

# Memorandum

**To:** CHAIR AND COMMISSIONERS

**Date:** September 24, 2009

**From:** BIMLA G. RHINEHART  
Executive Director

**File:** Book Item 2.2c (12)  
Action

**Ref:** **Final Supplemental Environmental Impact Report for the Willow Road Extension/US 101 Interchange Project (Resolution E-09- 85)**

**ISSUE:** Should the Commission, as a Responsible Agency, accept the Mitigated Final Supplemental Environmental Impact Report (FSEIR), Findings of Fact and Statement of Overriding Considerations for the Willow Road Extension/U.S. 101 Interchange Project (project) in San Luis Obispo County and approve the project for future consideration of funding?

**RECOMMENDATION:** Staff recommends that the Commission accept the FSEIR, Findings of Fact and Statement of Overriding Considerations and approve the project for future consideration of funding.

**BACKGROUND:** The County of San Luis Obispo (County) is the CEQA lead agency for the project. The project will construct the extension of Willow Road and connect it with US 101 in the community of Nipomo, south San Luis Obispo County. The proposed project includes the extension of Willow Road east from its existing terminus approximately 1,000 feet west of Pomeroy Road to Thompson Avenue; construction of a frontage road between Willow Road and Sandydale Drive; and construction of a new US 101/Willow Road interchange.

In March 1999 a Tier I Final Environmental Impact Report (FEIR) for the project was adopted by the County Board of Supervisors and a preferred alignment and interchange were selected. The FEIR specified that subsequent design refinements for the road extension, interchange, and frontage road would be evaluated in a Tier 2 construction level environmental document. The County prepared the FSEIR to satisfy the requirements for evaluating the preferred alternative in a Tier 2 construction level environmental document.

On May 9, 2006 the County Board of Supervisors adopted the FSEIR, Findings of Fact and a Statement of Overriding Considerations for significant and unavoidable impacts that cannot be mitigated to a less than significant level finding that the benefits of the proposed project outweigh the unavoidable adverse environmental impacts to the extent that the unavoidable adverse environmental impacts become “acceptable”. The County also adopted a Mitigation Monitoring Program for this project to provide a program to examine, document and record compliance with the environmental plans and specifications pertinent to the proposed project. On August 26, 2009, the County provided written confirmation that there have been no substantial changes to the project and the CEQA document adequately represents the project and its effect on the environment.

The FSEIR identifies significant and unavoidable impacts that cannot be reduced to a less than significant level after mitigation. These impacts pertain to long term traffic noise at 7 receptor locations where sound barriers cannot be installed; direct impacts to 28.8 acres of oak woodland habitat and the removal of 938 oak trees; long term project specific impacts to two agricultural preserves and indirect cumulative impacts to agriculture; and indirect or growth inducing impacts upon the population and housing supply in Nipomo by anticipated conversion of agricultural lands to development.

Significant irreversible environmental changes identified were due to the permanent altering of existing land uses and thus changes to the aesthetic environment from agriculture/undeveloped open space and the indirect contribution through the facilitation of other development near the project site which would contribute to the consumption of other non-renewable resources and demand on energy resources.

The FSEIR was prepared for the entire Highway 101/Willow Road Interchange Project. However, for construction and financing purposes, the County split the project into two phases as follows:

- Phase I is programmed in the Proposition 1B State and Local Partnership Program (SLPP) and consists of a new roadway extension on Willow Road, from Misty Glen Place to Hetrick Road. This phase will construct a new two lane roadway with 12' travel lanes and 8' shoulders; installation of left turn lanes and right turn pockets at Willow/Pomeroy and Willow/Hetrick intersections; drainage facilities, including underground storm drain collection and two infiltration basins. The project is estimated to cost \$6,500,000 and is programmed with SLPP (\$1,000,000) and Local (\$5,500,000) funds. Construction is estimated to begin in fiscal year 2009-10.
- Phase II is programmed in the State Transportation Improvement Program (STIP) and will continue the roadway extension on Willow Road, from Hetrick Road to Thompson Road. This phase will construct frontage road improvements between Willow Road and Sandydale Drive; a new interchange at US Route 101, a cross street and drainage facilities. The project is estimated to cost \$32,000,000 and is programmed with STIP (\$10,000,000), Federal ARRA (\$500,000), and Local (\$21,500,000). The County has applied for \$1,000,000 in SLPP Cycle 2 funding and if approved, the amount of Local funds will be \$20,500,000. Construction is estimated to begin in fiscal year 2010-11.

On September 3, 2009, the County provided written confirmation that the preferred alternative set forth in the final environmental document is consistent with the project scopes of work programmed by the Commission.

#### Attachments

- Resolution E-09-85
- Findings/Statement of Overriding Considerations
- Project Location

# CALIFORNIA TRANSPORTATION COMMISSION

## Resolution for Future Consideration of Funding 05-SLO-101, PM 5.75/6.0 Resolution E-09-85

- 1.1 **WHEREAS**, the County of San Luis Obispo (County) has completed a Final Supplemental Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
  - Willow Road Extension/US 101 Interchange Project
- 1.2 **WHEREAS**, the County has certified that the Final Supplemental Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3 **WHEREAS**, the project will extend Willow Road from Pomeroy Road to Thompson Road, construct an interchange at Willow Road/US 101 and provide other roadway improvements; and
- 1.4 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Supplemental Environmental Impact Report; and
- 1.5 **WHEREAS**, written findings were made pursuant to CEQA guidelines to indicate that the project will result in long term noise at seven receptor locations, long term impacts to agriculture, impacts to oak woodland habitat and oak trees, indirect or growth inducing impacts upon population and housing; and
- 1.6 **WHEREAS**, construction of the proposed project would directly result in some irreversible environmental changes due to the permanent alteration of existing land uses changing the aesthetic environment and indirect contribution to irreversible environmental changes by facilitating other development near the project site that would indirectly contribute to the consumption of other non-renewable resources; and
- 1.7 **WHEREAS**, a statement of overriding considerations was adopted by the County Board of Supervisors pursuant to CEQA guidelines that the benefits of the project outweigh the unavoidable adverse environmental impacts of the project; and
- 1.8 **WHEREAS**, the County Board of Supervisors adopted a Mitigation Monitoring and Reporting Program designed to ensure that, during project implementation, compliance with the required mitigation measures is achieved; and
- 1.9 **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the findings and statement of overriding considerations and approve the above referenced project to allow for future consideration of funding.

## ATTACHMENT B

**TO: BOARD OF SUPERVISORS**  
**FROM: JOHN FARHAR, PUBLIC WORKS**  
**DATE: May 9, 2006**  
**SUBJECT: Submittal of CEQA Required Findings and Statement of  
Overriding Considerations for the Willow Road  
Extension/US 101 Interchange**

### I. PROJECT DESCRIPTION

The County of San Luis Obispo (County) proposes to construct the extension of Willow Road and connect it with U.S. Route 101 (US 101) in and around the community of Nipomo, within the South County planning area, in the southern portion of San Luis Obispo County. The proposed project includes the extension of Willow Road east (including minor realignment from its existing terminus approximately 1,000 feet west of Pomeroy Road) to Thompson Avenue; construction of a frontage road between Willow Road and Sandydale Drive; construction of a new US 101/Willow Road interchange; and related cross street and drainage improvements.

#### History of the Project

The County of San Luis Obispo has contemplated the extension of Willow Road and a US 101 Interchange for more than a decade. The proposed Willow Road alignment and interchange are shown in the Route 101 Corridor Study (1988), the South County Circulation Study (1994/1995) and again in the 2000 model update, and the Circulation Element of the County General Plan. The proposed extension of Willow Road and the interchange are identified in the San Luis Obispo Council of Governments (SLOCOG) Regional Transportation Plan (RTP) as a major proposed short-term project. In addition, the Willow Road interchange is listed in SLOCOG's Regional Transportation Improvement Program (RTIP) (Project ID #RPSTPL-5949[072]). The project clearly represents a part of the long-range circulation program for the South County planning area.

The Board of Supervisors originally considered seven alternative alignments for the extension of Willow Road, six of which were brought forward for the Board's consideration at its January 10, 1995 meeting. Two of the considered alignments (Alignments 2 and 4) were selected for further analysis and design leading to a final route selection. A Tier 1 Environmental Impact Report (EIR) was prepared by Douglas Wood and Associates, Inc. on behalf of the County in 1998 for Alignments 2 and 4 and the frontage road alignment. In March 1999, the Board certified the Final EIR and selected Alignment 2 as the preferred project alignment. The FEIR specified that subsequent design refinements for the road extension, interchange, and frontage road would be evaluated in a Tier 2 construction-level environmental document, otherwise known as a Supplemental Environmental Impact Report (SEIR).

The Draft SEIR for the Willow Road Extension/US 101 Interchange was released for public review in August 2005. Based upon information contained in the SEIR and comments from the public and involved public agencies, the County Public Works Department puts forth the following findings which recommend adoption of the proposed project. The proposed project is described in more detail in the Willow Road Extension/US 101 Interchange SEIR and appendices and the staff report accompanying these Findings.

## **II. THE RECORD**

For the purposes of CEQA and the Findings IV-V, the record of the Board of Supervisors relating to the application includes:

- A. The Willow Road Extension/US 101 Interchange Certified EIR, approved by the Board of Supervisors in March, 1999.
- B. The Willow Road Extension/US 101 Interchange Final SEIR, April 2006.
- C. The Project Staff Report prepared for the Board of Supervisors.
- D. Matters of common knowledge to the Board which it considers, such as:
  - The County General Plan, including the land use maps and elements thereof;
  - The California Environmental Quality Act (CEQA) and the CEQA Guidelines;
  - The County of San Luis Obispo Environmental Quality Act Guidelines;
  - The South County Traffic Circulation Study;
  - The Clean Air Plan and South County Air Quality Mitigation Program
  - The SLO County Public Facilities Financing Plan;
  - Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances; and,
  - Additional documents referenced in the Certified EIR and Final SEIR for the Willow Road Extension/US 101 Interchange

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

The Board of Supervisors certifies the following with respect to the Willow Road Extension/US 101 Interchange Final SEIR:

- A. The Board of Supervisors has reviewed and considered the Willow Road Extension/US 101 Interchange 1999 Certified Environmental Impact Report and the 2006 Willow Road Extension/US 101 Interchange Supplemental Environmental Impact Report.
- B. The Supplemental Environmental Impact Report for the Willow Road Extension/US 101 Interchange has been completed in compliance with the California Environmental Quality Act.
- C. The Supplemental Environmental Impact Report and all related public comments and responses have been presented to the Board of Supervisors. The Board of Supervisors has

reviewed and considered the information contained in the Supplemental Environmental Impact Report and testimony at the public hearing prior to approving the final project alignment for the Willow Road Extension and US 101 Interchange.

- D. The Willow Road Extension/US 101 Interchange Final Supplemental Environmental Impact Report reflects the independent judgment of the Board of Supervisors, acting as the Lead Agency for the project.

#### **IV. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (Class III) OR BENEFICIAL (Class IV)**

*The findings below are for Class III and Class IV Impacts. Class III Impacts are impacts that are adverse, but not significant. Class IV Impacts are impacts that are considered positive or beneficial.*

##### **A. LAND USE AND PLANNING (Classes III and IV)**

1. **Land Use Impact.** Some property acquisition will be required; however, nurseries, open space, recreation, and residential land uses in the project vicinity will not be functionally impacted.
  - a. **Mitigation**— None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**— Please refer to pages V.A -3 through V.A-4 of the Final SEIR.
2. **Land Use Impact.** The proposed project is consistent with long-range land use planning as included in the Land Use and Circulation Elements of the San Luis Obispo County General Plan.
  - a. **Mitigation**— None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**— Please refer to pages V.A-3 through V.A-5 of the Final SEIR.

##### **B. TRAFFIC AND CIRCULATION (Classes III and IV)**

1. **Transportation and Circulation Impact.** The proposed project has the potential to positively impact Levels of Service (LOS) and average vehicle delays at several existing intersections in and around the project area on a project specific as well as cumulative basis.
  - a. **Mitigation**— None determined needed.
  - b. **Findings**— Impacts are considered *beneficial* (Class IV).
  - c. **Supportive Evidence**— Please refer to pages V.B-7 through V.B-8 of the Final SEIR.

