

**Summary of Water Consumption for GREENHOUSE & OUTDOOR Cannabis Cultivation @
BRETT FINLEY/TEMPLETON PATIENT COOPERATIVE
630 EL POMAR DR., TEMPLETON
Permit No DRC2018-00016
Exceptions to Applicants Environmental Submittals Water Management
Water Demand Analysis and Summary**

Sirs:

Based on the applicants **UNSTATED DEMAND TOTAL 0.00 acre-feet/year** of water use, we hereby take exception to the demand factors this applicant has provided for this project as follows:

- 1) Our annual greenhouse water demand calculations project a 2.99 acre-feet/year demand (see attached).
- 2) Our annual outdoor water demand calculations project a 2.5 acre-feet/year demand (see attached)
- 3) The plant demand alone for these cultivation areas would more realistically assess a combined total of 5.49 acre-feet of ACTUAL annual demand.

We propose, based on the information contained herein, that if this project is allowed to operate, the applicant/licensee be required to install, within 60 days of their being noticed, new ultrasonic flow meters at all incoming and outgoing water systems that would account for all real time (TOU/BIM compatible) water distribution and discharge on this project. Furthermore, once the TOU/BIM metering has been installed, we ask that the flow levels be electronically monitored so that if at any point during a 12 month period the applicant/licensee exceeds the STATED acre-feet demand, there will be a operational penalty assessed as a result of the project submission under assessment.

We propose that if the STATED ANNUAL WATER DEMANDS are exceeded at any point during that 12 month period, then it would be agreed, in advance, that the applicant would pay a suggested Tier 1 rate of \$5/gal Environmental Water Tax (T1-EWT) on that overage up and until they exceeded it by more than 10% of the STATED VALUE. Once they exceed a 10% overage, they would be required to submit an AMENDED CEQA application where the applicants STATED ANNUAL WATER DEMANDS would match the REALITY of their operations. That AMENDED CEQA application would be given up to 120 days to be approved or denied. The applicant would be allowed to remain in operation for that 120 days but would be doing so under T2-EWT rates of \$10/gal for that metered water consumed. If the project is denied they will have 10 days to cease operations or be subject to fines which could include forfeiture of their property as it represents an environmental risk.

The bottom line is we all want, **we ALL NEED honest assessments** of what these commercial cannabis facilities are going to do to our environment and adjoining industries if the ACTUAL water demands exceed the STATED demands. We rely on our government to assure us that these projections are accurate. As is currently the case, there is no penalty for an applicant who would understate their water demands in these applications. With the information we have provided herein, the ball is now squarely in your court to make certain these environmental conditions are accounted for in your decisions.

Concerned Citizens

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Water Demand Analysis and Summary**

Sirs:

Based on the applicants **UNSTATED DEMAND TOTAL 0.00 acre-feet/year** of water use, we hereby take exception to the demand factors this applicant has provided for this project as follows:

- 1) For the purposes of this exercise, we are factoring a cannabis plants modestly assessed 2 gal/day water requirement when grown in a greenhouse. This value allows for an average consumption over the life of the plant. We will factor the area per plant water demand at 16 sq-ft per plant. This will account for a single mature flowering plant area calculation as well as multiple plants in that same area while in a vegetative state.
- 2) When completing CEQA applications the applicant will present the total sq-ft being considered for cultivation. As well as where the water will be coming from and how many gallons/day that operation will require. This will ultimately be converted into an acre-foot/year demand on whatever water supply will be feeding that applicant.

1 acre = 43,560 sq-ft

1 acre-foot = 325,851 gallons

- 3) Here is our project water demand analysis for a STATED 21,600 sq-ft (greenhouse canopy totals):

21,600 sq-ft (Total Area) ÷ 16 sq-ft (per plant area) = 1.350 plants

1,350 (plants) x 2 gal/day water = 2,700 gal/day water

2,700 (gal/day) ÷ 325,851 (gal) = 0.0082 acre-feet/day

ACTUAL GREENHOUSE DEMAND: 0.0082 X 365 days = 2.99 acre-feet/year

We propose this project, if allowed to operate, be required to install ultrasonic flow meters at all incoming and outgoing water systems that would account for all real time (BIM compatible) water distribution and discharge on this project.

Concerned Citizens

**Summary of Water Consumption for OUTDOOR Cannabis Cultivation @
BRETT FINLEY/TEMPLETON PATIENT COOPERATIVE
630 EL POMAR DR., TEMPLETON
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Exceptions to Applicants Environmental Submittals Water Management
Water Demand Analysis and Summary**

Sirs:

Based on the applicants **UNSTATED DEMAND TOTAL 0.00 acre-feet/year** of water use, we hereby take exception to the demand factors this applicant has provided for this project as follows:

- 1) For the purposes of this exercise, we are factoring a cannabis plants modestly assessed 4 gal/day water requirement when grown outdoors. This value allows for an average consumption over the life of the plant. We will factor the area per plant water demand at 100 sq-ft per plant. This will account for a single mature flowering plant area calculation during a single 160 day grow cycle per year.
- 2) When completing CEQA applications the applicant will present the total sq-ft being considered for cultivation. As well as where the water will be coming from and how many gallons/day that operation will require. This will ultimately be converted into an acre-foot/year demand on whatever water supply will be feeding that applicant.

1 acre = 43,560 sq-ft

1 acre-foot = 325,851 gallons

- 3) Here is our project water demand analysis for a STATED 3 acres/130,680 sq-ft (outdoor canopy totals):

130,680 sq-ft (Total Area) ÷ 100 sq-ft (per plant area) = 1,306 plants

1,305 (plants) x 4 gal/day water = 5,224 gal/day water

5,224 (gal/day) ÷ 325,851 (gal) = 0.016 acre-feet/day

ACTUAL OUTDOOR DEMAND: 0.016 X 160 days = 2.5 acre-feet/year

We propose this project, if allowed to operate, be required to install ultrasonic flow meters at all incoming and outgoing water systems that would account for all real time (BIM compatible) water distribution and discharge on this project.

Concerned Citizens



Negative Declaration & Notice Of Determination

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

ENVIRONMENTAL DETERMINATION NO. ED Number 19-265

DATE: April 23, 2020

PROJECT/ENTITLEMENT: Finley Minor Use Permit;DRC2018-00016

APPLICANT NAME: Brett Finley/Templeton Patient Cooperative

Email: diamondfmgt@gmail.com

ADDRESS: 630 El Pomar Drive, Templeton CA

CONTACT PERSON: Brett Finley

Telephone: 805-975-2853

PROPOSED USES/INTENT: A request by **Brett Finley/Templeton Patient Cooperative** for a Minor Use Permit (DRC2018-00016) for the phased establishment of 3 acres of outdoor cannabis cultivation, 21,600 square feet (sf) of indoor mixed-light cannabis cultivation, and ancillary cannabis processing activities on a 97-acre parcel. A 2,208-sf building would be constructed and used for a security office, processing of cannabis grown on-site, and pesticide and fertilizer storage. Indoor (mixed-light) cultivation would occur within five proposed 4,320-sf greenhouses. The project would result in approximately 4.16 acres of site disturbance including 415 cubic yards of cut and 415 cubic yards of fill to be balanced on-site.

