

- Exemption verification applications proposing to irrigate new plantings using groundwater wells located within 750 feet of existing off-site wells shall include a hydrology report prepared by a licensed geologist that verifies the proposed water use on site will not result in more than two feet of drawdown over five years in off-site wells within 750 feet.

**b. Findings.** The water duty factors in the planting ordinance are based on irrigated crops' water needs to maximize crop yield assuming the use of BMPs for efficient irrigation. Mitigation Measure UTIL-1 would help ensure that the increased groundwater pumping allowed by the planting ordinance is consistent with agricultural BMPs for irrigation efficiency. This mitigation measure would be consistent with the project objective to conserve groundwater resources in the PBLUMA for use by production agriculture. Negative drawdown impacts to off-site wells within 750 feet of a 25-AFY well would be evaluated on a case-by-case basis by a qualified hydrologist as required by Mitigation Measure UTIL-2, and a 25-AFY exemption would only be approved if the hydrology report showed no negative drawdown impacts. Therefore, the mitigation measure would reduce localized hydrology impacts to less than significant. Regardless, the planting ordinance would allow up to 25 AFY of groundwater extraction per site which would further increase water demands from a currently overdrafted subbasin. No additional feasible mitigation is available to reduce the impact. As a result, impacts to available groundwater supply in the Paso Robles Subbasin would remain significant and unavoidable.

These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.

**c. Supportive Evidence.** Please refer to Section 4.13, *Utilities and Service Systems*, of the PEIR.

**2. Project's Contribution to Significant Cumulative Impacts to Water Supply Would be Considerable.** By 2045, the total increase in groundwater extraction due to implementation of the proposed ordinance and other reasonably foreseeable development would be 12,036 AFY (refer to PEIR Appendix B). Groundwater extractions from both agricultural and non-agricultural operations would increase from 66,811 to 78,913 AFY, which represents an increase of 18 percent over existing conditions. The GSP (County of San Luis Obispo et al. 2020) identifies an annual sustainable yield of

61,100 AFY of groundwater. Therefore, the proposed project and other cumulative development would further exacerbate the overdraft conditions within the Paso Robles Subbasin. However, future area-specific mandatory pumping reductions would be required by the GSP to off-set groundwater supply deficits and exacerbated declining groundwater elevation levels from increased groundwater extractions. Such pumping restrictions may contribute to the inability of cumulative projects, including agricultural operations, in the PBLUMA to be implemented due to the lack of water supply. Given the cumulative increase in groundwater extraction in a currently overdrafted groundwater basin, cumulative impacts to water supply would be significant. Given that the agricultural operations allowed by the proposed planting ordinance would account for 86 percent of the total projected increase in groundwater extraction, the project would result in a cumulatively considerable contribution to significant cumulative water supply impacts.

- a. **Mitigation.** Refer to Mitigation Measures UTIL-1 and UTIL-2, above (Impact UTIL-2).
- b. **Findings.** Future area-specific mandatory pumping reductions would be required by the GSP to off-set groundwater supply deficits and exacerbated declining groundwater elevation levels from increased groundwater extractions resulting from the proposed planting ordinance. Such pumping restrictions may contribute to the inability of cumulative projects, including agricultural operations, in the PBLUMA to be implemented due to the lack of water supply. However, the GSP pumping restrictions would help to reduce overdraft of the Basin within the PBLUMA. Nonetheless, given the cumulative increase in groundwater extraction in a currently overdrafted groundwater basin, cumulative impacts to water supply would be significant. Even with implementation of Mitigation Measures UTIL-1 and UTIL-2, cumulative water supply impacts would be significant and unavoidable, and the proposed project's contribution to cumulative impacts would remain cumulatively considerable. These impacts are acceptable by reason of the overriding considerations discussed in Section VII, below.
- c. **Supportive Evidence.** Please refer to Section 4.13, *Utilities and Service Systems*, of the PEIR.

**T. Wildfire (Class I):** No Class I impacts for Wildfire were identified.

## **VII. STATEMENT OF OVERRIDING CONSIDERATIONS**

Findings pursuant to *CEQA Guidelines* Sections 15093 and 15092:

- A. The proposed project's significant, unmitigable, unavoidable adverse effects are as follows:
  1. Impact AQ-2: The proposed planting ordinance would generate criteria pollutants that would exceed applicable SLOAPCD thresholds.
  2. The proposed planting ordinance's contribution to significant cumulative air quality impacts would be considerable.