**C. NOISE (Classes III and IV)**

1. **Noise Impact.** Construction crew commutes and the transport of construction equipment and materials to the project site would incrementally raise noise levels on access roads leading to the site, during project construction. The projected construction traffic trips will be relatively few and of short duration. Therefore, short-term construction related worker commutes and equipment transport noise impacts would be less than significant.
  - a. **Mitigation**— None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**— Please refer to pages V.C-7 through V.C-9 of the Final SEIR.
2. **Noise Impact.** Cumulative short-term noise impacts should result in localized noise impacts if construction of one or more of the projects on the cumulative projects list is 1) occurring in the same space and at the same time as the proposed project, and 2) within very close proximity of the project. While four such projects could qualify from the list, construction noise related to each of these types of development would be substantially less than what is proposed and are expected to have a negligible cumulative effect based on the expected noise from the proposed project.
  - a. **Mitigation**— None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**— Please refer to page V.C-20 of the Final SEIR.
3. **Noise Impact.** Long-term regional transportation noise levels may improve slightly as a result of the redistribution of vehicle traffic in the study area roadway system onto Willow Road. Therefore, the proposed project will not significantly alter the regional or cumulative noise conditions.
  - a. **Mitigation**— None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**— Please refer to pages V.C-10 through V.C-11 of the Final SEIR.

**D. AIR QUALITY (Classes III and IV)**

1. **Air Quality Impact.** Construction equipment emissions would not exceed the daily thresholds of any of the criteria pollutants: NO<sub>x</sub>, ROG, CO, SO<sub>x</sub> and PM<sub>10</sub>. Therefore, short-term air quality impacts associated with project construction will be less than significant.
  - a. **Mitigation**— None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**— Please refer to page V.D-9 through V.C-10 of the Final SEIR.
2. **Air Quality Impact.** No Carbon Monoxide (CO) levels would exceed the federal and State on-hour and eight-hour standards, therefore, no CO hot spots would occur as a result of the proposed project.
  - a. **Mitigation**— None determined needed.

- b. **Findings**— Impacts are considered adverse but not significant (Class III).
    - c. **Supportive Evidence**— Please refer to page V.D-11 of the Final SEIR.
  - 3. **Air Quality Impact.** The proposed project will not significantly contribute to or cause deterioration of existing air quality over the long-term. Therefore, the proposed project is consistent with the APCD's Clean Air Plan. Hence, no mitigation measures are required for the long-term operation of the project in order to meet APCD's Clean Air Plan.
    - a. **Mitigation**—None determined needed.
    - b. **Findings** — Long-term air quality impacts on a local level will deteriorate slightly, but on a regional level will benefit from the overall improved traffic and circulation and reduced traffic congestion that currently exists nearby on the county's road network. Overall, impacts are considered *beneficial* (Class IV).
    - c. **Supportive Evidence**—Please refer to pages V.D-10 through V.D-14 of the Final SEIR.
  - 4. **Air Quality Impact.** The proposed project is projected to have beneficial long-term effects on air quality since it will improve traffic flow and reduce delay and congestion.
    - a. **Mitigation**— None determined needed.
    - b. **Findings**— Long-term air quality impacts on both a local and regional level will benefit from the improved traffic and circulation and reduced traffic congestion associated with the proposed project. Impacts are considered *beneficial* (Class IV).
    - c. **Supportive Evidence**— Please refer to page V.D-18 of the Final SEIR.
  - 5. **Air Quality Impact.** The completion of the proposed projects on the cumulative list are generally considered consistent with the area buildout anticipated under the Clean Air Plan. In addition, the proposed project is expected to reduce air pollution associated with automobile traffic in the project area due to improved traffic flow efficiencies at study area intersections. Therefore, the proposed project will have a less than significant contribution to the cumulative impact on the region's air quality conditions.
    - a. **Mitigation**— None determined needed.
    - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
    - c. **Supportive Evidence**—Please refer to page V.D-15 of the Final SEIR.
- E. PUBLIC SERVICES--(Class III)**
- 1. **Public Services Impact.** Cumulative Public Services and Utilities Impacts. The proposed project represents a minor incremental increase in the demand for public services through added patrol responsibilities for law enforcement and the increased potential for roadside fires. Completion of this project would provide the benefit of improved emergency access and traffic safety. The project will not require additional utility lines and additional energy consumption is considered minimal. The project will have a negligible contribution to the County landfill capacity and operations. Therefore, the proposed project's contribution to the cumulative impact on public services, utilities, and County landfill capacity and operations is less than significant.

- a. **Mitigation**—None determined needed.
- b. **Findings**—Impacts are considered *adverse but not significant* (Class III).
- c. **Supportive Evidence**—Please refer to pages V.E-2 through V.E-3 of the Final SEIR.

**F. BIOLOGICAL RESOURCES—(Class III)**

- 1. **Biological Resources Impact.** The South/Central Coast Steelhead is not expected to occur within the study area and will not be directly impacted by the proposed project. Extensive sedimentation and erosion control measures will be required when the bridge crossing Nipomo Creek is constructed.
  - a. **Mitigation**—None determined needed.
  - b. **Findings**—Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**—Please refer to page V.F-15 of the Final SEIR.

**G. CULTURAL AND PALEONTOLOGICAL RESOURCES (Class III)**

- 1. **Cultural and Paleontological Resources Impact.** A home built in 1952, which is old enough to evaluate for historic significance was determined to not have the necessary criteria to be considered historically significant. No evidence of paleontological resources were encountered, nor expected given the existing geologic formations to be encountered during construction. Therefore, historic and paleontological impacts will be less than significant.
  - a. **Mitigation**—None determined needed.
  - b. **Findings**—Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**—Please refer to page V.G-7 of the Final SEIR.

**H. AGRICULTURAL RESOURCES (Class III)**

- 1. **Agricultural Resources Impact.** The proposed project will traverse areas containing potentially prime agricultural soils (when irrigated). The proposed Willow Road alignment would impact approximately three acres of Cropley clay soils in the area between Nipomo Creek and Thompson Avenue. Due to the relatively limited amount of area affected, impacts to prime soils are considered less than significant. In addition, according to the County of San Luis Obispo, Department of Agriculture, this potential loss of prime agricultural soils is a less than significant impact (Personal Communication, Michael Isensee, March 2005).
  - a. **Mitigation**—None determined needed.
  - b. **Findings**—Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**—Please refer to pages V.H-9 through V.H-10 of the Final SEIR.

**I. AESTHETICS (Class III)**

1. **Aesthetics Impact.** The extension of Willow Road over Nipomo Creek will result in the removal of riparian vegetation. However, given the lower elevation and the resulting lack of visibility of this area combined with the relatively small area of disruption (less than one acre), the vegetation removal is not considered to be a significant aesthetic impact.
  - a. **Mitigation**—None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**—Please refer to page V.I-3 of the Final SEIR.
2. **Aesthetics Impact.** Construction of the proposed project will result in short-term visual impacts by disrupting the existing surface appearance. Impacts to the views of the area during project construction are considered to be less than significant due to the short-term nature of construction activities and the relatively small area of disruption.
  - a. **Mitigation**—None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**—Please refer to page V.I-4 of the Final SEIR.

**J. GEOLOGY AND SOILS (Class III)**

1. **Geology and Soils Impact.** Offset along faults within the eastern and western ends of the project could produce uplift and/or tilting of the roadway. The probability of such offset is quite low, and the effects of this tilting would be minor such as cracking of pavement and structural sections. This type of damage represents a temporary and minor threat to public safety and is resolved through regular road repair and maintenance. The potential impact is superficial in nature, is common to many roadways in California, and is not considered to be significant.
  - a. **Mitigation**—None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**—Please refer to page V.J-3 of the Final SEIR.
2. **Geology and Soils Impact.** Differential consolidation and seismic settlement may crack or warp roads. The chance for differential consolidation and seismic settlement to occur is greater in the eastern portion of the project. Problems associated with differential consolidation and seismic settlement can be addressed through routine road maintenance. Therefore, this impact is not significant.
  - a. **Mitigation**—None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**— Please refer to page V.J-3 of the Final SEIR.
3. **Geology and Soils Impact.** No mineral extraction activities are currently operating in the immediate project area, and no commercially valuable mineral resources are known to exist

in the project area. Therefore, the proposed project would not preclude the future extraction of valuable mineral resources.

- a. **Mitigation**—None determined needed.
- b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
- c. **Supportive Evidence**— Please refer to page V.J-4 of the Final SEIR.

## **K. DRAINAGE, EROSION AND SEDIMENTATION (Class III)**

1. **Drainage, Erosion, and Sedimentation Impact.** The proposed project will not expose people or structures to a significant risk of loss, injury, or death involving flooding, and the project poses no potentially significant impacts attributable to flooding.
  - a. **Mitigation**—None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**—Please refer to pages V.K-2 through V.K-3 of the Final SEIR.
2. **Drainage, Erosion, and Sedimentation Impact.** Construction of the project will increase the amount of impermeable paved surfaces in the area. However, the project will not significantly alter existing drainages or drainage patterns. The County requires that all runoff caused by impervious surfaces must be routed into detention or retention basins to ensure that historic surface flows do not increase. The proposed project includes design features to address this potential impact.
  - a. **Mitigation**—None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**—Please refer to pages V.K-2 through V.K-3 of the Final SEIR.
3. **Drainage, Erosion, and Sedimentation Impact.** No perennial large bodies of water exists in the surrounding inland region. The project area lies approximately 8 miles from the coast. Narrow mountain valleys that foster large, fast-moving mud flows during rain storms do not exist near the project area. Therefore, the project will have no potentially significant impacts resulting from a seiche, tsunami, or mudflow.
  - a. **Mitigation**—None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**—Please refer to page V.K-4 of the Final SEIR.

## **M. HAZARDOUS MATERIALS (Class III)**

1. **Hazardous Materials Impact.** Asphalt roadways containing petroleum compounds and oil drippings may be a source of adjacent soils contamination. Oil drippings and petroleum compounds do not generally seep through the roadway and, therefore, are not considered to cause significant impacts from a local or regional perspective. Surface water quality impacts are discussed in the water quality section and are mitigated through the use of BMPs (refer to Section V.L below).

- a. **Mitigation**—None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**—Please refer to pages V.M-2 and V.M-3 of the Final SEIR.
2. **Hazardous Materials Impact.** The eastern portion of the project site is directly adjacent to the northern portion of C&M Nursery. Activities at C&M Nursery include temporary soil and equipment storage. No hazardous materials were identified with these activities and no potential impacts are anticipated.
  - a. **Mitigation**—None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**—Please refer to page V.M-3 of the Final SEIR.
3. **Hazardous Materials Impact.** Prior and current pesticide use at Pismo Flowers could potentially cause health risk concerns from exposure to contaminated soils. However, because the nursery is 800 feet south of the project area, impacts related to potential exposure of hazardous substances are negligible and impacts are considered less than significant.
  - a. **Mitigation**—None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**—Please refer to page V.M-3 of the Final SEIR.
4. **Hazardous Materials Impact.** Although oil and propane tanks were identified on private property west of US 101 and south of the proposed Willow Road alignment, no hazardous materials were identified or determined within the tanks and, therefore, no potential impacts are anticipated.
  - a. **Mitigation**—None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**—Please refer to page V.M-3 of the Final SEIR.
5. **Hazardous Materials Impact.** The proposed project would create an additional roadway and highway interchange, and hazardous materials could potentially be transported on the roadway. However, the Willow Road extension would be a two lane arterial classification, and the majority of the hazardous material transport is on regional routes including US 101. Therefore, no significant impacts related to the transport of hazardous materials on the proposed road extension are anticipated.
  - a. **Mitigation**—None determined needed.
  - b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
  - c. **Supportive Evidence**—Please refer to page V.M-3 of the Final SEIR.
6. **Hazardous Materials Impact.** The proposed project would not create a significant hazard to the public or the environment through foreseeable upset and accident conditions involving the release of hazardous materials. The proposed project would create an additional roadway and highway interchange, and hazardous materials could potentially be transported on the roadway. However, the Willow Road extension would be a two-lane arterial classification,

and the majority of hazardous material transport is on regional routes including US 101. The use of proposed roadway and interchange would not emit hazardous emissions or involve hazardous materials handling.

- a. **Mitigation**—None determined needed.
- b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
- c. **Supportive Evidence**—Please refer to page V.M-4 of the Final SEIR.

**N. SOCIO-ECONOMICS (Classes III and IV)**

1. **Socio-Economics Impact.** The proposed project will neither have any direct impacts on the community's population or housing nor will it directly generate any new commercial uses or employment. Indirect growth inducing impacts of the proposed project are discussed under Class I Socio-Economics.

- a. **Mitigation**—None determined needed.
- b. **Findings**— Impacts are considered *adverse but not significant* (Class III).
- c. **Supportive Evidence**— Please refer to pages V.N-2 through V.N-3 of the Final SEIR.