LOCATION: The project site is located within the Agriculture land use designation at 630 El Pomar Road, approximately 0.3 mile west of the community of Templeton in the El Pomar-Estrella subarea of the North County Planning Area. Supervisorial District 5.

LEAD AGENCY: County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: <http://www.sloplanning.org>

STATE CLEARINGHOUSE REVIEW: YES ☒ NO ☐

OTHER POTENTIAL PERMITTING AGENCIES: California Department of Food and Agriculture - CalCannabis, California Department of Fish and Wildlife, Regional Water Quality Control Board, California Department of Forestry and Fire Protection

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 4:30 p.m. (2 wks from above DATE)

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County Planning and Building Department as ☒ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and
has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

Eric Hughes, (ehughes@co.slo.ca.us)

County of San Luis Obispo

Signature**Project Manager Name****Date****Public Agency**



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. Finley Minor Use Permit ED19-265 DRC2018-00016

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

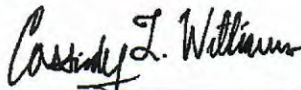
<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input checked="" type="checkbox"/> Agriculture & Forestry Resources	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology & Water Quality	<input type="checkbox"/> Transportation
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use & Planning	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities & Service Systems
<input checked="" type="checkbox"/> Energy	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Wildfire
<input type="checkbox"/> Geology & Soils	<input type="checkbox"/> Population & Housing	<input checked="" type="checkbox"/> Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

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


- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Cassidy Williams, SWCA
Environmental Consultants
Prepared by (Print)


Signature

4/23/2020
Date

Dave Moran
Reviewed by (Print)


Signature

For Xzandrea Fowler,
Environmental Coordinator

4/23/2020
Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. Project

DESCRIPTION: A request by **Brett Finley/Templeton Patient Cooperative** for a Minor Use Permit (DRC2018-00016) for the phased establishment of 3 acres of outdoor cannabis cultivation, 21,600 square feet (sf) of indoor mixed-light cannabis cultivation, and ancillary cannabis processing activities on a 97-acre parcel. A 2,208-sf building would be constructed and used for a security office, processing of cannabis grown on-site, and pesticide and fertilizer storage. Indoor (mixed-light) cultivation would occur within five proposed 4,320-sf greenhouses. The project would result in approximately 4.16 acres of site disturbance including 415 cubic yards of cut and 415 cubic yards of fill to be balanced on-site. The project site is located within the Agriculture land use designation at 630 El Pomar Road, approximately 0.3 mile west of the community of Templeton in the El Pomar-Estrella subarea of the North County Planning Area Supervisorial District 5.

The project would be located within the eastern portion of a 97-acre property (Figure 2). The property is currently utilized for grazing and includes a commercial plant nursery, two single-family residences, several agricultural accessory structures, an agricultural reservoir, and a 14.8-acre solar farm. Surrounding land uses include active agricultural crops and scattered rural residential dwellings (Figure 2).

The proposed cultivation activities would be implemented in two phases, with the outdoor cultivation, the processing building, and several site improvements being implemented first (Phase 1), and the proposed greenhouses and additional fencing being implemented at a later time (Phase 2; see Table 1 below).

Table 1. Proposed Project Phases.

Phase	Project Components
Phase 1	Establishment of 3.0 acres of outdoor cannabis cultivation
	Construction of a 2,200-square-foot building for processing of cannabis grown on-site, security office, and pesticide and fertilizer storage and installation of septic system
	Installation of a new 20-foot wide all-weather driveway and eight designated parking spaces
	Installation of new 6-foot fencing around the outdoor cultivation areas and processing building
	Installation of three new access gates and security cameras with motion sensor lighting
	Installation of proposed solar PV system, three new water tanks
	Construction of five new 4,320-square-foot greenhouses for indoor mixed-light cannabis cultivation

Initial Study – Environmental Checklist

Phase 2	(21,600 square feet total)
	Installation of additional 6-foot fencing around the proposed greenhouses
	Installation of additional security cameras with motion sensor lighting

The outdoor cultivation area would be harvested once per year and would be identified by white wooden posts at the corners of the cultivation area boundary. Plants would either be placed directly into the soil, in 1- to 5-gallon pots, or in raised beds. The indoor (mixed-light) cultivation area would be harvested up to eight times per year and would occur within five 4,320-square-foot proposed greenhouses. The greenhouses would be equipped with light-emitting diode (LED) grow lights and blackout curtains to prevent off-site light emissions.

All proposed cannabis activities would be enclosed by a 6-foot-high fence made of either solid wood or chain link with security slats. The project would also include the construction of a new 20-foot wide all-weather access driveway from the project site to El Pomar Drive during Phase 1 of project development, which would be designed and constructed in accordance with County of San Luis Obispo (County) Public Works and County Fire/California Department of Forestry and Fire Protection (CAL FIRE) standards.

To prevent nuisance odors from being detected off-site, the proposed outdoor cultivation area would be located a minimum of 300 feet from the property lines of the site and public right-of-way in accordance with County of San Luis Obispo (County) Land Use Ordinance (LUO) Section 22.40.050.D.3.b. Each of the proposed greenhouses to be utilized for cannabis cultivation would also be located a minimum of 300 feet from surrounding property lines and public right of way, which exceeds the minimum setback requirements for indoor (mixed-light) cultivation uses set forth in the County LUO. In addition, each of the proposed greenhouses and the proposed processing building would be equipped with carbon scrubbers in accordance with LUO Section 22.40.050.D.8.

The property is located within the Atascadero Groundwater Basin. The project would include a new connection to an existing well located on the property approximately 200 feet west of the proposed development area and installation of three 2,500-gallon water storage tanks on-site during Phase 1 of project development. The project would result in a total of approximately 274,940 gallons (0.84-acre-feet) of water demand annually. The subject property is currently under a Williamson Act contract but has been deemed by the Agricultural Preserve Review Committee (APRC) to be in non-compliance and the applicant has filed for non-renewal.

The project's electricity needs would be met by three different sources. The proposed processing/storage building and security system included in Phase 1 of project development would rely on power generated from eight proposed 300-watt solar panels to be located just north of the proposed processing/storage building. In addition, the proposed irrigation pump to support the outdoor cultivation areas would be powered by a diesel generator, which would run no longer than 1 hour daily. The proposed greenhouses and associated lighting for Phase 2 of project development would utilize a connection to Pacific Gas & Electric Company (PG&E) infrastructure.

The project construction period for both Phase 1 and Phase 2 of project development would be approximately 6 months. The project facilities would operate 7 days a week between 6:00 a.m. and 2:30 p.m. and would employ up to two full-time regular employees and five full-time seasonal employees. Based on the traffic study for the project prepared by Associated Transportation Engineers (2018), the project would generate approximately 10 average daily trips, with 1.04 trips generated during the PM peak hours. The project would be located within Area B of the Templeton Road Improvement Fee Program and would be required to contribute traffic mitigation fees for the future improvements planned for the area.