3. Impact BIO-1: The proposed planting ordinance would potentially result in substantial adverse impacts on special status plant and animal species, either directly or through habitat modifications.
4. Impact BIO-2: The proposed planting ordinance may result in substantial adverse impacts on sensitive habitats, including riparian and wetland habitats.
5. Impact BIO-4: The proposed planting ordinance may substantially interfere with wildlife movement, including fish migration and/or impede the use of a native wildlife nursery.
6. The proposed planting ordinance's contribution to significant cumulative biological resources impacts would be considerable.
7. Impact CUL-1: The proposed planting ordinance could result in potentially significant impacts to historical resources either directly and/or indirectly.
8. Impact CUL-2: The proposed planting ordinance could result in potentially significant and unavoidable impacts to archeological resources.
9. The proposed planting ordinance's contribution to significant cumulative cultural resources impacts would be considerable.
10. Impact GEO-4: The proposed planting ordinance has the potential to impact paleontological resources through ground-disturbing activities.
11. The proposed planting ordinance's contribution to significant cumulative paleontological resources impacts would be considerable.
12. Impact GHG-1: The proposed planting ordinance would generate GHG emissions in excess of SLOAPCD project-specific significance thresholds.
13. Impact GHG-2: The proposed planting ordinance would be potentially inconsistent with applicable plans, policies, and regulations designed to reduce GHG emissions.
14. The proposed planting ordinance's contribution to significant cumulative GHG emissions impacts would be considerable.
15. Impact HYD-2: The proposed planting ordinance would result in a combination of decreasing water levels and increasing pollutant amounts throughout the PBLUMA that may degrade groundwater quality.
16. Impact HYD-3: The proposed planting ordinance would decrease groundwater supplies such that sustainable groundwater management of the Paso Robles Subbasin would be impeded.
17. Impact HYD-5: The proposed planting ordinance may result in water quality impacts within the Paso Robles Subbasin that conflict with goals reducing water quality pollution, achieving water quality objectives, and maintaining beneficial uses identified in the Basin Plan.
18. Impact HYD-6: The proposed planting ordinance would allow increased groundwater extraction that would conflict with the GSP's goal of sustainable groundwater

management and with the GSP's projections for groundwater extraction within the Paso Robles Subbasin.

19. The proposed planting ordinance's contribution to significant cumulative impacts to hydrology and water quality, except for surface water quality, would be considerable.
20. Impact LU-1: The proposed planting ordinance would result in potential General Plan policy inconsistencies regarding air quality, groundwater, biological resources, GHG emissions, cultural, tribal cultural, and paleontological resources.
21. The proposed planting ordinance's contribution to significant cumulative impacts to land use and planning would be considerable.
22. Impact TCR-1: The proposed planting ordinance includes activities that may involve surface excavation, which has the potential to impact previously unidentified tribal cultural resources.
23. The proposed planting ordinance's contribution to significant cumulative tribal cultural resources impacts would be considerable.
24. Impact UTIL-2: The proposed planting ordinance would increase water use and exacerbate overdraft conditions within the PBLUMA, adversely impacting water supply.
25. The proposed planting ordinance's contribution to significant cumulative impacts to water supply would be considerable.

**B. Findings.** The Board of Supervisors has weighed the benefits of the proposed project against its unavoidable environmental impacts. Based on the consideration of the record as a whole, the Board of Supervisors finds that there is substantial evidence in the record to conclude that the benefits of the project outweigh its unavoidable adverse environmental impacts. In support of this Finding, the Board of Supervisors has determined that the following benefits, each of which is sufficient to support this Finding, support approval of the proposed project.

**C. Supporting Evidence.**

1. Legal, Social, Economic and Environmental Benefits. The proposed project would result in the following legal, social, environmental, and economic benefits:

Legal and Environmental Benefits:

- a. The proposed planting ordinance will allow the County to continue to exercise its land use authority to regulate the planting of production agriculture irrigated from groundwater wells within the PBLUMA when the County's existing agricultural offset requirements expire. If the planting ordinance is not adopted, the agricultural offset requirements will expire on August 31, 2023, which would allow growers to plant without any limitations. This scenario is assessed in Section 6.2, *Alternative 1: No Project – Existing Agricultural Offset Requirements Expire on August 31, 2023*, of the Final PEIR and estimated to result in a 216- to 856-AFY greater annual increase in groundwater extraction than if the proposed

ordinance were adopted, totaling 6,500 AFY more than the proposed project by January 31, 2045. This estimated impact to groundwater resources is based on (1) the planting rate observed during the 2015 three-month gap between the termination of the urgency planting ordinance and the agricultural offset requirements taking effect, and (2) the assumption that a GSP allocation and area-specific pumping reduction program would be in place by 2025 that would give GSAs some measure of control of increased groundwater pumping in the basin to limit a planting rush beyond 2025.