2. **Socio-Economics Impact.** The proposed project facilities will indirectly, through reduced traffic volumes, reduced congestion improved access, and reduced travel times elsewhere, benefit commerce in the Nipomo area.

- a. **Mitigation**—None determined needed.
- b. **Findings**— Impacts are considered *beneficial* (Class IV).
- c. **Supportive Evidence**— Please refer to pages V.N-3 of the Final SEIR.

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

*Class II impacts are those which are significant, but they can be mitigated to insignificance by implementation of certain mitigation measures.*

**A. LAND USE AND PLANNING (Class II)**

1. **Land Use Impact.** The proposed project has the potential to significantly interfere with operational aspects of lands currently used for agriculture. Please refer to Findings Section V.H.1 for additional discussion of this impact.

- a. **Mitigation**— Implement Mitigation Measures H-1 and H-3.
- b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
- c. **Supportive Evidence**— Please refer to pages V.A-4 and V.H-9 of the Final SEIR.

2. **Land Use Impact.** The proposed road extension east of US 101 could disturb riparian habitat and jurisdictional waters of the U.S. associated with Nipomo Creek.
  - a. **Mitigation** — Implement twelve Mitigation Measures (F-1 through F-3, F-5 through F-7, F-17 through F-19, F-21, F-24, and F-25) that require the following:
    - Installation of construction fencing;
    - Designation of a qualified project biologist;
    - Designation of a qualified biological monitor;
    - Preparation of monitoring reports;
    - Avoidance of work during the rainy season;
    - Provision of sensitive habitat buffers;
    - Conditions of approval to address impacts to jurisdictional waters;
    - Implementation of a Storm Water Pollution Prevention Plan and associated Best Management Practices;
    - Limits on the locations of construction equipment staging areas;
    - Implementation of a new bridge over Nipomo Creek;
    - Implementation of pollution prevention measures; and,
    - Implementation of Best Management Practicess.
  - b. **Findings** — Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence** — Please refer to page V.A-4 and, for details, the Biological Resources section page V.F-17, figure V.F-3 and Land Use and Planning Existing Conditions section of the Final SEIR.

**B. TRAFFIC AND CIRCULATION (Class II)**

1. **Traffic and Circulation Impact.** In the future, there is a potential for an unacceptable LOS at the US 101/Willow Road interchange.
  - a. **Mitigation** — **B-1 Willow Road Facilities Design.** Design features of the Willow Road facilities should not preclude a second ramp lane from being added to the US 101 northbound on- and off-ramps. Prior to approval of final design, the County Department of Public Works shall ensure that the design could accommodate such future ramp lanes.
  - b. **Findings** — Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence** — Please refer to pages V.B-7 through V.B-9 and the Traffic and Circulation Existing Conditions section of the Final SEIR.

**C. NOISE (Class II)**

1. **Noise Impact.** Short-term construction-related noise has the potential to significantly impact residences (sensitive receptors) within 15 meters (50 feet) from the project area. These residences may be subject to construction-related noise exceeding the County standard for exterior noise (60 dBA  $L_{dn}$ ).

a. **Mitigation — C-1 Construction Hours.** The County shall restrict construction activities to the hours between 7:00 A.M. and 9:00 p.m. on Monday through Friday and 9 a.m. to 5 p.m. on Saturdays and Sundays. These restrictions would generally limit the impact of construction-related noise impacts on existing residences and other land-uses to within the most acceptable time periods.

**C-2 Caltrans Sound Control Requirements.** To minimize the construction related noise impacts for existing residences adjacent to the project site, the County shall ensure that the project follows Caltrans Standard Specifications, Section 7-10/I, "Sound Control Requirements." This condition shall be included in the construction plan specifications.

**C-3 Construction Noise Restrictions.**

- a. The County shall ensure that the contractor shall provide training for all crew members regarding all requirements to minimize construction related noise impacts. This condition shall be included in the construction plan specifications.
- b. The County shall require the construction of temporary barriers where construction activities will be conducted near residential receptors, and where complaints have been received. This condition shall be included in the construction plan specifications.

**C-4 Portable Equipment.** The County shall ensure that portable equipment is located as far as possible from the noise sensitive locations as is feasible. This condition shall be included in the construction plan specifications.

**C-5 Staging Areas.** The County shall ensure that the construction vehicle staging areas and equipment maintenance areas are located as far as possible from sensitive receptor locations. This condition shall be included in the construction plan specifications.

**C-6 Internal Combustion Engine Mufflers.** The County shall ensure that each internal combustion engine used for any purpose on the job or related to the job shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without the muffler. This condition shall be included in the construction plan specifications.

- b. **Findings—** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
- c. **Supportive Evidence—** Please refer to pages V.C-7 through V.C-9, V.C-20, V.C-21 and the Noise Existing Conditions section of the Final SEIR.

2. **Noise Impact.** The proposed project will generate automobile traffic, a long-term source of noise that will alter future noise levels in the surrounding area. The proposed project will subject existing residences to long-term noise levels that exceed the County standard for exterior noise (60 dBA  $L_{dn}$ ). At ten receptor locations, increased traffic on the proposed

Willow Road extension will cause noise levels to exceed the County's exterior noise standard.

- a. **Mitigation— C-7 Sound Barrier No. 1.** Where “outdoor activity areas” exist adjacent to the “noisy side(s)” of the existing residence, as determined by the county, the County shall build an attractive sound wall up to ten feet high and up to approximately 129 feet long within the proposed County right-of-way along the north side of Willow Road between Guadalupe and Pomeroy Road, or other comparable means to attenuate noise below the County standard of 60 dBA  $L_{dn}$ , to protect receptor location #1 (R-1). Sound walls should be in tones compatible with the surrounding terrain or buildings and should be screened with native vegetation (including trees, shrubs, and vines).

**C-8 Sound Barrier No. 2.** Where “outdoor activity areas” exist adjacent to the “noisy side(s)” of the existing residence, as determined by the county, the County shall build an attractive sound wall up to 8 feet high and up to approximately 318 feet long within the proposed County right-of-way along Willow Road west of Hetrick Avenue, or other comparable means to attenuate noise below the County standard of 60 dBA  $L_{dn}$ , to protect receptor location #8 (R-8). Sound walls should be in tones compatible with the surrounding terrain or buildings and should be screened with native vegetation (including trees, shrubs, and vines).

**C-9 Sound Barrier No. 3.** Where “outdoor activity areas” are found to exist adjacent to the “noisy side(s)” of the existing residence, as determined by the county, the County shall build an attractive sound wall up to six feet high and up to approximately 259 feet long within the proposed County right-of-way along Cherokee Place east of Hetrick Avenue, or other comparable means to attenuate noise below the County standard of 60 dBA  $L_{dn}$ , to protect receptor location #15 (R-15). Sound walls should be in tones compatible with the surrounding terrain or buildings and should be screened with native vegetation (including trees, shrubs, and vines).

- b. **Findings—**Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
- c. **Supportive Evidence—** Sound barriers (Mitigation Measures C-7, C-8, and C-9) can feasibly reduce levels to below the County exterior threshold at the three cited receptor sites. Please refer to page V.C-10, pages V.C-12 through V.C-14, and Figure V.C-2 of the Final SEIR.

#### D. AIR QUALITY (Class II)

1. **Air Quality Impact.** Combustion emissions and fugitive dust will be generated by the use of construction equipment and during earthmoving operations while the proposed project is being constructed.

- a. **Mitigation— D-1 APCD Asphalt Paving Regulations.** The construction contractor shall adhere to the requirements of APCD rules and regulations on cutback and emulsified asphalt paving materials. Prior to application, the County shall contact APCD for verification.

**D-2 Pre-Construction Asbestos Detection Program.** Prior to the start of any construction activities, the County shall conduct borings in the project area to test for the

occurrence of ultramafic or asbestos containing materials. In the event that ultramafic or asbestos containing materials are discovered, the County shall comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying and Surface Mining Operations. These requirements may include, but are not limited to preparation of: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD before construction begins, and 2) an Asbestos Health and Safety Program in accordance with the California Air Resources Board regulations. This program shall be prepared and reviewed as part of the final plan check. This condition shall be included in the construction plan specifications.

**D-3 Procedure for Handling Unanticipated Discoveries of Asbestos.** In the event of the discovery of ultramafic or asbestos containing materials during construction, construction operations in the affected area should cease immediately and the County shall comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying and Surface Mining Operations. These requirements may include, but are not limited to preparation of: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD before construction gets back underway, and 2) an Asbestos Health and Safety Program in accordance with the California Air Resources Board regulations. This program shall be prepared and reviewed as part of the final plan check. This condition shall be included in the construction plan specifications.

**D-4 ARB Certified Equipment.** Maximize to the extent feasible the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines during any construction activities. This condition shall be included in the construction plan specifications.

**D-5 Installation of Emission Reduction Devices.** The contractors shall install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF), or other District-approved emission-reduction retrofit devices prior to construction activities. The ARB has recently verified DOC and CDPF systems for HD diesel vehicles. DOCs have control efficiencies on the order of 25 percent, while CDPFs can achieve diesel PM reductions of 85 percent or better. In general, DOCs are effective at reducing the fine particle component, while CDPFs are effective at reducing both the fine particle and larger black soot components. Manufacturer data indicates that both types of devices can reduce about 90 percent of CO emissions and 50 to 70 percent of ROG emissions, some being a portion of the diesel PM component. Some devices/systems are being developed that have the added benefit of being able to reduce NO<sub>x</sub> emissions. Determination of the appropriate CBACT control device(s) for the project must be performed in consultation with APCD staff. This condition shall be included in the construction plan specifications.

**D-6 Construction Activity Management Plan.** The contractor shall develop a comprehensive construction activity management plan designed to minimize the amount of large construction equipment operating during any given time period prior to construction activities. This condition shall be included in the construction plan specifications.

**D-7 Construction Truck Trips.** The contractor shall schedule construction truck trips during non-peak hours to reduce peak hour emissions prior to and during any construction activities. This condition shall be included in the construction plan specifications.

**D-8 Construction Work-Day.** The County shall limit the length of the construction work-day period, if necessary. This condition shall be included in the construction plan specifications.

**D-9 Construction Phasing.** The County shall phase construction activities, if appropriate so that fugitive dust and other emissions being generated do not exceed daily thresholds. Construction phasing shall be planned and reviewed as part of the final design.

**D-10 PM<sub>10</sub> and Dust Emissions Reduction.** Proper implementation of the following measures during construction activities will achieve a significant reduction in PM<sub>10</sub> emissions. All PM<sub>10</sub> mitigation measures required shall be included on grading and building plans. In addition, the contractor must designate a monitor for the dust control program and order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

- a. Reduce the amount of the disturbed area where possible.
- b. Use water trucks or sprinkler systems to prevent airborne dust from leaving the site. Increase watering frequency whenever wind speed exceeds 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
- c. Spray all dirt stock-pile areas daily as needed.
- d. Implement permanent dust control measures identified in the approved project revegetation and landscape plans as soon as possible following completion of any soil-disturbing activities.
- e. Sow exposed ground areas that are planned to be reworked at dates more than one month after initial grading with a fast-germinating native grass seed, and water until vegetation is established.
- f. Stabilize all disturbed soil areas not subject to revegetation using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- g. Complete all roadways, driveways, sidewalks, etc., to be paved as soon as possible. In addition, lay building pads as soon as possible after grading unless seeding or soil binders are used.
- h. Construction vehicles shall not exceed a speed of 15 mph on any unpaved surface at the construction site. SLOAPCD CEQA Air Quality Handbook 2003
- i. Cover trucks hauling dirt, sand, soil, or other loose materials or maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- j. Install wheel washers where vehicles enter and exit unpaved roads, or wash off trucks and equipment leaving the site.
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Use water sweepers with reclaimed water where feasible.



- b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to pages V.D-9 and V.D-15 through V.D-17 of the Final SEIR.
- 3. **Air Quality Impact.** San Luis Obispo is among the counties listed as containing serpentine and ultramafic rock. The General Location Guide for Ultramafic Rocks in California shows no areas of natural occurring asbestos (NOA) in the project vicinity. However, in the unforeseen event of the discovery of ultramafic or asbestos containing materials, the County shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying and Surface Mining Operations.
  - a. **Mitigation**—Implement Mitigation Measures D-2 and D-3.
  - b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to pages V.D-10, V.D-15, V.D-16 and the Air Quality Existing Conditions section of the Final SEIR.
- 4. **Air Quality Impact.** Implementation of the proposed project will increase toxic air constituents such as exhaust from diesel engines.
  - a. **Mitigation**—Implement Mitigation Measures D-4 through D-7, D-9 and D-11 through D-14.
  - b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to pages V.D-11, V.D-16 through V.D-18 and the Air Quality Existing Conditions section of the Final SEIR.