ASSESSOR PARCEL NUMBER(S): 033-231-026

Latitude: 35° 33' 32" N

Longitude: 120° 40' 48" W

SUPERVISORIAL DISTRICT # 5

Initial Study – Environmental Checklist

Other Public Agencies Whose Approval is Required

Permit Type/Action	Agency
State Cultivation Licenses	California Department of Food and Agriculture – CalCannabis
Written Agreement Regarding No Need for Lake and Streambed Alterations (LSA)	California Department of Fish and Wildlife
Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order No. WQ-2017-0023-DWQ (General Order)	Regional Water Quality Control Board (RWQCB)
Safety Plan Approval and Final Inspection	California Department of Forestry and Fire Protection (CAL FIRE)

A more detailed discussion of other agency approvals and licensing requirements is provided in Exhibit B of this Initial Study.

B. Existing Setting

Plan Area: North County **Sub:** El Pomar/Estrella **Comm:** Rural

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 97 acres

Topography: Nearly level to gently sloping

Vegetation: grassland, scattered oak trees

Existing Uses: Single-family residence(s)), commercial plant nursery, agricultural accessory structures, agricultural reservoir, solar farm, cattle grazing

Surrounding Land Use Categories and Uses:

North: Agriculture; agricultural uses
single-family residence(s)

East: Agriculture; agricultural uses

South: Agriculture; agricultural uses accessory structures
single-family residence(s)

West: Agriculture; blue line creek single-family residence(s)

Initial Study – Environmental Checklist

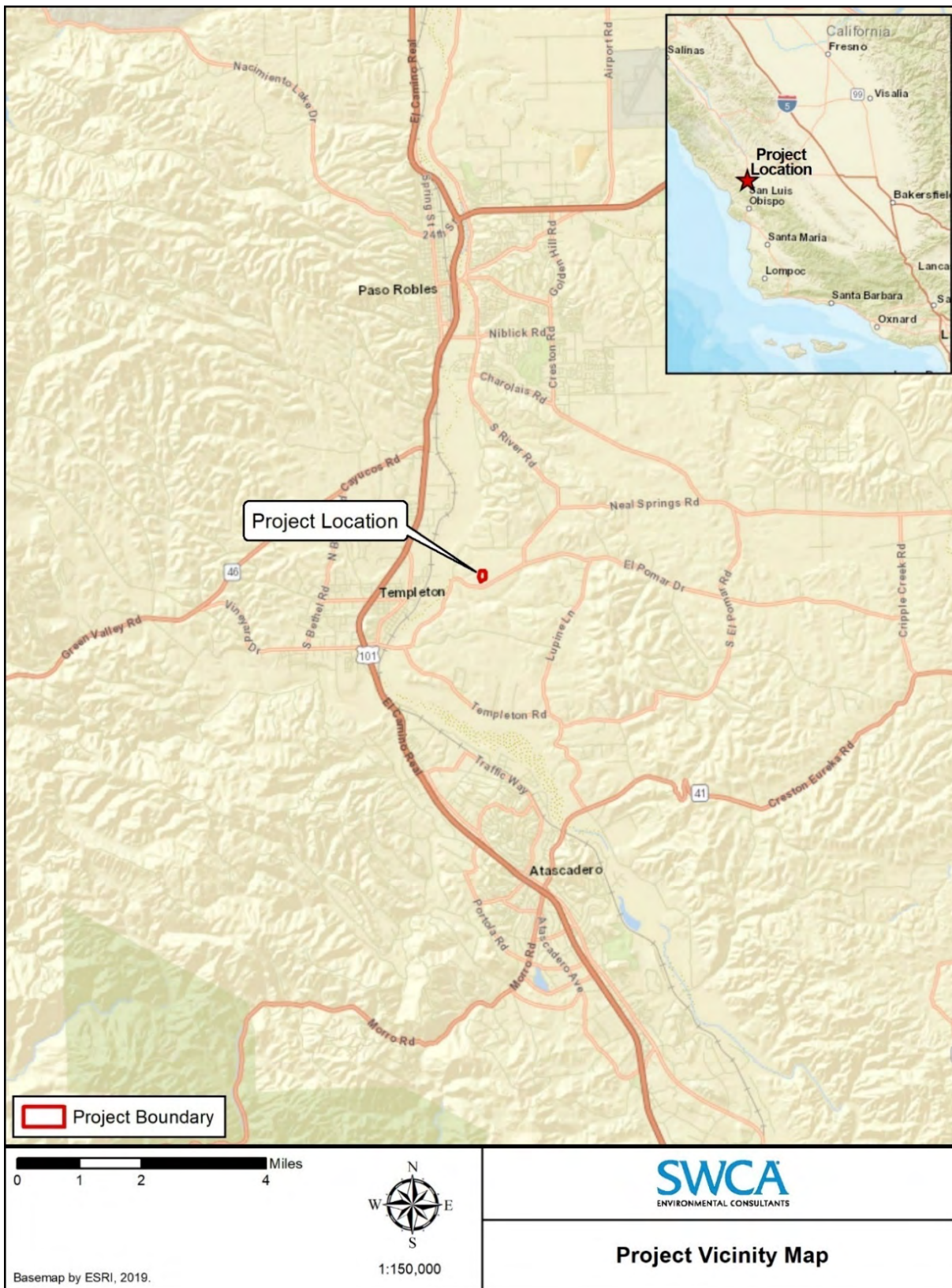
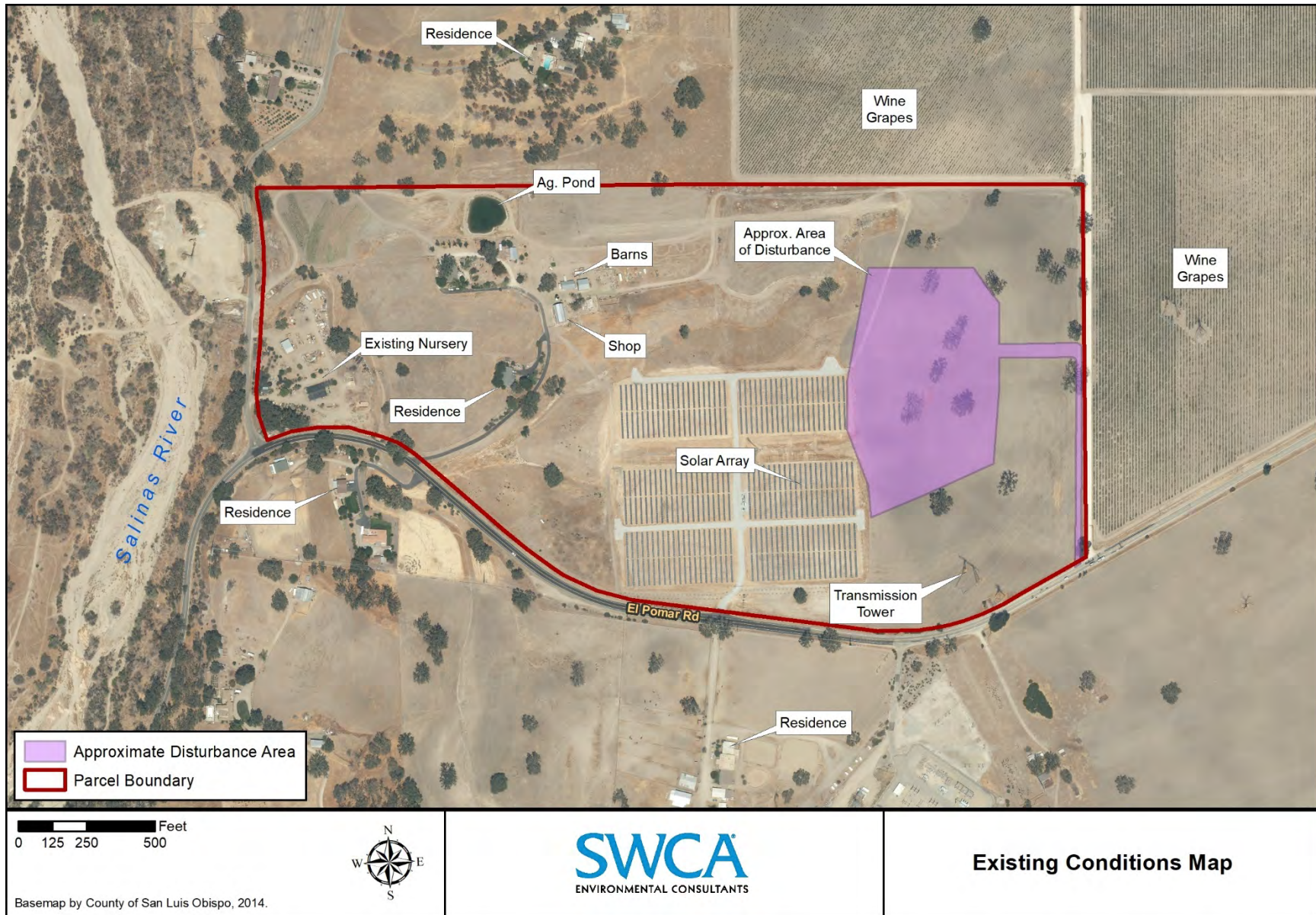