- b. New plantings allowed by the planting ordinance would be subject to mitigation measures to reduce environmental impacts (i.e., dust control, riparian and wetland habitat setbacks, and well metering and reporting), whereas current regulations do not require this mitigation. New plantings allowed by the 25-AFY exemption would also be subject to additional mitigation measures (i.e., carbon sequestration and hydrology reports).

Economic and Social Benefits:

- a. The ordinance supports the Land Use Element policy of encouraging the protection and use of agricultural land for the production of food, fiber, and other agricultural commodities, and supporting the rural economy, locally-based commercial agriculture, and scenic rural landscapes. The majority of irrigated crop production in the PBLUMA is wine grapes (over 90 percent). A 2016 study of the economic impacts of the wine industry in San Luis Obispo County found that the Paso Robles American Viticultural Area (AVA) accounts for 87 percent of the County's wine industry output and economic impact. The study estimated the County's wine industry, including wine grape production, wine production, and wine-related tourism, generated \$1.9 billion in total economic output, approximately 13,627 jobs, 28 percent of the County's property tax revenue, and approximately 10 percent of the California sales tax revenue collected in the County in 2015 (Matthews and Medellin-Azuara 2017<sup>1</sup>).
- b. The proposed planting ordinance is more flexible for agricultural operations than the existing agricultural offset requirements because it allows a 6-year lookback period instead of a 5-year lookback period, an automatic annual extension for drought years, and a 25-AFY exemption instead of 5-AFY exemption.
- c. The proposed planting ordinance will provide a ministerial streamlined permitting process to encourage and facilitate smaller production agriculture operations in the PBLUMA to plant irrigated crops using up to 25 AFY per site of groundwater from the PBLUMA that were not able to under the existing agricultural offset requirements. For example, a 25-AFY exemption could be used to plant a 20-acre vineyard, which is an economically viable sized operation for

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<sup>1</sup> Matthews, W.A. and J. Medellin-Azuara. 2017. The Economic Impacts of the San Luis Obispo County and Paso Robles AVA Wine Industry. Agricultural Issues Center, University of California, Davis.  
[https://watershed.ucdavis.edu/files/biblio/Matthews&Medellin\\_San\\_Luis\\_Obispo\\_\(2016\).pdf](https://watershed.ucdavis.edu/files/biblio/Matthews&Medellin_San_Luis_Obispo_(2016).pdf) (accessed August 2022).

this high-value crop and allows properties to qualify for Williamson Act contracts, depending on site-specific soil and acreage conditions.

- d. The proposed planting ordinance will support and promote a healthy and competitive agricultural industry in the PBLUMA, whose products are recognized in national and international markets as being produced in San Luis Obispo County. The proposed planting ordinance will cap the increase in groundwater production for existing agricultural operations to allow new smaller operations to establish using up to 25 AFY per site. Existing operations may still respond to changing economic conditions by converting to “water neutral” crop types and acreages based on a six-year lookback period.

## **VIII. REJECTION OF ALTERNATIVES**

The Final PEIR analyzes five alternatives to the proposed project, including the CEQA-required “no project” alternative (Alternative 1), that involve changes to the project that may reduce the project-related environmental impacts as identified in the PEIR. Alternatives were developed to provide a reasonable range of options to consider that would help decision makers and the public understand the general implications of revising or eliminating certain components of the proposed project. The five alternatives are:

- Alternative 1: No Project – Existing Agricultural Offset Requirements Expire on August 31, 2023
- Alternative 2: Continuation of Existing Agricultural Offset Requirements Through 2025
- Alternative 3: No Exemptions Within Areas of Severe Groundwater Elevation Decline
- Alternative 4: No Exemptions
- Alternative 5: Exemptions Limited to Existing Williamson Act Contracts

These alternatives, which includes the environmentally superior alternative (Alternative 4: No Exemptions), are rejected based on their infeasibility due to failure to meet the stated project objectives or inferior environmental impacts, as summarized below.

- 1. Alternative 1 (No Project – Existing Agricultural Offset Requirements Expire on August 31, 2023).** Section 15126.6(e) of the *CEQA Guidelines* requires an EIR to consider a No Project Alternative. The analysis of the No Project Alternative must discuss the existing conditions at the time the Notice of Preparation was published (August 12, 2021), as well as “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services” (*CEQA Guidelines* Section 15126.6(e)(2)). The requirements also specify that “If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this ‘no project’ consequence should be discussed” (*CEQA Guidelines* Section 15126.6(e)(3)(B)).