**E. PUBLIC SERVICES (Class II)**

- 1. **Public Services Impact.** Police Protection. The proposed project will provide improved vehicular access to the Nipomo area which will assist law enforcement. However, it will also create more patrol responsibilities, an opportunity for people to congregate and a roadway leading to an unlit open space.
  - a. **Mitigation**—**E-1 Emergency Access.** The San Luis Obispo County Sheriff's Department shall review final project design plans of all project facilities and shall advise the County Public Works Department as to adequate emergency access and surveillance needs for Sheriff patrol cars. The County Public Works Department shall submit the final design plans to the Sheriff's Department prior to approval of final project design plans.
  - b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to pages V.E-2, V.E-3 and the Public Services Existing Conditions section of the Final SEIR.
- 2. **Public Services Impact.** Fire Protection. The new roadway will provide the opportunity for sparks and other combustibles from cars which can ignite fires on the side of roadways.

- a. **Mitigation—E-2 Fuel Reduction.** Prior to the approval of final project design plans of all project facilities, a Fuel Reduction Plan shall be submitted to the San Luis Obispo County Fire Department by the County Public Works Department for review and approval. This plan will provide for adequate brush clearance and vegetation removal pursuant to Fire Department and California Department of Forestry standards while preserving as much of the natural habitat as possible. This plan shall also provide a long-term maintenance program for these cleared areas.
  - b. **Findings—** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence—** Please refer to pages V.E-2, V.E-3 and the Public Services Existing Conditions section of the Final SEIR.
3. **Public Services Impact. Energy Consumption/Utility Disruption.** The proposed project has the potential to impact utilities through energy consumption from roadway lighting at intersections and the US 101 interchange. This additional energy consumption is considered minimal and will not cause a significant impact. Construction has the potential to disturb underground natural gas and/or electrical service mains, water or sewer mains, and telephone or cable television lines.
- a. **Mitigation—** Implement Mitigation Measures M-2 and M-3, in addition to the following:
    - E-3 Existing Service Mains.** The County Department of Public Works shall submit the final project design plans to the Southern California Gas Company, Pacific Gas and Electric Company, the Nipomo Community Services District, Pacific Bell, State of California, Department of Water Resources, the local cable television provider, and any other affected utility provider for review no less than 90 days prior to construction in order to identify the location of existing service mains, provide for and necessary relocation of facilities and prevent any unexpected service interruptions.
    - E-4 Construction Notification.** The County Department of Public Works shall ensure that all project plans and specifications include the following note: “Please telephone Underground Service Alert (USA) toll free at 1-800-642-2444 forty-eight hours prior to the start of construction. For best response, provide as much notice as possible, up to ten working days”. This notification will allow adequate time to locate and mark existing utility facilities.
  - b. **Findings—** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence—** Please refer to pages V.E-2, V.E-4 and the Public Services Existing Conditions section of the Final SEIR.
4. **Public Services Impact. Solid Waste.** The proposed project will generate construction debris from breakup and demolition of existing road asphalt and other hardscape. Excess soil from grading activities will also be generated. Incorporation of the proposed measures will result in little or no construction debris, or excess cut soil, that would otherwise end up at a landfill.
- a. **Mitigation—E-5 Stockpiling of Cut Soils.** Prior to stockpiling of soil from project generated activities, the County Department of Public Works shall ensure that a designated soil stockpile location will be reviewed for sensitive resources prior to

placement of any soils. Effective erosion control measures shall be applied until such time that the excess stockpiled soil has been removed (to be used for other County projects).

**E5a Recycling.** A recycling management plan shall be completed prior to commencement of any work with the intent of recycling of all construction debris.

- b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
- c. **Supportive Evidence**—Please refer to pages V.E-2 and V.E-4 and the Public Services Existing Conditions section of the Final SEIR.

## **F. BIOLOGICAL RESOURCES (Class II)**

- 1. **Biological Resources Impact.** Impacts to Sensitive Wildlife Species. If sensitive wildlife species are present within the project boundaries, there is a potential for construction activities to kill or injure individuals. In addition, vegetation removal within the project boundary will remove potential foraging, breeding, and denning habitat for these species. Sensitive wildlife in the vicinity of the project would be subjected to construction/operating noise, high-intensity lighting, storm water runoff erosion/sedimentation, urban pests, and invasive plant material. In addition, removing or altering habitat during construction would result in the direct loss or displacement of wildlife within the project area.

- a. **Mitigation— F-1 Construction Fencing.** All construction-related activities shall be confined to the proposed boundaries by installing construction fencing along the boundary prior to any ground disturbance to prevent any construction activities from encroaching into adjacent areas. All construction staging will occur within the proposed roadway or in existing developed areas as these areas are less likely to contain habitat suitable for sensitive species. Project construction plans shall include this measure in the specifications. All fencing shall remain in good working order for the duration of all construction-related activities. All-weather signs stating “Sensitive Area – Stay Out” shall be posted every 50 feet.

**F-2 Project Biologist.** Prior to initiating construction, the California Department of Transportation (Caltrans) and the County shall designate a qualified project biologist responsible for overseeing biological monitoring, regulatory compliance, and restoration activities in association with project construction in accordance with the adopted mitigation measures and applicable law.

**F-3 Biological Monitor.** Prior to initiating construction, the County shall designate a qualified biologist to monitor all construction activities within and adjacent to native habitats to ensure that construction does not encroach into these areas.

**F-4 Vegetation Removal Restriction/Nesting Birds.** Vegetation removal or construction activities shall not occur during the primary nesting season for local birds (April 1–August 31) where oak woodlands, wetlands, and maritime chaparral occur on, or adjacent to, the proposed project. If vegetation removal or construction activities must occur in these areas during this period, then preconstruction surveys shall be conducted in the appropriate habitats within and adjacent to the project boundary to identify nesting birds within or adjacent to the proposed project. If active nests are observed within or

adjacent to the project boundary then a buffer is required until either the young have fledged or the nest becomes inactive. The preconstruction survey limits and buffer shall be designated by the project biologist prior to construction in the affected nesting areas. Limits and buffers shall be clearly marked in the field and shown on applicable construction plans.

**F-5 Monitoring Reports.** During construction, the project biologist shall provide quarterly monitoring reports documenting compliance with the avoidance and minimization measures, and shall submit the mitigation report to Caltrans, the County, and the appropriate resource agencies. All recommended remedial work shall be completed within 30 days of identification unless the qualified biologist determines another time is more biologically appropriate.

**F-6 Avoidance of Work During the Rainy Season.** Construction activities in the Nipomo Creek area shall occur outside the rainy season to minimize sedimentation within the drainage. Project construction plans shall include this measure in the specifications.

**F-7 Sensitive Habitat Buffers.** Permanent fences or other approved methods (such as planting suitable native trees and shrubs in the buffer area between the side of the road and native habitats) shall be used to discourage off-road disturbance from pedestrians and vehicles in sensitive habitat areas. Project construction plans shall include these measures in the specifications.

**F-8 Non-Native Vegetation Removal.** The construction contractor and project biologist shall ensure that no nonnative plant material shall be brought onto the construction site. Due to the vegetative reproduction characteristics of the species in Table C of the Biological Resources Analysis (Appendix E –July 2005) any occurrence of these species shall be removed from the site prior to vegetation-clearing activities at the direction of the project biologist. In addition, the potential for contribution of funds to programs, such as the removal of invasive species from riparian habitats like Nipomo Creek, should be considered in the mitigation and monitoring plan. The following measures shall be used as applicable to minimize impacts from non-native vegetation:

- Prior to exotic plant removal, the County shall retain a qualified biologist to conduct focused protocol surveys to determine the presence or absence of sensitive species within the area slated for exotic vegetation removal.
- If sensitive species are observed within the areas slated for exotic vegetation removal, then consultation with the USFWS shall be required prior to implementing any work activities.
- Exotic weed removal shall be completed during the fall and winter months. All material removed shall be bagged and disposed of at a landfill.
- All exotic weed removal activities shall be monitored by a qualified biologist.
- The County shall ensure that the habitat enhancement site is kept free of exotic reintroduction for a period of five years following the completion of the exotic plant removal.
- All seed mixes used for erosion control purposes shall be native or considered non-aggressive by a qualified biologist and shown on all applicable plans.

**F-9 Preconstruction Surveys.** The project biologist shall perform preconstruction surveys in appropriate habitats, within and adjacent to the project boundary, for sensitive species, such as the California horned lizard. If sensitive species are found within the preconstruction survey area, a qualified biological monitor (qualified to handle species, when required), designated by the County, should be present during vegetation clearing and grading activities to capture and relocate any sensitive wildlife species.

**F-10 Bat Biologist.** As the project area has the potential to provide suitable bat habitat, during the spring and summer (May–August) and prior to vegetation removal or alteration of existing structures, the County shall designate a qualified bat biologist to survey all potential roosting habitat proposed for removal by the proposed construction. If a roost is found, the bats shall be discouraged from returning to their roosting area and the resource removed immediately so that the bats cannot return and would be forced to find alternative roost sites. Since each roost situation is different, the qualified bat biologist shall determine the manner of exclusion. Tree removal shall be completed between September and November or March to April to avoid hibernating bats (December–February) and maternity season (May–August) if feasible. If tree removal must occur during hibernating or maternity season, then the designated qualified bat biologist shall conduct surveys prior to tree removal to determine if hibernating or maternity bats are present within or adjacent to the project limits. The limits of the buffer will be determined by the bat biologist. If they are present, then the bat biologist shall designate a buffer around the location where tree removal cannot occur until the bats have finished hibernating or the young have left the roost. If hibernating or maternity bats are not present, then tree removal shall be initiated within 30 days of the survey.

**F-11 Temporary and Long-Term Lighting Minimization.** During construction, if deemed necessary by the project biologist, lighting screens shall be used to reduce light pollution during evening construction. In addition, construction crews shall also reduce the number of times the lights are turned on and off to avoid sudden changes that may disturb wildlife and/or wildlife movement. The use of long-term lights on the proposed road shall be minimized to reduce impacts of the proposed road on sensitive wildlife species. Any lights at the interchange shall contain low light features where feasible, including (1) low-intensity street lamps, (2) lower elevation street poles, or (3) shielding by internal silvering of globes or external opaque reflectors.

**F-13 California Red-Legged Frog.** Construction activities in the Nipomo Creek area shall occur outside the rainy season to ensure that the proposed project will not impact the California red-legged frog. If construction must occur during the rainy season, then focused protocol surveys shall be conducted within and adjacent to the project area to determine whether this species is present. If red-legged frogs are found within the project limits, additional measures shall be developed in coordination with the USFWS to avoid impacts to this species during construction. These measures shall include the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and Best Management Practices (BMPs).

**F-18 SWPPP and BMPs.** Construction activities within or adjacent to drainages and Nipomo Creek (including roadside ditches that discharge to Nipomo Creek) should occur outside the rainy season (October–May) to ensure that construction activities do not cause sedimentation of the creek. If construction must occur during the rainy season, then the



sensitive habitats, such as maritime chaparral and oak woodland. Project construction plans shall include this measure in the specifications.

**F-16 Habitat Creation, Conservation, and Enhancement Plan.** A Habitat Creation, Conservation and Enhancement Plan shall be prepared to mitigate maritime chaparral and oak woodland habitats, as well as any riparian habitats associated with Nipomo Creek, impacted or removed during construction in accordance with agency and County requirements. This Habitat Creation, Conservation and Enhancement Plan shall be prepared and at least initially implemented prior to initiation of construction. The plan shall discuss not only the creation, conservation, or enhancement of habitat, but the re-creation, conservation, or enhancement of the original ecological function of habitats impacted by the project. To accomplish this, the plan shall include identification of areas where native habitats are to be restored, conserved, or enhanced or other means of ensuring no net loss of sensitive native habitats. In addition, this plan shall identify the potential occurrence of the sensitive plant species such as sand almond, sand mesa manzanita, and California spineflower to provide the opportunity to include the mitigation for project-related impacts to these sensitive botanical resources.