Figure 1. Project Vicinity Map

Initial Study – Environmental Checklist

**Figure 2. Existing Conditions Map**

Initial Study – Environmental Checklist

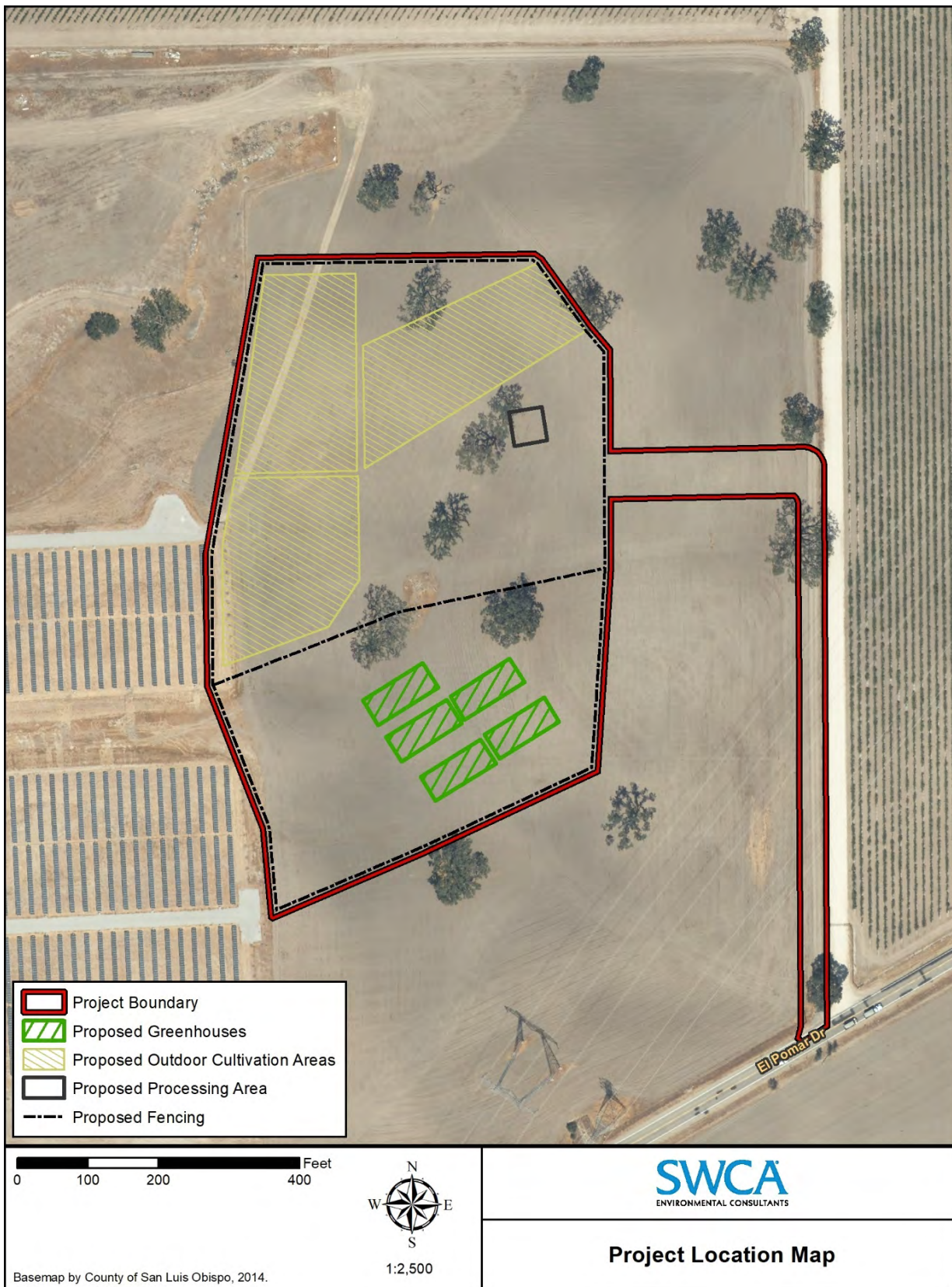


Figure 3. Project Location Map

Initial Study – Environmental Checklist

C. Environmental Analysis

The Initial Study Checklist provides detailed information about the environmental impacts of the proposed project and mitigation measures to lessen the impacts.

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

The project site is located on a portion of a 97-acre parcel (property) along El Pomar Drive approximately 0.3 mile east of the community of Templeton. The property is moderately developed with two single-family residences, a commercial plant nursery, an agricultural reservoir, agricultural accessory structures, two transmission towers, and a 14.8-acre photovoltaic solar farm (Figure 2). Approximately 40 acres of the property is currently utilized for cattle grazing, including the 10-acre proposed project area. On-site vegetation generally consists of non-native grassland and several mature valley oak trees. Photos 1 and 2 show views of the project site from El Pomar Drive and Photo 3 shows a view from the south end of the project site facing north.