Under the No Project Alternative, agricultural development acreage would be approximately 57 percent greater when compared to the proposed project. As such, total ground disturbance, construction of new accessory infrastructure, and vehicle trips resulting from this alternative would increase proportionally to the increase in acreage planted compared to the proposed project. Consequently, this alternative would result

in incrementally greater impacts to all environmental issue areas when compared to the proposed project.

This alternative is estimated to result in a 216- to 856-AFY greater annual increase in groundwater extraction than if the proposed ordinance were adopted, totaling 6,500 AFY more than the proposed project by January 31, 2045. This estimated impact to groundwater resources is based on (1) the planting rate observed during the 2015 three-month gap between the termination of the urgency planting ordinance and the agricultural offset requirements taking effect, and (2) the assumption that a GSP allocation and area-specific pumping reduction program would be in place by 2025 that would give GSAs some measure of control of increased groundwater pumping in the basin to limit a planting rush beyond 2025.

Additionally, the No Project Alternative would not meet any of the proposed project's objectives. As such the No Project Alternative is rejected as infeasible.

- 2. Alternative 2 (Continuation of Existing Agricultural Offset Requirements Through 2025).** Under Alternative 2, agricultural development acreage would be approximately 28 percent greater when compared to the proposed project. As such, total ground disturbance, construction of new accessory infrastructure, and vehicle trips resulting from this alternative would increase proportionally to the increase in acreage planted compared to the proposed project. In addition, Alternative 2 is estimated to result in 3,460 AFY greater increase in groundwater extraction by January 31, 2045 compared to the proposed planting ordinance, assuming a 1 percent annual increase in groundwater production for irrigated agriculture once the existing agricultural offset requirements would expire in 2025. Although Alternative 2 would generally meet the proposed project's objectives, this alternative would result in incrementally greater impacts to all environmental issue areas when compared to the proposed project. Alternative 2 would be environmentally inferior to the proposed project. As such, Alternative 2 is rejected as infeasible.
- 3. Alternative 3 (No Exemptions Within Areas of Severe Groundwater Elevation Decline).** Under Alternative 3, agricultural development acreage would be approximately 17 percent smaller when compared to the proposed project. As such, total ground disturbance, construction of new accessory infrastructure, and vehicle trips resulting from this alternative would decrease proportionally to the reduction in acreage planted compared to the proposed project. In addition, Alternative 3 is estimated to result in 1,188 AFY less increase in groundwater extraction by January 31, 2045 compared to the proposed planting ordinance. Consequently, this alternative would result in incrementally fewer impacts to all environmental issue areas when compared to the proposed project. Alternative 3 would generally meet the project objectives, and would result in incrementally less impacts to all environmental issue areas when compared to the proposed project and Alternatives 1 and 2. Additionally, Alternative 3 would avoid increased pumping for irrigated agriculture in the most severely impacted areas of the subbasin. However, Alternative 3 would exclude the 25-AFY exemptions within designated areas of severe groundwater elevation decline (equating to 37,072 acres [12 percent] of the 313,661-acre PBLUMA). Alternative 3 would not fully meet

Objective 3 (allowance of an exemption for farms to plant irrigated crops that were not able to under the existing agricultural offset requirements) or Objective 5 (support and promote a healthy and competitive agricultural industry in the PBLUMA), and as such, is rejected as infeasible.