Three options have been identified to mitigate for impacts to oak woodland and maritime chaparral. These options include habitat creation, habitat conservation and habitat enhancement all of which may be used individually or in combination to fulfill the mitigation requirements for the impacts to both the sensitive habitat types and individual oak trees associated with this project. The following mitigation ratios shall be applied for the various options:

- Habitat creation shall be implemented at a 1:1 ratio. This option provides an opportunity to replace impacted chaparral and fulfill the County tree replacement standards by planting oak trees for habitat creation.
- Sensitive habitat conservation shall be implemented at a 1:1 ratio. In addition, enhancement of the area set aside for conservation with new plantings provides an opportunity to fulfill the County tree replacement standard, as long as other existing sensitive habitats are not displaced from planted trees at maturity.
- Habitat enhancement shall be implemented at a 2:1 ratio as this option includes sensitive habitats that are already been owned by the County and preserved that are not part of any other mitigation program. This option may provides an opportunity to fulfill the County tree replacement standards by planting oak trees to where existing habitat is considered degraded or non-native.

Additional details, as described below, shall be incorporated into the plan where applicable to assist in the success of each of the mitigation options.

#### Habitat Creation

- Oak trees should be replaced using locally collected acorns or other propagules, preferably collected from within the area of the proposed construction.
- Sensitive plant species, including sand almond, sand mesa manzanita, and California spineflower shall be propagated from local seed stock, preferably from seed or propagules salvaged from within the proposed alignment.
- Sufficient topsoil shall be stockpiled for use in the revegetation areas.

- Grazing or other vegetation-disturbing activities shall not be permitted within areas proposed as mitigation.
- These areas would be set aside in perpetuity after creation.
- Monitoring by a qualified individual for no less than three years (seven years for oak tree plantings).

#### Habitat Conservation

- A conservation easement shall be selected to preserve a larger area of high-quality sensitive habitat that contains the same sensitive species, specifically the sand almond, sand mesa manzanita, and California spineflower, at similar population levels as will be impacted by the proposed project.
- The development rights of the property shall be relinquished to: another entity that has its primary purpose the preservation, protection, or enhancement of land in its natural condition or use; CDFG; or another State or local government entity, if otherwise authorized to acquire and hold title to real property.
- The easement should be created in such a way that further impact to sensitive species cause by edge effects are reduced and the ratio of surface area to the perimeter of conserved habitats is maximized. In this way, the area can provide suitable foraging and nesting habitat for native species.
- Once a suitable site for land acquisition is found, a biological assessment of the resources present on site shall be performed, and a report shall be generated that includes information on the baseline environmental data on the property.
- The County Department of Public Works, or subsequent owners in interest, will be responsible for keeping track of the land, resources, and monitoring efforts and provide this information to the Planning and Building Department (Environmental Division).

#### Habitat Enhancement

- Oak trees shall be replaced using locally collected acorns or other propagules, preferably collected from within the area of the proposed construction.
  - As with habitat creation, the sensitive plant species including sand almond, sand mesa manzanita, and California spineflower shall be propagated from local seed stock, preferably from seed or propagules salvaged from within the proposed alignment.
  - These areas would be monitored by a qualified individual for no less than 3 years (seven years for oak trees).and set aside in perpetuity after enhancement.
- b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
- c. **Supportive Evidence**—Please refer to pages V.F-15 through V.F-17 and the Biological Resources Existing Conditions section of the Final SEIR.
5. **Biological Resources Impact.** Impacts to Sensitive Habitats. There is a potential for construction to impact Nipomo Creek and associated riparian vegetation.

- a. **Mitigation**—Implement Mitigation Measures F-1 through F-5, F-7, F-8, F-14, F-19, F-24, and F-25. As well as the following:

**F-17 Conditions of Approval to Address Impacts to Jurisdictional Waters.** To reduce impacts to riparian habitats and associated drainages subject to Corps and/or CDFG jurisdiction, the following are required:

- A U.S. Army Corps of Engineers (Corps) authorization pursuant to Section 404 of the Clean Water Act is required for any discharge of dredge or fill material into jurisdictional areas of Nipomo Creek.
- A Section 1602 Streambed Alteration Agreement with the California Department of Fish and Game (CDFG) will be required in the event of any alteration of Nipomo Creek or the associated riparian vegetation.
- To obtain the Corps permit and CDFG streambed alteration agreement, a Habitat Mitigation and Monitoring plan shall be prepared by a qualified biologist for any impacts to areas subject to state or federal jurisdiction. There are no predetermined ratios for habitat replacement. The nature and extent of habitat replacement is determined on a regular case by case basis. Generally, habitat replacement ratios exceed 1 to 1 in order to compensate for the gradual nature of revegetation and off-site habitat replacement. As the vegetation within the Nipomo Creek crossing is degraded, this plan may include additional restoration either upstream or downstream of Nipomo Creek. If this type of restoration is not possible within the adjacent reaches of Nipomo Creek, the County shall contribute to a restoration program of the Nipomo Watershed at the replacement ratio established by the permit. Restoration within the watershed will result in the replacement of jurisdictional habitat lost by the proposed project. The mitigation plan must be submitted to the agencies for their approval, along with the permit applications.

**F-19 Construction Equipment Staging.** No fueling, lubrication, concrete washing, storage, or maintenance of construction equipment within 46 meters (150 feet) of CDFG or Corps jurisdictional areas shall be permitted, which includes riparian and sensitive habitats. Spoil sites shall not be located within CDFG and Corps jurisdictional areas, including riparian and sensitive habitats, or in areas where it could be washed into Nipomo Creek.

**F-21 New Bridge.** Prior to project design plan approval, the County of San Luis Obispo Public Works Department shall ensure that the design of the new bridge over Nipomo Creek shall include solid concrete railing, which decreases noise from traffic. In addition, the proposed Nipomo Creek crossing shall have an earthen bottom and the vegetation within the channel will be replanted with native species after construction is completed.

**F-24 Pollution Prevention.** The County and construction contractor shall ensure that pollution prevention practices shall be employed to prevent contamination of native habitats by construction-related materials. All project-related trash shall be collected and properly disposed of at the end of each work day. This measure shall be included in the construction plan specifications.

**F-25 Best Management Practices.** The County and construction contractor shall ensure that Best Management Practices (BMPs) are employed to minimize erosion from the construction of project facilities and deposition of soil or sediment in off-site areas,



- b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to page V.F-30, V.F-31 and the Biological Resources Existing Conditions section of the Final SEIR.
- 11. **Biological Resources Impact.** Indirect impacts associated with construction and operation of the proposed project such as dust, accidental fuel spills, activities outside designated construction areas, litter, traffic, runoff, increased human presence and use of the area, and increased fire risk could potentially have a significant impact on biological resources.
  - a. **Mitigation**—Measures C-1 through C-3 and F-24 and F-25. As well as the following:
    - F-22, Dust Control Program.** The County and construction contractor shall ensure that a dust control program is in place during construction so that native trees and shrubs are not damaged due to dust covering the leaves. A maximum speed limit of 15 miles per hour will be posted on all construction routes. Watering trucks shall be used regularly with sufficient frequency to eliminate visible dust behind construction vehicles.
    - F-23, Speed Limits.** The construction contractor shall ensure that all construction personnel obey speed limit rules both along public roads and designated project access. Driving off designated project routes shall not be permitted. This measure shall be included in the construction plan specifications.
  - b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to pages V.C-20, V.C-21 and V.F-31 and the Biological Resources Existing Conditions section of the Final SEIR.
- 12. **Biological Resources Impact.** General Impacts to Biological Resources. Construction of the proposed project will result in direct and indirect impacts to non-sensitive vegetation and wildlife habitats.
  - a. **Mitigation**— Implement Mitigation Measures F-1 through F-8.
  - b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to page V.F-25, V.F-26 and the Biological Resources Existing Conditions section of the Final SEIR.
- 13. **Biological Resources Impact.** The proposed project will result in a direct loss of habitat as a result of vegetation removal during construction. This includes impacts to nesting birds. Please refer to Findings Section V.F.1 for additional discussion of this impact.
  - a. **Mitigation**— Implement Mitigation Measures F-1 through F-8.
  - b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to page V.F-25, V.F-26 and the Biological Resources Existing Conditions section of the Final SEIR.

14. **Biological Resources Impact.** Because there is an existing roadway along or immediately adjacent to most of the proposed project alignment and the native habitat and associated plant and wildlife species within the vicinity are currently subject to extensive disturbances already, project impacts will not cause a substantial contribution to cumulative impacts.
- a. **Mitigation—Implement Mitigation Measures F-1 through F-25.**
  - b. **Findings—** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence—**Please refer to page V.F-25 through V.F-31 and the Biological Resources Existing Conditions section of the Final SEIR.

**G. CULTURAL AND PALEONTOLOGICAL RESOURCES (Class II)**

1. **Cultural and Paleontological Resources.** The proposed project will impact a number of known cultural resources. Some or all of these sites could be damaged or destroyed by construction of the proposed project. Damage or destruction may create a significant impact upon these existing resources.
- a. **Mitigation— G-1 Archaeological Monitoring Plan.** Prior to initiating construction, the County Department of Public Works shall prepare a monitoring plan with written procedures for archaeological resource protection and monitoring. The County has the responsibility: for ensuring that sites to be preserved in place are not impacted by construction activities (refer to LSA Associates Archaeological Evaluation Report, Maps 3 and 4, April 2005) for providing a process to be used for resources anticipated to be impacted (including identification of environmentally sensitive areas on all construction plans), for evaluating unanticipated discoveries, and for providing recommendations on the subsequent treatment of such discoveries. This plan shall include procedures for protecting sites that are to be preserved in place and for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of newly-discovered resources as appropriate. As part of the monitoring program, the County shall involve local Native Americans. If the archaeological resources are found and determined to be significant, the County will determine appropriate actions for their exploration and data recovery. The County shall prepare excavated material to the point of identification.

Following the completion of grading, the County Department of Public Works shall prepare a report detailing the results of the monitoring program to be presented to the County Department of Planning and Building. A copy of the final report should also be submitted to the Central Coast Information Center at the University of California, Santa Barbara. The report shall follow the guidelines of the California Office of Historic Preservation (1990) *Archaeological Resource Management Reports* (ARMR). Excavated finds shall be offered for curatorial purposes to the San Luis Obispo County Archaeological Society or another qualified scientific institution.

**G-2 Data Recovery Plan.** Prior to initiating construction, the County Department of Public Works shall prepare and execute a data recovery plan. The plan shall include a background section discussing the resource, present a research design that addresses important questions, and present appropriate methods for the collection of relevant data. This plan shall follow the guidelines of the California Office of Historic Preservation

(1991). The data recovery plan shall be developed in consultation with the County Department of Planning and Building.

Following the development of the data recovery plan, the County shall conduct the research program described in the plan. The County shall prepare excavated material to the point of identification. Following completion of the field and laboratory work, the County shall produce a report detailing the results of data recovery. A copy of the final report shall also be submitted to the Central Coast Information Center at the University of California, Santa Barbara. The report shall follow the guidelines of the California Office of Historic Preservation (1990) ARMR. Excavated finds shall be offered for curatorial purposes to the San Luis Obispo County Archaeological Society or another qualified scientific institution.

- b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to pages V.G-6 through V.G-9 and the Cultural and Paleontological Resources Existing Conditions section of the Final SEIR.
2. **Cultural and Paleontological Resources.** Besides impacts to known cultural resources, this project also has the potential to significantly impact cultural or paleontological resources that have not been discovered during the course of previous surveys, but may be encountered during construction.

- a. **Mitigation**—Implement Mitigation Measure G-1.

**G-3 Pre-Construction Archaeological Workshop.** An archaeological workshop shall be conducted at the pre-construction meeting for construction personnel under the supervision of the County Department of Public Works. This workshop shall educate construction personnel about what types of cultural materials may be encountered during construction excavation. A procedure for notification of a qualified archaeologist about accidental discoveries and a communication network shall be developed so that if any suspected cultural materials are unearthed in areas not being monitored, they can be quickly examined and evaluated by qualified archaeologist and appropriate recommendations made. This workshop shall be repeated as needed for construction workers not attending pre-construction meetings and prior to their beginning any grading work.

**G-4 Procedure for Handling Unanticipated Discoveries.** If any cultural or paleontological material is unearthed during grading or excavation associated with the project, work in that area shall be halted until such material can be examined by the County and appropriate recommendations made.

**G-5 Procedure for Handling the Discovery of Human Remains.** If human remains are encountered during grading or excavation associated with the project, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of the origin and disposition of the materials pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC). The NAHC will determine and notify a Most Likely Descendent (MLD). With the permission of the landowner or his/her authorized representative, the MLD



- b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to pages V.G-6, V.G-7, V.G-9, V.G-10 and the Cultural and Paleontological Resources Existing Conditions section of the Final SEIR.
4. **Cultural and Paleontological Resources.** The proposed project contributes to incremental cumulative impacts on cultural resources in the project vicinity. The proposed project will facilitate other planned developments within the region. These planned projects will impact archaeological sites and other potentially significant cultural resources. Potentially significant impacts can be reduced on a project-by-project basis with appropriate mitigation measures. In the case of the proposed project, potentially significant impacts can also be reduced to a less than significant level so the project will not significantly contribute to cumulative impacts on cultural resources.
- a. **Mitigation**—Implement Mitigation Measures G-1 and G-3 through G-5.
  - b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to pages V.G-6 through V.G-10 and the Cultural and Paleontological Resources Existing Conditions section of the Final SEIR.