Initial Study – Environmental Checklist



Photo 1. View of the project site from El Pomar Road traveling east (January 28, 2019).



Photo 2. View of the project site entrance gate from El Pomar Road traveling east (January 28, 2019).

Initial Study – Environmental Checklist



Photo 3. View of the project development site taken from the south side of the project site facing north (April 17, 2018).

The visual character of the project vicinity is characterized by agricultural land uses including row crops, grazing, and equestrian uses, with scattered rural residences, agricultural accessory structures, and mature oak trees. Topography of the area varies from nearly flat fields to rolling hills. El Pomar Drive serves as a major collector for both residential and agricultural lands located east of Templeton. Although El Pomar Drive has no official scenic designation, the roadway offers high-quality views of rural agricultural landscapes and experiences a large number of daily viewers. Based on the most recent traffic counts of Templeton roadways in 2015, the adjacent section of El Pomar Drive experiences approximately 1,572 trips per day (Omni Means 2017).

In 2013, a photovoltaic (PV) solar farm was approved on a 14.8-acre portion of the property located south and to the west of the proposed cannabis facilities (Vintner Solar LLC Minor Use Permit, DRC2011-00062). The certified Mitigated Negative Declaration (MND) (State Clearinghouse Number 2013071051) associated with this solar farm identified that the solar farm would result in a significant change to the visual character of the landscape as viewed from El Pomar Drive. The MND identified a mitigation measure to require preparation and implementation of a landscape plan along the southern and eastern project site boundary in order to provide additional screening of the PV modules as seen from El Pomar Drive (County of San Luis Obispo 2013). The applicant implemented the visual screening measure required of the 2013 PV solar farm; however, based on site visits conducted for the proposed cannabis project, the screening measure has not been maintained and the screening plantings have died. Had this measure been successfully maintained, the proposed cannabis operation would be substantially more screened from viewers as seen traveling east on El Pomar Road.

The Conservation and Open Space Element (COSE) of the County of San Luis Obispo General Plan identifies several goals for visual resources in rural parts of the county, listed below:

- **Goal VR 1:** The natural and agricultural landscape will continue to be the dominant view in rural parts of the county.

Initial Study – Environmental Checklist

- **Goal VR 2:** The natural and historic character and identify of rural areas will be preserved.
- **Goal VR 3:** The visual identities of communities will be preserved by maintaining rural separation between them.
- **Goal VR 7:** Views of the night sky and its constellation of stars will be maintained.

Some of the strategies identified to accomplish the goals listed above include encouraging project designs that emphasize native vegetation and conforming grading to existing natural forms, as well as ensuring that new development follows the Countywide Design Guidelines to protect rural visual and historical character.

The Countywide Design Guidelines identify objectives for both urban and rural development. Rural area guidelines applicable to the project include the following:

- **Objective RU-5:** Fences and screening should reflect an area's rural quality.
- **Objective RU-7:** Landscaping should be consistent with the type of plants naturally occurring in the County and should limit the need for irrigation.

It should also be noted that the Inland Land Use Ordinance details standards for exterior lighting (LUO Section 22.10.060); however, these standards do not apply to uses established within the Agriculture land use category.

On January 16, 2019, the Office of Administrative Law (OAL) approved the California Department of Food and Agriculture's (CDFA's) cannabis cultivation regulations and the regulations went into effect immediately. These regulations have been set forth in California Code of Regulations (CCR) Title 3, Division 8, Chapter 1 Article 4 and include general environmental protection measures for cannabis cultivation projects, including standards related to aesthetic resources. Section 8304 (c) states, "all outdoor lighting used for security purposes shall be shielded and downward facing." Section 8304 (g) states, "mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare."

Discussion

(a) *Have a substantial adverse effect on a scenic vista?*

The project site is located in a rural area accessed off of El Pomar Drive, which serves as the primary public key viewing area of the project site. For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public.

While the project vicinity has high scenic value and an appealing rural and agricultural character, it is not considered a scenic vista as it does not offer expansive views of a highly valued landscape and is not officially or unofficially designated as a scenic vista. Therefore, the project would not result in a substantial adverse effect on a scenic vista, and *no impacts would occur*.

(b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

The project site is not located along nor visible from a designated state scenic highway or eligible state scenic highway. Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and *no impacts would occur*.

Initial Study – Environmental Checklist

- (c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The project is in a non-urbanized area and would introduce new structural components in both phases of development that would result in a permanent noticeable change in the physical characteristics of the existing environment. While greenhouses are generally agricultural in nature, there are no existing greenhouses within the general project viewshed along El Pomar Drive. Similarly, the project is proposing long linear planes of solid fencing, as deemed necessary to comply with LUO requirements for security purposes, while most fencing in the project vicinity consists of barbed wire fencing or horizontal horse fencing with large gaps. In addition, the proposed processing building would be visible to viewers traveling along El Pomar Drive and could contrast with the agricultural style accessory structures seen elsewhere in the viewshed. The project's proposed structural components would have the potential to degrade public views of the open rural agricultural site and area as seen from El Pomar Road.

Mitigation measures AES-1 and AES-2 have been identified to require the preparation and implementation of a landscape screening plan to provide adequate vegetative screening for both phases 1 and 2 of development along the southern and eastern boundaries of the project site and proposed fence line (Figure 4). Mitigation measures AES-3 and AES-4 have also been identified to ensure that all plantings associated with the landscape screening plan are adequately protected until they are successfully established and maintained for the life of the project. Implementation of these measures would increase the project's visual compatibility with its surrounding landscape and decrease noticeability of the proposed structural components as seen from El Pomar Road. Mitigation measure AES-5 has been identified to require the proposed processing building to incorporate an agrarian architectural style in order to be compatible with the existing visual character of the project area and demonstrate compliance with the rural character design criteria outlined in the County LUO Section 22.40.065. These measures would be consistent with measures identified and implemented for the Vintner Solar Project located adjacent to the project site as well as the goals and objectives identified in the COSE and County Design Guidelines for protection of visual resources in rural areas. Therefore, potential project impacts associated with degradation of visual character or public views of the site and its surroundings would be *less than significant with mitigation*.