- 4. Alternative 4 (No Exemptions).** Alternative 4 assumes the County Board of Supervisors would adopt the proposed planting ordinance modified to exclude the 25-AFY per site exemption allowance and that the ordinance would only allow “water neutral” planting permits. Under Alternative 4, there would be no estimated increase in overall irrigated cropland, ground disturbance, accessory infrastructure, or vehicle trips within the PBLUMA. Alternative 4 would eliminate significant and unavoidable impacts to air quality, biological resources, cultural resources, paleontological resources, GHG emissions, hydrology and water quality, land use and planning, tribal cultural resources, and utilities and service systems. In contrast to the proposed planting ordinance, no mitigation measures would be required for this alternative. However, this alternative would not meet Objective 3 (allowance of an exemption for farms to plant irrigated crops that were not able to under the existing agricultural offset requirements) or Objective 5 (support and promote a healthy and competitive agricultural industry in the PBLUMA). Although Alternative 4 would result in incrementally lower impacts to all environmental issue areas when compared to the proposed project and Alternatives 1 through 3, Alternative 4 would not meet all of the project objectives, and as such, is rejected as infeasible.
- 5. Alternative 5 (Exemptions Limited to Existing Williamson Act Contracts).** Under Alternative 5, agricultural development acreage would be approximately 44 percent smaller when compared to the proposed project. As such, total ground disturbance, construction of new accessory infrastructure, and vehicle trips resulting from this alternative would decrease proportionally to the reduction in acreage planted compared to the proposed project. Alternative 5 is estimated to result in 4,070 AFY less increase in groundwater extraction by January 31, 2045 compared to the proposed planting ordinance. Consequently, this alternative would result in incrementally fewer impacts to all environmental issue areas when compared to the proposed project. However, this alternative would not meet Objective 3 (allowance of an exemption for farms to plant irrigated crops that were not able to under the existing agricultural offset requirements) or Objective 5 (support and promote a healthy and competitive agricultural industry in the PBLUMA), and as such, is rejected as infeasible.

## **VIII. CEQA GENERAL FINDINGS**

- A.** The Board of Supervisors finds that changes or alterations have been incorporated into the project to eliminate or substantially lessen all significant impacts where feasible. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Paso Basin Land Use Management Area (PBLUMA) Planting Ordinance Draft and Final PEIR. For those remaining significant effects on the environment found to be unavoidable, they are considered acceptable due to the overriding considerations described in Section VII, above.



- B.** The Board of Supervisors finds that the project, as approved, includes an appropriate Mitigation Monitoring and Reporting Program. This mitigation monitoring and reporting program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the *CEQA Guidelines*, will be implemented as described. The Final PEIR is adequate to support approval of the project, as approved by the Board of Supervisors, including any minor modifications or additions, including minor revisions to some of the mitigation measures, and other conditions recommended by the Planning Commission and/or adopted or imposed by the Board of Supervisors. Such minor modifications or additions, including minor revisions to some of the mitigation measures, recommended by the Planning Commission and/or imposed by the Board of Supervisors will enhance the legal, social, economic, and environmental benefits of the proposed project and will not create any new significant environmental impacts or create a substantial increase in the severity of any environmental impacts. The Final PEIR is adequate for each entitlement or approval, and any future ministerial approvals required for planting allowed by the project, as such entitlements or approvals are analyzed in the Final PEIR.
- C.** Per *CEQA Guidelines* Section 15126.4(a)(1)(B), the proposed planting ordinance will be amended prior to adoption to include the following mitigation measures that contain performance-based standards, and therefore, avoid the potential for these measures to be considered deferred mitigation under CEQA:
1. AQ-1 – Construction Emissions Reduction
  2. BIO-1 – Riparian and Wetland Habitat Setback
  3. GHG-1 – Carbon Sequestration
  4. UTIL-1 – Well Metering and Reporting
  5. UTIL-2 – Hydrology Report
- D.** The Board of Supervisors recognizes that the Final PEIR incorporates information obtained and produced after the Draft PEIR was completed, and that the Final PEIR contains additions, clarifications, and modifications. The Planning Commission and Board of Supervisors have reviewed and considered the Final PEIR and all of this information. The Final PEIR does not add significant new information to the Draft PEIR that would require recirculation of the Final PEIR under CEQA. The new information added to the Final PEIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure considerably different from others previously analyzed and that would clearly lessen the significant environmental impacts of the project. The Draft PEIR was not inadequate or conclusory in nature such that the public was deprived of a meaningful opportunity to review and comment on the Draft PEIR.
- E.** Based on the above finding, the Board of Supervisors finds that the changes and modifications made to the Final PEIR after the Draft PEIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or *CEQA Guidelines* Section 15088.5.

**IX. MITIGATION MONITORING AND REPORTING PROGRAM**

- A.** The County of San Luis Obispo Department of Planning & Building will be primarily responsible for ensuring that all project mitigation measures are complied with. Mitigation measures will be programmed to occur prior to the adoption of the planting ordinance. The County will revise the planting ordinance text to include specific amendments specified in the PEIR mitigation measures descriptions before adopting the planting ordinance. Connecting each of the mitigation measures to this milestone will integrate mitigation monitoring into existing County processes, as encouraged by CEQA.
- B.** As lead agency for the Paso Basin Land Use Management Area (PBLUMA) Planting Ordinance Final PEIR, the Board of Supervisors hereby certifies that the approved Mitigation Monitoring and Reporting Program is adequate to ensure the implementation of the mitigation measures described herein.