## H. AGRICULTURAL RESOURCES (Class II)

1. **Agricultural Resources Impact.** The proposed project will traverse areas currently being devoted to a variety of agricultural uses including dryland and irrigated farming, nurseries and greenhouse operations.
- a. **Mitigation**— **H-1 Agricultural Vehicle Crossings.** The County of San Luis Obispo Department of Public Works shall ensure that, as part of project design, all project roadways which traverse any lands under cultivation shall provide an adequate number of at-grade agricultural vehicle crossings. These concrete road crossing shall be striped and marked with appropriate signage to warn motorists of the potential for agricultural vehicles on the roadway and shall be located to provide safe vehicle sight distance.  
  
**H-3 Cattle Undercrossing.** Prior to initiating construction, the County of San Luis Obispo Department of Public Works shall contact property owners utilizing the existing cattle undercrossing. If the facility is still in use at that time, the County must provide a separate cattle undercrossing to allow unimpeded access through the interchange. If this is not possible, the County shall purchase the access rights to the cattle undercrossing.
  - b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to pages V.H-9 through V.H-11 and the Agriculture Resources Existing Conditions section of the Final SEIR.

**I. AESTHETICS (Class II)**

1. **Aesthetics Impact.** Construction of an additional freeway interchange will represent a permanent change in the existing unobstructed, rural views of the project area from US 101. The proposed interchange is also within the US 101 "Highway Design Corridor", which is intended to minimize impacts to scenic foreground and background views from US 101 with the use of several planning area standards. Therefore, the proposed US 101 interchange represents a potentially significant impact upon views to motorists using US 101.
  - a. **Mitigation— I-1 Revegetation Plan.** All slopes and areas disturbed by grading for any proposed project facilities shall be planted with drought resistant vegetation immediately following construction. A Re-vegetation Plan shall be prepared for approval by the County of San Luis Obispo, Department of Planning and Building prior to project grading. This plan shall specify the type and location of re-vegetation for all slopes and areas disturbed by grading for any of the project facilities. Larger shrubs and trees shall be planted in groupings or clusters in the vicinity of US 101 in order to buffer views from the freeway and to shield external views of the proposed interchange facility while also providing adequate line-of-sight for motorists. Sufficient topsoil will be stockpiled for use in all re-vegetation areas. The re-vegetation is intended to buffer views of project facilities while also providing adequate line-of-site for motorists. The location and type of vegetation are also important in screening facilities while also maintaining scenic background views.
  - b. **Findings—** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence—** Please refer to pages I.V-2 through V.I-4 and the Aesthetics Existing Conditions section of the Final SEIR.
2. **Aesthetics Impact.** Construction of the proposed project will result in the permanent alteration of the nature and appearance of the project area and its immediate surroundings through the removal of oak woodland habitat and hundreds of individual oak trees. This loss of oak trees is considered a potentially significant visual impact given their visibility from US101 and their visual contribution to the landscape of the area.
  - a. **Mitigation—**Implement Mitigation Measures I-1, F-15, and F-16.
  - b. **Findings—** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence—**Please refer to pages V-I-2 through V.I-4, V.F-27, V.F-28 and the Aesthetics Existing Conditions section of the Final SEIR.
3. **Aesthetics Impact.** Operation of the proposed project has the potential of adding night lighting which may generate additional light and glare in the project area. Sources of nighttime lighting include automobile traffic and intersection lighting at the proposed interchange. The interchange configuration, proposed as an undercrossing, will be below or at the existing freeway elevation rather than elevated over the existing highway. Nevertheless, the additional lighting may cause a significant impact.
  - a. **Mitigation— I-2 Project Lighting.** All project lighting shall comply with requirements of the County of San Luis Obispo while also conforming to the type of lighting and extent of illumination currently employed by the California Department of

Transportation. To the extent allowed, illumination levels and light standard heights shall be as low as possible while still providing for adequate safety. The number of street lights designed for project roadways shall be minimized to reduce potential light and glare impacts while providing required illumination for access and safety. Lighting plans shall be included in the project design plans to be reviewed by the County Department of Planning and Building.

**I-3 Downward Shielding of Light Sources.** All street and interchange lighting shall be designed in a manner which orients light downward and is shielded to prevent upward and side illumination. Where possible, all exterior lighting should involve low pressure sodium vapor lamps or equivalent lighting technology which reduces potential excess light and glare.

- b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to pages V.I-3 through V.I-5 and the Aesthetics Existing Conditions section of the Final SEIR.
4. **Aesthetics Impact.** The Willow Road Extension/US 101 Interchange project will create a potentially significant cumulative aesthetic impact since the interchange and road will change the visual appearance of the project area and introduce additional nighttime lighting. In addition, the project contributes to the long-range development of cumulative projects anticipated for the area. Development of these projects would further impact the visual appearance and light and glare conditions in the project area.
- a. **Mitigation**—Implement Mitigation Measures I-1 through I-3, F-11, F-15 through F-17 and F-21.
  - b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to pages V.I-4, V.I-5, V.F-27, V.F-28, V.F-30 and the Aesthetics Existing Conditions section of the Final SEIR.

## J. GEOLOGY AND SOILS (Class II)

1. **Geology and Soils Impact.** There is one fault that runs through the project area that poses a potential threat of surface rupture. The fault is a type, however, for which the potential for surface rupture is thought to be low. A major earthquake on the fault in this area could, however, cause potentially significant impacts through warping and fracturing of the ground surface.
- a. **Mitigation**— **J-1 Conformance to Applicable Standards.** Project design and grading plans prepared by the Project Engineer shall conform to applicable County and State Construction Standards for roads and bridges. These standards must be implemented in the plans prior to County approval of the final plans, specifications, and estimates (PS&E).

**J-2, Project Design Assumptions.** Project design shall assume that project facilities will be exposed to ground shaking commensurate with a Maximum Credible Earthquake.



- b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to pages V.J-3 through V.J-5 and the Geology and Soil Existing Conditions section of the Final SEIR.
- 4. **Geology and Soils Impact.** Soil collapse causes structures and roadway facilities to sink or contort. Expansive soils may repeatedly expand and contract, damaging structures that rest on them.
  - a. **Mitigation— J-5 Mitigation of Potentially Collapsible Soils.** If any potentially collapsible soil is identified during design-level geotechnical investigations, the affected area shall be temporarily flooded with water by the Project Engineer or Project Contractor to induce collapse before construction. This requirement shall be shown on all applicable construction plans.
 

**J-6 Mitigation of Potentially Expansive Soils.** If any potentially expansive soil is identified during design-level geotechnical investigations, appropriate measures shall be implemented in the design plan prepared by the Project Engineer prior to County approval of the final PS&E. These measures will include:

    - Remove and replace any excessively expansive material identified;
    - Water, condition, and control compaction of fill; and
    - Establish positive drainage to suitable points in a controlled manner without ponding.
  - b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to page V.J- 3 and V.J-5 and the Geology and Soil Existing Conditions section of the Final SEIR
- 5. **Geology and Soils Impact.** Although the potential for landslides in the project area is very low, cut and fill slopes created during construction of the proposed project could create conditions conducive to landslides. Landslides could be potentially significant due to temporarily blocking roads and destabilizing road embankments.
  - a. **Mitigation— J-7 Mitigation of Landslides.** Landsliding potential of cut/fill slopes associated with the US 101 interchange can be reduced by implementing the following measures in the design plan prepared by the Project Engineer prior to County approval of the final Plans, Specifications, and Estimates (PS&E):
    - Design the freeway structures to withstand the maximum credible earthquake;
    - Construct fill and/or cut slopes no steeper than 2:1 (horizontal: vertical);
    - Establish vegetation along slopes immediately after construction pursuant to County requirements;
    - If required vegetation is not fully established by the beginning of the rainy season, additional erosion control measures shall be installed along slopes prior to the season and any rain events pursuant to County requirements; and
    - Plant native drought-resistant vegetation which requires limited irrigation pursuant to County requirements.

- b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to pages V.J-4 through V.J-6 and the Geology and Soil Existing Conditions section of the Final SEIR.
6. **Geology and Soils Impact.** Dunes to the west of US 101 readily erode when their vegetative cover is disturbed, such as during construction. Sand blowing across the roads as a result of this erosion can create potentially significant impacts because visibility could be reduced to hazardous levels when very windy conditions exist and would require frequent clearing of the road. This impact is potentially significant but with mitigation can be reduced to a less than significant level.
- a. **Mitigation**— Implement Mitigation Measure D-10 for dust control.
    - J-8 Mitigation of Potential Erosion.** To control potential erosion, all slopes and areas disturbed by grading for any proposed project facilities shall be planted with native drought resistant vegetation by the County's designated landscape contractor immediately following each applicable phase of construction.
    - J-9 Erosion Control Maintenance.** Periodic maintenance of areas disturbed by construction of project facilities shall be conducted during and after project construction by the Project Contractor in order to control erosion gullying and wind erosion.
  - b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to page V.J-4 and V.J-6 and the Geology and Soil Existing Conditions section of the Final SEIR.

**K. DRAINAGE, EROSION AND SEDIMENTATION (Class II)**

1. **Drainage, Erosion, and Sedimentation Impact.** Flowing water can erode soil and carry sediments to other areas. Such impacts are particularly likely during the winter, when the frequency and amount of rainfall is much higher. Winter storms could engender erosion and sedimentation within areas disturbed by construction. Disturbed areas could also be impacted by wind erosion during dry months. Over the longer-term, project features that collect surface runoff, such as culverts, may themselves contribute to erosion. Similarly, project components that would result in the steepening of existing slopes could potentially create more erosive surfaces. The project includes many design features for the control of erosion and sedimentation. With the implementation of these features, as well as mitigation measures, the proposed project will have less than significant impacts resulting from erosion and sedimentation.
- a. **Mitigation— K-1, Construction During the Dry Season.** Prior to approval by the County, the final PS&E for the project shall specify that construction of any project facilities within or adjacent to Nipomo Creek east of the proposed US 101 interchange will take place during the dry season. As defined by County Land Use Ordinance Section 22.05.036, this season occurs between April 15 and October 15.
    - K-2, Erosion Control Plan for Rainy Season Construction.** Prior to approval of any grading plan or permit by the County, the project engineer shall complete an erosion

control plan for any construction proposed to occur during the rainy season. The plan shall provide methods for controlling erosion, including—but not limited to—erosion fencing, hay bales, temporary salutation basins, and erosion control blankets. This plan shall conform to Section 22.05.036 of the County Land Use Ordinance. Replacement vegetation and landscaping should be planted sufficiently in advance of October 15 to allow plant roots time to become established and effectively protect the soil.

**K-3, Erosion Control Plan for Dry Season Construction.** Prior to approval of any grading plan or permit by the County, the project engineer shall complete an erosion control plan for any construction on Nipomo Mesa proposed to occur during the dry season. This plan shall provide methods for controlling wind erosion, including—but not limited to—using a water truck to apply water to disturbed and unvegetated surfaces. This plan shall conform to Section 22.05.036 of the County Land Use Ordinance.

**K-4, Monitoring of Project Area.** The County monitor shall evaluate the area following storms to determine whether additional work must be done to stabilize areas subject to surface erosion. The County monitor shall document the post-storm condition of areas susceptible to erosion.

**K-5, Design of Equestrian Trails.** Prior to approving a final PS&E for construction of the equestrian trails located adjacent to the proposed road extension, the County shall require that the PS&E specify the use of compacted native soils (where appropriate), Class 3 aggregate base materials, or similar long-lasting products to minimize erosion on the trail surfaces.

- b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to pages V.K-2 through V.K-5 and the Drainage, Erosion and Sedimentation Existing Conditions section of the Final SEIR.
2. **Drainage, Erosion, and Sedimentation Impact.** The watershed into which runoff from the project flows is the area for which cumulative project impacts are determined. The proposed project accommodates other, planned development in the cumulative project area. These projects will disturb the ground surface during construction and lead to the creation of more impermeable ground surfaces. Impacts from these projects, however, are evaluated and mitigated on a project-by-project basis. The proposed project's contribution to cumulative drainage impacts will be mitigated by project specific mitigation measures prescribed herein.
- a. **Mitigation**— Implement Mitigation Measures K-1 through K-5.
  - b. **Findings**— Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**— Please refer to pages V.K-4 and V.K-5 and the Drainage, Erosion and Sedimentation Existing Conditions section of the Final SEIR.