Initial Study – Environmental Checklist

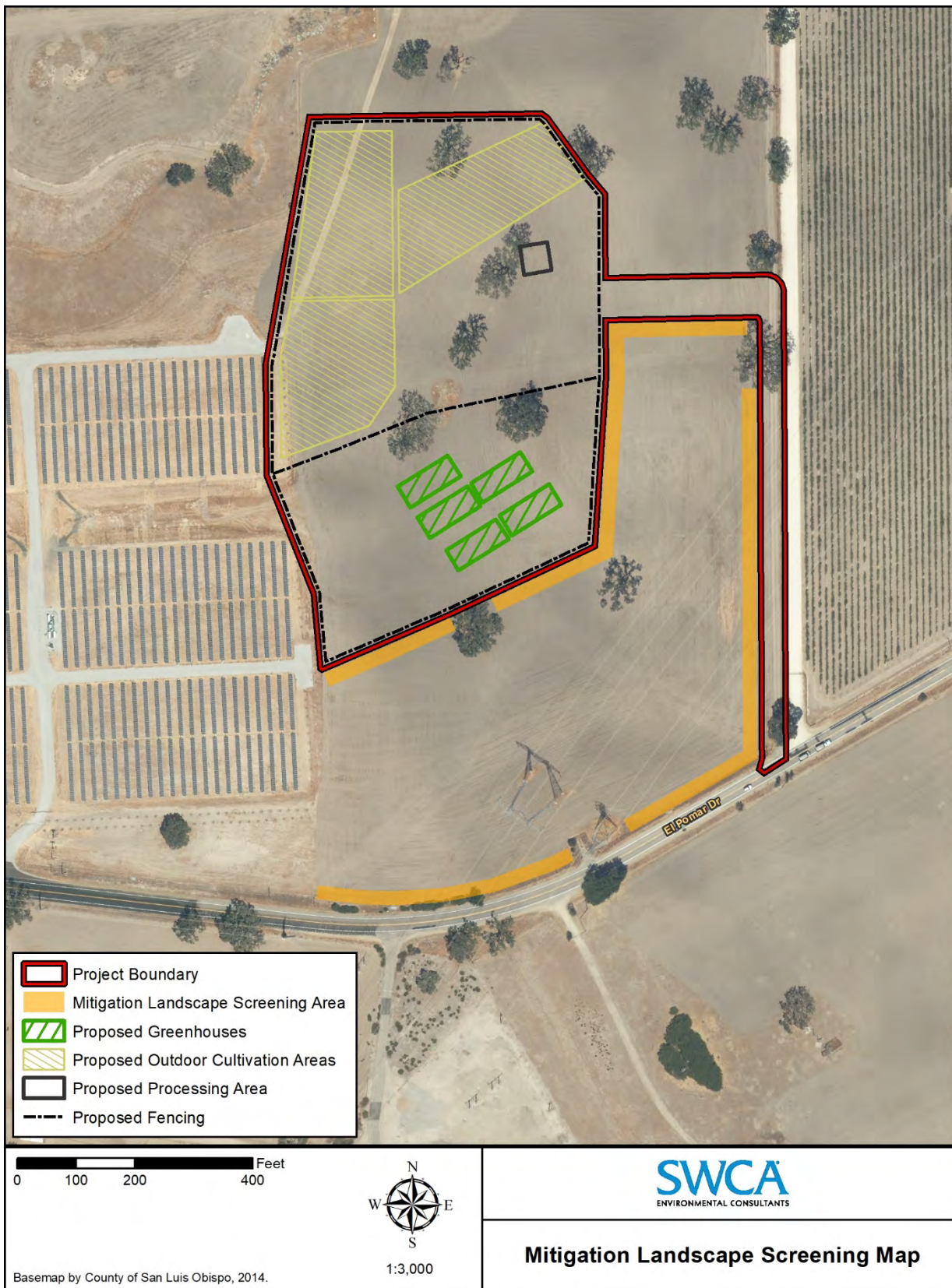


Figure 4. Visual Mitigation Landscape Screening Map

Initial Study – Environmental Checklist

- (d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The project includes installation of eight proposed 300-watt solar panels. Based on the proposed location and size of these panels, they are not expected to generate a substantial amount of glare due to the distance from surrounding viewing areas and intervening proposed development and vegetation.

The project includes mixed-light cultivation, which includes cultivation techniques such as light deprivation and artificial light simulation. During this process, grow lights may be used in the evenings and nighttime within the proposed greenhouses to simulate artificial daylight. The project includes use of shading and black-out screening within each greenhouse to reduce visibility of night lighting from off-site. In addition, the project includes use of exterior security lighting. Mitigation measure AES-7 has been identified to require a light pollution prevention plan that conforms to the County's exterior lighting standards (LUO Section 22.10.060), which requires techniques to properly shield and blackout facilities that may employ artificial lighting techniques during nighttime hours, and requires all external security lighting to be motion-activated only. Through use of black-out screening material within each greenhouse and implementation of measure AES-6, the project's overall cumulative impacts associated with lighting would be reduced to less than significant. In addition, implementation of this measure would ensure compliance with applicable state standards set forth in the CCR associated with shielding of security lighting and mixed-light cultivation uses. Therefore, impacts relating to nighttime lighting and glare would be *less than significant with mitigation*.

Conclusion

The project has the potential to result in visual impacts to the visual character or quality of public views of the site and its surroundings and nighttime views. Mitigation measures AES-1 through AES-7 have been identified to require implementation and maintenance of a landscape screening plan and light pollution prevention plan to reduce potentially significant impacts to a less than significant level and to be consistent with County visual resource protection standards and design guidelines. Upon implementation of mitigation measures identified below, impacts to aesthetics would be *less than significant*. For an analysis of the potential for cumulatively considerable impacts to aesthetics, see Section XXI. Mandatory Findings of Significance.

Mitigation

AES-1

At the time of application for construction permits for Phase 1 of project development, or prior to establishment of the uses of Phase 1, whichever occurs first, the applicant shall submit a landscape plan to the County Department of Planning and Building, prepared by a licensed landscape architect, for review and approval. The landscape plan shall be prepared in accordance with Water Efficient Landscape Methods and Landscape Plan Content requirements as described in LUO Section 22.16. The plan shall effectively screen the proposed development from viewers traveling along El Pomar Drive and shall include the following:

- a. The screen plants shall be strategically located along the southern and eastern fence lines of the project development site (approximately 1,170 feet long and 30 feet wide) and southern frontage of the property along El Pomar Drive from the existing solar array area to the proposed access driveway location (approximately 890 feet) and eastern boundary of the property from El Pomar Drive to the proposed fence line along the east-west portion of the proposed access driveway (see Figure 4). Placement of various tree types and understory vegetation (e.g., varying height, growth rate) shall be placed to create a more natural setting around the proposed fencing. Plantings shall screen 75% of the proposed fencing, greenhouses, and processing building as seen from El Pomar Drive, upon maturity or 5 years, whichever occurs first.

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- b. Screen planting shall include evergreen trees capable of growing to a minimum height of 8 feet tall. Trees shall be planted from a minimum 15-gallon container size. Shrubs from 5-gallon containers shall be planted among the screen trees. All landscaping plants shall be native to the area and utilize plants identified in the County's Approved Plant List. At least 80% of the proposed vegetation shall have either an F1 or F2 fire resistance designation, as noted within the County's Approved Plant List.
- c. The landscape screening plan shall be designed to meet the required 75% screening criteria while accommodating for typical establishment success ratios and possible plant mortality.
- d. All vegetation planting with a maturity height of 10 feet or greater shall be located at least 50 feet from the proposed aboveground power connection and from existing powerlines.
- e. If possible, planting during the warmest, driest months (June through September) shall be avoided.
- f. The licensed landscape architect shall include a cost estimate for the implementation of the landscape plan.