**L. WATER QUALITY (Class II)**

**1. Water Quality Impact.** The proposed road construction and the proposed bridge construction over Nipomo Creek have the potential to introduce pollutants into Nipomo Creek thereby causing significant detrimental impacts. Pollutants of concern during construction include sediments, trash, petroleum products, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality and aquatic habitats.

- a. Mitigation— Standard Procedures and Practices.** The County and Caltrans will implement standard procedures and BMPs consistent with the County municipal code as well as the County SWMP and the Model Urban Runoff Program for small municipalities and consistent with the Caltrans SWMP as applicable. Structural Treatment Best Management Practices (BMPs) that will be incorporated as part of the project include two infiltration basins and vegetated swales or vegetated buffer strips. The vegetated swales/buffer strips would be located along the roadway perimeter. The California Stormwater BMP Handbooks have published removal efficiencies for Treatment BMPs as high, medium, or low. These removal efficiencies for the proposed Treatment BMPs are listed in Table V.L-9 (page V.L-16).

**L-1 NPDES Permit (County Compliance).** Prior to project grading and construction activities, the County shall ensure that the project complies with the State General Construction Activity NPDES Permit. The construction contractor shall demonstrate to the County that coverage has been obtained under the State General Construction Activity NPDES Permit by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board (SWRCB) and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) number or other proof of filing. In accordance with the permit, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the project. Implementation of the SWPPP shall reduce the discharge of pollutants to the maximum extent practical using management practices, control techniques and systems, design and engineering methods, and such other provisions as are appropriate. A copy of the SWPPP shall be kept at the project site and shall be available to the County upon request.

**L-2 NPDES Permit (Caltrans Compliance).** Prior to project grading and construction activities, Caltrans shall comply with the provisions of the *National Pollutant Discharge Elimination System (NPDES) Permit Statewide Storm Water Permit and Waste Discharge Requirements (WDRs) for the State of California, Department of Transportation Order No. 99-06-DWQ NPDES No. CAS000003*, as they relate to construction activities for the portion of the project within their jurisdiction. This shall include a *Notification of Construction* to the Central Coast Regional Water Quality Control Board at least 30 days prior to the start of construction, preparation and implementation of a Storm Water Pollution Prevention Plan, and a *Notice of Completion* to the CCRWQCB upon completion of construction and stabilization of the site.

- b. Findings—** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
- c. Supportive Evidence—**Please refer to pages V.L-9, and V.L-16, and the Water Quality Existing Conditions section of the Final SEIR.

2. **Water Quality Impact.** The proposed project will increase the amount of impervious surface in the project area, which has the potential to significantly impact water quality. For example, increasing the volume of runoff during a storm more effectively transports pollutants to receiving waters and may lead to downstream erosion. Pollutants of concern include sediments, trash, petroleum products, metals, and chemicals. In addition, an increase in impervious surface will alter the character of the runoff (from agricultural runoff to road/vehicular runoff) increasing the amount of pollutants that reach surface water and groundwater.
    - a. **Mitigation— L-3 Best Management Practices.** Prior to construction, the County and Caltrans shall follow the procedures outlined in the *Storm Water Quality Handbooks, Project Planning and Design Guide* and other applicable County guidelines for implementing treatment best management practices (BMPs) for the project. This shall include coordination with the Central Coast Regional Water Quality Control Board (CCRWQCB) with respect to feasibility, maintenance, and monitoring of Treatment BMPs as set forth in the County's Storm Water Management Program and Caltrans *Statewide Storm Water Management Plan*.
    - b. **Findings—** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
    - c. **Supportive Evidence—**Please refer to page V.L-12 and V.L-16 and the Water Quality Existing Conditions section of the Final SEIR.
  3. **Water Quality Impact.** The increase in pollutant loading resulting from the proposed project would be offset by the Construction BMPs and Treatment BMPs proposed as part of the project. Therefore, the proposed project will not, either by itself or in combination with other reasonably foreseeable projects, contribute significantly to cumulative water quality impacts.
    - a. **Mitigation—** Implement Standard Procedures and Practices and Mitigation Measures L-1 through L-3.
    - b. **Findings—** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
    - c. **Supportive Evidence—**Please refer to page V.L-9, VL-12, V.L-16 and the Water Quality Existing Conditions section of the Final SEIR.
- M. **HAZARDOUS MATERIALS (Class II)**
1. **Hazardous Materials Impact.** Elevated levels of soil contaminants, such as lead, may be present along the shoulders of US 101 due to airborne deposition from automobiles over time. If elevated levels of lead are confirmed within the soils adjacent to US 101, this will not in itself pose a significant potential impact to human or environmental health. However, if these soils are disturbed during grading activities, ingestion or inhalation of airborne dust may pose a potential threat to human health.
    - a. **Mitigation— M-1 Soil Contamination.** To confirm whether lead contaminants are present in surface soils adjacent to US 101, soil sampling and testing shall be conducted by a County-approved soil scientist prior to any grading or construction activities. Should



a. **Mitigation— M-3 Unocal Pipelines.** The two existing Unocal pipelines along the eastern alignment of US 101, east of Nipomo Creek and west of Thompson Avenue will require special consideration during project grading activities associated with proposed Willow Road and interchange alignment. Considerations include:

- Avoidance of the existing pipelines;
- Stabilization of the existing pipelines through strengthening materials;
- Relocation of the existing pipelines outside of the axis of grading.

If the pipelines cannot be avoided, and stabilization of the lines is feasible, Unocal shall be consulted on appropriate means to stabilize the pipelines. If it is determined that one or both of the lines must be relocated, the County of San Luis Obispo will analyze for potential environmental impacts of relocating the line. A relocation analysis will be conducted prior to construction activities and the County will either redesign construction plans or provide adequate mitigation measures to reduce potential impacts to less than significant levels. The mitigation measures will meet the performance criteria established by Unocal and the State Fire Marshall for pipeline stability, security and proper function to prevent leakage or other hazardous effects.

**M-4 Unocal Pipeline Monitoring.** Due to the potential impacts of a leaky or broken oil pipeline, the Unocal pipeline and surrounding areas shall be monitored by a County-designated monitor for the presence or absence of leaks and contaminants prior to project construction in the affected areas. If leaks or contaminants are detected, proper corrective actions shall be taken to comply with all regulatory codes. At a minimum, the contractor shall notify the County engineer and Unocal to turn off the line, as necessary; the affected soil shall be removed and monitoring shall be conducted in accordance with the County Environmental Health Department.

- b. **Findings—** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence—** Please refer to page V.M-3 through V.M-5 and the Hazardous Materials Existing Conditions section of the Final SEIR.
4. **Hazardous Materials Impact.** San Luis Obispo is among the counties listed as containing serpentine and ultramafic rock. The General Location Guide for Ultramafic Rocks in California shows no areas of natural occurring asbestos (NOA) in the project vicinity. However, in the unforeseen event of the discovery of ultramafic or asbestos containing materials, the County shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying and Surface Mining Operations.
- a. **Mitigation—** Implement Mitigation Measure D-2 and D3.
  - b. **Findings—** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence—** Please refer to page V.D-10, V.D-15 and the Air Quality Existing Conditions section of the Final SEIR.
5. **Hazardous Materials Impact.** Although there are potential significant impacts associated with the disturbance of the Pacific Gas & Electric and Unocal pipelines, implementation of the Mitigation Measures M-2, M-3, and M-4 will ensure that the proposed Willow Road

Extension/US 101 Interchange project will not add significantly to cumulative impacts due to hazardous materials. Potential cumulative impacts from hazardous materials from the other development projects in the study area would require mitigation on a project by project basis.

- a. **Mitigation**—Implement Mitigation Measures M-2, M-3, and M-4.
  - b. **Findings**—Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to pages V.M-4 through V.M-5 of the Final SEIR.
6. **Hazardous Materials Impact.** Vehicular use of the proposed roadway extension and interchange would increase the potential fire hazard along the roadway perimeter.
- a. **Mitigation**—Mitigation Measure E-2 requires the implementation of a Fuel Reduction Plan to provide for adequate brush clearance and vegetation removal.
  - b. **Findings**—Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.
  - c. **Supportive Evidence**—Please refer to page V.M-4 of the Final SEIR.

<b>VI. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)</b>
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*The unavoidable significant impacts of the project are found to be acceptable due to overriding considerations (refer to Section VII). The findings below are for Class I impacts, where implementation of the project may result in the following significant, unavoidable environmental impacts:*

**A. LAND USE AND PLANNING (Class I)**

1. **Land Use and Planning Impact:** The proposed road extension would result in a permanent loss of productive farm land within portions of two agricultural preserves. Please refer to Findings Section VI.D.1 for additional discussion of this impact.
- a. **Mitigation**—Refer to mitigation measure H-1 for vehicle crossings. There are no feasible mitigation measures to reduce impacts on agricultural preserves to less than significant levels.
  - b. **Findings**—Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
  - c. **Supportive Evidence**—East of US 101 to Thompson Road the proposed project will traverse two existing agricultural preserves (parcel numbers 091-251-017 and 091-301-019). These preserves total approximately 102 acres. This impact cannot be reduced to below the level of significance because there are no other development alternatives to the

- proposed project that would meet project objectives and avoid all agricultural preserves in the project vicinity.
2. **Land Use and Planning Impact:** The proposed project's contribution to cumulative impacts on agricultural resources could be significant, unavoidable and adverse. Please refer to Findings Section VI.D.2 for additional discussion of this impact.
    - a. **Mitigation**— There are no feasible mitigation measures to reduce cumulative impacts to agricultural resources.
    - b. **Findings**— Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
    - c. **Supportive Evidence**—The proposed project represents a contributing step in the long range development of the cumulative projects listed in Section IV of the Final SEIR. Development of all these projects could impact agricultural land uses, preserves, and soils found within the project area. The proposed project's contribution to the cumulative effect on area development and, in turn, agricultural lands and operations would be considered significant. This impact cannot be reduced to below the level of significance because there are no other development alternatives to the proposed project that would meet project objectives and avoid all agricultural resources in the project vicinity.
  3. **Land Use and Planning Impact:** By removing impediments to growth, the proposed project will hasten the conversion of existing vacant and agricultural land to more developed uses. This growth-inducing effect would be significant, unavoidable and adverse.
    - a. **Mitigation**— There are no feasible mitigation measures to reduce the growth inducing impacts of the proposed project.
    - b. **Findings** Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
    - c. **Supportive Evidence**— Provision of roadways and access facilities similar to those associated with the proposed project can eliminate a potential constraint on development (i.e., lack of access) and, in turn, can create economic pressures and increased land values. These conditions can potentially hasten the conversion of agricultural lands and agricultural preserves to developed uses. This impact cannot be reduced to below the level of significance because there are no other development alternatives to the proposed project that would meet project objectives and avoid all agricultural resources in the project vicinity.

**B. NOISE (Class I)**

1. **Noise Impact:** The proposed project will generate automobile traffic, a long-term source of noise that will alter future noise levels in the surrounding area. The proposed project will subject existing residences to long-term noise levels that exceed the County standard for exterior noise (60 dBA  $L_{dn}$ ). At ten receptor locations, increased traffic on the proposed Willow Road extension will cause noise levels to exceed the County's exterior noise standard. Sound barriers (Mitigation Measures C-7, C-8, and C-9) can feasibly reduce these noise levels to below the County exterior threshold at three receptor sites; however it is not feasible to provide sound barriers that the other seven receptor locations. Noise impacts at these seven locations will be significant, unavoidable, and adverse.
  - a. **Mitigation—** Implement Mitigation Measures C-7, C-8, and C-9.
  - b. **Findings—** Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
  - c. **Supportive Evidence—** The impacts to the seven receptor locations cannot be reduced to below the level of significance. Reducing noise impacts at these seven locations requires that a large continuous object or barrier be put in the path between the noise source (Willow Road) and the existing residences. Because these residential properties will be using Willow Road as their access point, it is not feasible to erect a continuous sound barrier at these locations; a continuous barrier would block access to Willow Road. A discontinuous barrier, such as a wall that leaves a gap for a driveway, would not result in a perceptible noise reduction.

**C. BIOLOGICAL RESOURCES (Class I)**

1. **Biological Resources Impact:** The construction of the proposed project will result in the direct removal of oak woodland habitat as well as individual oak trees. There are approximately 938 coast live oak trees within the current proposed project boundary, of which 810 are greater than 6 inches dbh.
  - a. **Mitigation—** Implement Mitigation Measure F-16, in addition to the following:

**F-15 Oak Tree Replacement.** Mitigation for removal or damage of oak trees must be accomplished by replacing trees removed or damaged at a ratio in accordance with the County of San Luis Obispo standards. The County of San Luis Obispo recommends a 4:1 replacement of oak trees greater than 6 inches diameter at breast height (dbh) removed or damaged by development activities. Impacted or damaged trees shall be replaced at a 2:1 ratio. When work under drip-lines cannot be avoided, all limb trimming and root cutting shall follow good arborists' practices. An oak tree replacement plan shall be prepared along with the Habitat Creation, Conservation and Enhancement Plan described below prior to project grading for review and approval of the County of San Luis Obispo, Department of Planning and Building with the intent of successfully reestablishing the removed or damaged oak trees. At a minimum, the plan shall (a) identify the number of oak trees to be removed and impacted, (b) specify the number and location of oak trees to

be planted, (c) provide replanting in compatible areas near project facilities, particularly in the vicinity of the US 101, and (d) identify all areas to be permanently set aside for oak replacement. Oak trees removed or damaged by project activities must be replaced by locally collected acorns or other propagules, preferably collected from within the area of the proposed construction. Final numbers of oak trees and corresponding diameters shall be assessed prior to the start of construction based on final design.

- b. **Findings**— Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
- c. **Substantial Evidence**— As the oak woodland habitat within the project area has been subjected to various degrees of disturbances, such as grazing, mowing, and debris storage, it is not considered “biologically functional oak woodland”. But it is considered to be “ecologically sensitive oak woodland.” This habitat type is especially valuable and of limited distribution, and in some areas it is not regenerating. Disturbances to this habitat type only partially reduce its importance. As the development of mature large trees requires 60–80 years, the direct removal of this habitat type will result in unavoidable loss of habitat, which will remain significant even after mitigation until such time as the oak woodland habitat provided for in the mitigation becomes ecologically functional. This impact cannot be reduced to below the level of significance because there are no other development alternatives to the proposed project that would meet project objectives and avoid impacts to oak woodlands in the project vicinity.

#### D. AGRICULTURAL RESOURCES (Class I)

1. **Agricultural Resources Impact:** Project road facilities will traverse through two existing Williamson Act Agricultural Preserves (parcel numbers 091-251-017 and 091-301-019). Construction on or through agricultural preserves is considered a significant impact.
  - a. **Mitigation**— Implement Mitigation Measure H-1, in addition to the following:

**H-2 Williamson Act Notice.** Prior to completion of right-of-way acquisition, the County of San Luis Obispo shall prepare all required notices pursuant to Section 51291 of the Williamson Act for any roadways within established agricultural preserves.
  - b. **Findings**— Changes or alterations have been required in or can be incorporated into the proposed project which lessen the significant environmental effects as identified in the Final SEIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
  - c. **Supportive Evidence**— East of US 101 to Thompson Road the proposed project will traverse two existing agricultural preserves (parcel numbers 091-251-017 and 091-301-019). These preserves total approximately 102 acres. This impact cannot be reduced to below the level of significance because there are no other development alternatives to the proposed project that would meet project objectives and avoid all agricultural preserves in the project vicinity.

2. **Agricultural Resources Impact:** Cumulative impacts to agricultural resources resulting from the proposed project combined with those projects identified in the cumulative development scenario could be significant. The proposed project represents a contributing step in the long-range development of the list of cumulative projects in the project area. Development of these projects would result in impacts agricultural land uses, preserves, and soils found in the project area.
  - a. **Mitigation—** Implement Mitigation Measure H-1.
  - b. **Findings—** Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
  - c. **Supportive Evidence—**The proposed project represents a contributing step in the long range development of the cumulative projects listed in Section IV of the Final SEIR. Development of all these projects could impact nearby commercial agricultural operations found within the project area. The proposed project's contribution to the cumulative effect on area development and, in turn, agricultural operations would be considered significant. This impact cannot be reduced to below the level of significance because there are no other development alternatives to the proposed project that would meet project objectives and avoid all agricultural resources in the project vicinity.

## E. SOCIO-ECONOMICS

1. **Socio-Economics Impact:** The proposed project could indirectly lead to an increase in Nipomo's population and housing in the following ways: Provision of roadway and access facilities, which can increase land values and create economic pressures to develop in areas served by or adjacent to these roadways; Project roadways offer a logical point for the extension of public utilities (water, sewer, storm, drain, energy) to serve project areas; and Project roadways remove an impediment to growth potentially hastening the conversion of vacant or existing agricultural or rural land to more developed uses including additional, higher density housing. The potential of the proposed project to indirectly generate additional population and housing could be a significant impact, especially given some of the current constraints, such as traffic congestion and water availability.
  - a. **Mitigation—** There are no specific mitigation measures to reduce the potentially significant indirect generation of housing and population in the project area that would be caused by the proposed project.
  - b. **Findings—** Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
  - c. **Supportive Evidence—** Provision of roadways and access facilities can eliminate a potential constraint on development (i.e., lack of access) and, in turn, can create economic pressures and increased land values. These conditions can potentially hasten the conversion of vacant or existing agricultural land to more developed uses including

additional housing and population. Various future development scenarios were analyzed in the Final SEIR. Based on this analysis, it is estimated that the proposed project (Alignment 2), as evaluated in the 1999 FEIR, will in total, indirectly generate between 360 and 640 dwelling units. The eastern frontage road is estimated to indirectly generate between 16 and 80 additional dwelling units or a total of 1.582 million square feet of freeway-oriented commercial use. This impact cannot be reduced to below the level of significance because there are no other development alternatives to the proposed project that would meet project objectives that wouldn't generate growth as well.

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

Findings pursuant to CEQA Guidelines sections 15093 and 15092.

### **A. The project's significant, unmitigable, unavoidable adverse effects are as follows—**

1. Project road facilities will traverse through two existing Williamson Act Agricultural Preserves (parcel numbers 091-251-017 and 091-301-019). Construction on or through agricultural preserves is considered a significant impact.
2. Cumulative impacts to agricultural resources resulting from the proposed project combined with those projects identified in the cumulative development scenario could be significant. The proposed project represents a contributing step in the long-range development of the list of cumulative projects in the project area. Development of these projects would result in impacts agricultural land uses, preserves, and soils found in the project area.
3. By removing impediments to growth, the proposed project will hasten the conversion of existing vacant and agricultural land to more developed uses. This growth-inducing effect would be significant, unavoidable and adverse.
4. The proposed project will redirect automobile traffic, a long-term source of noise that will alter future noise levels in the surrounding area. The proposed project will subject existing residences to long-term noise levels that exceed the County standard for exterior noise (60 dBA  $L_{dn}$ ).
5. The construction of the proposed project will result in the direct removal of oak woodland habitat as well as individual oak trees. There are approximately 938 coast live oak trees within the current proposed project boundary, of which 810 are greater than 6 inches dbh.
6. The proposed project could indirectly lead to an increase in Nipomo's population and housing in the following ways: Provision of roadway and access facilities, which can increase land values and create economic pressures to develop in areas served by or adjacent to these roadways; Project roadways offer a logical point for the extension of public utilities (water, sewer, storm, drain, energy) to serve project areas; and Project roadways remove an impediment to growth potentially hastening the conversion of vacant or existing agricultural land to more developed uses including additional housing. The potential of the proposed project to indirectly generate additional population and housing could be a significant impact.

**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 Planning Commission recommends that the Board of Supervisors find that the benefits of the project outweigh the unavoidable adverse environmental impacts to the extent that the unavoidable adverse environmental impacts become "acceptable".

**C. Supporting Evidence—**

1. Project Benefits. The project would result in the following benefits:

- a. The proposed project facilities will provide a key linkage to US 101 through the provision of a major arterial road which connects State Routes 1 and 101. Presently, the closest arterial routes are Los Berros Road, approximately 1.6 miles to the north, and Tefft Street, approximately 1.3 miles to the south of the proposed Willow Road extension.
- b. The proposed project facilities will improve traffic and circulation conditions throughout the Nipomo area. These improved conditions involve the reduction of traffic volumes and congestion along existing roadways, intersections, and freeway interchanges, as well as improved circulation and access. The proposed project facilities will reduce future traffic levels and associated impacts on Los Berros Road and West Tefft Street (two closest parallel facilities) and Pomeroy Road (which connects Los Berros Road and Tefft Street). The proposed project facilities will also direct future traffic to a fully standard designed highway and away from non-standard County roadways. The proposed project provides beneficial traffic and circulation impacts to the Nipomo Area.
- c. Long-term air quality impacts (both on a local and regional level) will be reduced as a consequence of the improved traffic circulation and reduced congestion resulting from the proposed project. The proposed project results in decreased mobile source pollutant emissions over the current roadway network.
- d. The proposed project facilities will provide improved vehicular access to the Nipomo area which will assist in improving law enforcement and fire protection/emergency response service efforts.
- e. The proposed project facilities will, through improved access and reduced traffic volumes, congestion, and travel times, represent a beneficial economic impact upon existing businesses in the Nipomo area.

2. Mitigation Enhancement. The Final SEIR contains several mitigation measures and avoidance through redesign that will substantially reduce the significant effects of the proposed project. Some of the more significant mitigation measures are summarized below:

- a. Requiring design features that do not preclude a second ramp from being added to US 101 northbound on- and off-ramps in the future.
- b. Provisions of temporary noise barriers during project construction and a long-term noise mitigation program for certain existing residences;
- c. Avoidance of sensitive biological resources, where possible, and maintenance of a

minimum 50-foot buffer area between sensitive resources and the final roadway alignment;

- d. Provision of Habitat Creation, Conservation and Enhancement Plan for replacement of native habitats, restoration of wetland and riparian habitats and replacement of oak trees lost during project construction;
  - e. Avoidance of significant cultural resources through project redesign and conducting necessary data recovery and subsurface testing programs;
  - f. Provision of at-grade agricultural vehicle crossings with adequate striping, signage, and sight distance;
  - g. Revegetation of all slopes and areas disturbed by project grading with non-invasive vegetation.
3. Alternatives. Various project alternatives were previously analyzed in the 1999 Tier 1 FEIR. The Final SEIR incorporates by reference and summarizes the environmental effects of the following alternatives:
- No Project/No Build Alternative
  - Alternative Project Sites- Alignment 4
  - Alternative Project Sites- Alignment 4- 300 feet to the North
  - Alternative Project Sites- Alignment 4- 1,200 feet to the North
  - Interchange Design Alternatives- Modified Diamond/Partial Clover Leaf
  - Interchange Design Alternatives- Modified "Tight" Diamond
  - Interchange Design Alternatives- Modified "Tight-Spread" Diamond
  - Interchange Alternatives- Frontage Road Between Willow Road and Sandydale Drive
  - Interchange Alternatives- Frontage Road between Sandydale Drive and Los Berros Road

Based on the earlier evaluation of alternatives, and the decision as part of the Tier I process, the County is no longer considering alternatives to the selected project, including Alignment 4 or the other interchange and frontage roads in lieu of an interchange.

As identified in the 1999 Tier 1 EIR and the Final SEIR, there are no potential alternatives that meet most of the project objectives and avoid or substantially minimize all of the significant impacts identified for the proposed project. Therefore, the proposed project is considered to be the environmentally superior alternative.

## **VIII. CEQA GENERAL FINDINGS**

- A. The Board of Supervisors find that changes or alterations have been incorporated into the project to mitigate or avoid significant impacts to the greatest degree practicable. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Willow Road Extension/US 101 Interchange Final SEIR.
- B. The Board of Supervisors finds that the project, as approved, includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

## **IX. MITIGATION MONITORING PROGRAM**

- A. The County of San Luis Obispo Public Works Department will be primarily responsible for ensuring that all project mitigation measures are complied with. The County Department of Planning and Building, Planning and Environmental Divisions, will assist the Public Works Department in the mitigation measure compliance effort. Mitigation measures will be programmed to occur at, or prior to, the following milestones:

1. Prior to approval of final project design or grading plans.
2. Prior to completion of right-of-way acquisition.
3. Prior to and/or during project grading or construction activities.
4. Prior to construction activities during the rainy season.
5. Prior to project completion.
6. Subsequent to project grading and construction activities.

Connecting each of the mitigation measures to these milestones will integrate mitigation monitoring into existing County processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the project.

- B. As lead agency for the Willow Road Extension/US 101 Interchange Final SEIR, the Board of Supervisors hereby certifies that the approved Mitigation Monitoring Program (refer to Exhibit B.1) is adequate to ensure the implementation of the mitigation measures described herein.