AES-2

Prior to final inspection/occupancy, or establishment of Phase 1 uses, whichever occurs first, the approved landscape plan shall be implemented, and the applicant shall provide a letter to the County Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified landscape architect for the purpose of monitoring the success of the screen planting area. The monitoring contract shall include a requirement that the monitor conduct, at a minimum, an annual site visit and assessment of the planting success for 5 years and an annual submittal of a monitoring report to the County Department of Planning and Building.

AES-3

Prior to final inspection/occupancy, or establishment of Phase 1 uses, whichever occurs first, the applicant shall post a bond for the cost of implementing the landscape screening plan with the County Department of Planning and Building. **At the end of the 5-year monitoring period,** the monitoring report (as described in measure AES-2) shall be submitted to the County Department of Planning and Building for review:

- a. If the monitoring report demonstrates that the landscaping plan has been successfully implemented and meets the required screening criteria (as described in measure AES-1), the bond shall be returned to the applicant in full; or
- b. If the monitoring report demonstrates that the landscaping plan does not meet the required screening criteria, the applicant shall submit a revised landscape plan prepared by a licensed landscape architect in accordance with the standards set forth in measure AES-1 for review and approval by the County Planning Department. Upon approval of the revised landscape plan, the applicant shall implement the revised landscape plan and submit an annual monitoring report (consistent with the standards set forth in AES-2) for two years.

If the revised landscape plan does not meet the required screening criteria after two years, the County Planning Department shall use the bond to hire a licensed landscape architect to implement and maintain the revised landscape screening plan. If the monitoring report demonstrates the landscaping plan successfully meets the required screening criteria, the bond shall be returned to the applicant in full.

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- AES-4** **Prior to issuance of construction permits for Phase 2 development**, the applicant must submit evidence demonstrating full compliance with AES-1, AES-2, and post a bond for the cost of implementing the landscape screening plan as described in AES-3.
- AES-5** **For the life of the project**, all plantings associated with the landscape plan described in AES-1 shall be maintained until successfully established. This shall include protection (e.g., tree shelters, exclusionary fencing) from animals (e.g., deer, rodents), regular weeding (minimum of once during early fall and once during early spring) of at least a 3-foot radius surrounding each tree/plant, and adequate watering (e.g., drip irrigation system) as described in the approved landscape plan.
- AES-6** **Prior to application for project building permits for Phase 1 development**, the applicant shall retain a licensed architect to prepare revised architectural elevations and design plans for the proposed 2,208-square-foot processing structure to incorporate agrarian-style architectural design and maximize consistency with the design elements of surrounding rural agricultural accessory structures in compliance with the rural character design criteria standards set forth in LUO Section 22.40.065(D). The revised design plans for the proposed processing building shall be submitted to the County Department of Planning and Building for review and approval.
- AES-7** **Nighttime lighting. Prior to issuance of construction permits or establishment of use for both Phases 1 and 2**, the applicant shall submit a light pollution prevention plan (LPPP) to the County Department of Planning and Building for review and approval that incorporates the following measures to reduce impacts related to night lighting:
- a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
 - b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping; and
 - c. All exterior lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. All exterior lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions.

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II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i></p>				
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and current land use. For environmental review purposes under CEQA, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land are considered "agricultural land." Other non-agricultural designations include Urban and Built-up Land, Other

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Land, and Water. Based on the FMMP, soils at the project site are within the Farmland of Local Importance designation.

Chapter 6 of the County COSE identifies resource management goals, policies, and strategies to protect agricultural soils from conversion to urban and residential uses. Important Agricultural Soils within the County are identified in Table SL-2 of the COSE and Policy SL 3.1 states that proposed conversion of agricultural lands to non-agricultural uses shall be evaluated using the applicable policies in the COSE and Agricultural Element.

Soils within the project disturbance area are described in detail below:

159. Lockwood-Conception Complex, 2-9 percent slopes. This soil unit underlies the entire proposed project development area. This unit consists of approximately 50% Lockwood soils and 30% Conception soils, and the rest is soils of minor extent. The Lockwood soils are well-drained and the Conception soils are moderately well-drained. This soil unit has moderate erodibility, moderate to high shrink-swell potential, and low strength. This unit is suited to cultivated crops, rangeland, and open space wildlife habitat but is also used for urban land in a few areas. This soil is designated as Farmland of Statewide Importance by the COSE Table SL-2 – Important Agricultural Soils of San Luis Obispo County.

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The project site is in the El Pomar Agricultural Preserve No. 18 established on February 18, 1975. At the time, the property contained approximately 97.2 acres of land. The contract had a minimum parcel size for conveyance of 40 acres for cultivated (irrigated) prime land.

In 2013 the project landowner entered into a Solar Use Easement to allow for the 14.8-acre solar farm area located adjacent to the project site to be removed from potential agricultural use. This was accomplished by cancellation of the original land conservation contract, which was entered into in 1975, and entering into a Replacement Land Conservation Contract on the remaining 82.41-acre portion of the property, which includes the project site. Based on County documentation, the property was not evaluated for consistency with the existing or replacement land conservation contract at that time.

According to California Public Resources Code (PRC) Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. The project site does not support any forest land or timberland.

Discussion

- (a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

The property is classified as Farmland of Local Importance by the FMMP and as Farmland of Statewide Importance by the COSE Table SL-2 – Important Agricultural Soils of San Luis Obispo County. The criteria for defining and delineating Farmland of Statewide importance are determined by the appropriate state agencies. Generally, Farmland of Statewide Importance includes areas of soils that nearly meet the requirements for Prime Farmland and that economically produce high yields of crops when treated and

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managed according to acceptable farming methods. Farmland of Local Importance is defined in San Luis Obispo County as areas of soils that meet all the characteristics of Prime or Statewide Importance, with the exception of irrigation (CDOC 2004).

The project would result in the establishment of 3 acres of outdoor cannabis cultivation, 21,600 square feet of indoor mixed-light cannabis cultivation, ancillary nursery, and processing activities within a proposed 10-acre fenced area. The proposed outdoor cultivation and interior fenced area would result in the impermanent conversion of approximately 9 acres of agricultural land that could be relatively easily converted back to an agricultural use at the end of the life of the project. The proposed establishment of 23,808 square feet (0.55 acre) of new permanent structures, including greenhouses, the processing building, new septic system, and new driveway to the project site from El Pomar Drive, would result in the permanent conversion of approximately 31,960 square feet of Farmland of Local Importance to non-agricultural uses on a 97-acre parcel. While the on-site soils are not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide importance per the FMMP, the project would result in the conversion of Farmland of Local Importance to non-agricultural use. Mitigation measure AG-1 has been identified to require the applicant to remove the proposed fencing within 60 days of ceasing cannabis cultivation activities at the end of the project's life. This measure would reduce the project's impacts associated with conversion of farmland resources and would help restore the land's suitability for future agricultural uses. Therefore, impacts related to conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be *less than significant with mitigation*.

(b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The subject property is located within the Agriculture land use designation and cannabis cultivation activities including the proposed outdoor cultivation, indoor cultivation, and processing activities are allowed uses within this land use designation (LUO Section 22.06.030).

The subject property is currently under a Replacement Land Conservation contract that was entered into in 2013 that had a minimum parcel size for conveyance of 40 acres for irrigated farmland. The property has been deemed by the APRC to be in non-compliance with this contract as the property no longer supports irrigated farmland and has not supported irrigated farmland for the past 25 years. Because the property was found to already be out of compliance prior to cannabis activities being proposed and cannabis cultivation is considered a compatible use even if the property were in compliance with its current contract, the project would not result in a conflict with the property's Williamson Act contract that is currently in the process of non-renewal. Therefore, the project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract and impacts would be *less than significant*.

(c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

The project site does not include land use designations or zoning for forest land or timberland; *no impacts would occur*.

(d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

No tree removal is proposed as a part of the project. The project site does not support forest land or timberland as defined by the California PRC/Government Code and would not result in the loss or conversion of these lands to non-forest use; *no impacts would occur*.

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- (e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

The project property is generally surrounded by active agricultural operations including row crops, dry farming, and grazing. Surrounding agricultural uses would be temporarily affected by noise and dust generated during the construction phase of the project. These impacts would be temporary in nature and would not result in the direct impairment or conversion of agricultural land to other uses.

In addition, the project was reviewed by the County Department of Agriculture for ordinance and policy consistency as well as potential impacts to on- and off-site agricultural resources and operations. The County Department of Agriculture recommended that all proposed cannabis cultivation activities be consistent with conservation and standards contained in the USDA NRCS Field Office Technical Guide to prevent off-site drainage, erosion, and sedimentation impacts. These measures will be included as conditions of approval for the project land use permit and would further ensure proposed cannabis activities would not affect surrounding agricultural activities. The project is not located within or adjacent to forest land. Therefore, the project would not result in other changes that could result in conversion of Farmland to non-agricultural use or forest land to non-forest use, and impacts would be *less than significant*.

Conclusion

The project would result in potentially significant impacts to agricultural resources due to the conversion of Farmland as designated by the FMMP to a non-agricultural use. Upon implementation of the measure identified below, potential impacts to agriculture and forestry resources would be less than significant.

Mitigation

- AG-1** **Within 60 days of permanent cessation of cannabis cultivation activities of either Phase 1, Phase 2, or both**, the applicant shall remove all fencing installed as part of the project that are located on Farmland of Local Importance per the FMMP, including all concrete footings.

III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</i>				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

San Luis Obispo County Clean Air Plan

The San Luis Obispo County Air Pollution Control District (SLOAPCD) San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term air pollutant emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and particulate matter 10 micrometers or less in diameter (PM₁₀). The CAP presents a detailed description of the sources and pollutants that impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality. In order to be considered consistent with the San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP.

SLOAPCD Criteria Pollutant Thresholds

The SLOAPCD has developed and updated their CEQA Air Quality Handbook (most recently updated with a November 2017 Clarification Memorandum) to help local agencies evaluate project-specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result. This handbook includes established thresholds for both short-term construction emissions and long-term operational emissions.

Use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NO_x), reactive organic gases (ROG), greenhouse gases (GHG), and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. The SLOAPCD has established thresholds of significance for each of these contaminants.

Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial, and industrial development. Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (referred to as stationary source emissions). General screening criteria is used by the SLOAPCD to determine the type and scope of air quality assessment required for a particular project (Table 1-1 in the SLOAPCD's CEQA Air Quality Handbook). These criteria are based on project size in an urban setting and are designed to identify those projects with the potential to exceed the SLOAPCD's significance thresholds. A more refined analysis of air quality impacts specific to a given project is necessary for projects that exceed the screening criteria below or are within 10% of exceeding the screening criteria.

Sensitive Receptors

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive

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receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest sensitive receptor location to the project site is 1,300 feet to the northwest.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. The project site is not located in an area identified as containing NOA by the SLOAPCD.

Developmental Burning

As of February 25, 2000, the SLOAPCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception requires the following prior to any burning: SLOAPCD approval, payment of fee to the SLOAPCD based on the size of the project, and issuance of a burn permit by the SLOAPCD and the local fire department authority. As part of SLOAPCD approval, the applicant shall furnish a study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, project applicants contact the SLOAPCD at (805) 781-5912.

Discussion

(a) Conflict with or obstruct implementation of the applicable air quality plan?

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to two full-time regular employees and five full-time seasonal employees. The project would not result in a significant increase in employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. The voluntary commute options program targets employers in the county with more than 20 employees; because the project would employ up to a maximum of seven employees, this program would generally not be applicable to the project. The project would not conflict with regional plans for transit system or bikeway improvements. Project employees would generally be performing manual tasks such as planting, harvesting, and monitoring the irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program.

Therefore, the project would not conflict with or obstruct implementation of the CAP; therefore, impacts would be *less than significant*.

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- (b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

Construction Emissions

As proposed, the project would result in approximately 181,080 square feet (4.16 acres) of site disturbance within a 10-acre fenced area, including 415 cubic yards of cut and 415 cubic yards of fill to be balanced on-site. This would result in the creation of construction dust, as well as short-term criteria air pollutant emissions from both construction equipment and construction worker vehicles. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), estimated construction-related emissions were calculated and are shown in Table 1 below. Because no estimation of the timeframe between proposed project phases has been provided, the analysis below has been prepared assuming a worse-case scenario of both Phases 1 and 2 of the project being implemented during the same construction period.

Table 1. Proposed Project Estimated Construction Emissions

Pollutant	Total Estimated Project Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO _x) (combined)	94.5 lbs	137.0 lbs/day	No
Diesel Particulate Matter (DPM)	4.1 lbs	7.0 lbs/day	No
Fugitive Particulate Matter (PM ₁₀)	3.12 tons	2.5 tons/quarter	Yes

Source: SLOAPCD 2012; project operation plan

The project's daily emissions would not exceed SLOAPCD's significance thresholds for Reactive Organic Gases (ROG) + Nitrogen Oxide (NO_x) or Diesel Particulate Matter (DPM), as the total emissions are below the daily thresholds. Based on the length of the construction period and the disturbance area exceeding 4 acres, the project has the potential to exceed the monthly emissions threshold for Fugitive Particulate Matter (PM₁₀). Therefore, the project would be required to implement SLOAPCD standard construction fugitive PM₁₀ mitigation measures, as detailed in mitigation measure AQ-1.

Operation-Related Emissions

The project would result in long-term operational emissions of criteria air pollutants associated with electricity use, employee vehicle trips, and delivery vehicle trips. The project would employ up to two full-time regular employees and five full-time seasonal employees and would generate approximately 10 daily traffic trips (ATE 2018). Based on the size and scope of proposed operations, the project would not exceed operational thresholds for general light industry in Table 1-1 of the Clarification Memorandum for the San Luis Obispo County Air Pollution Control District's 2012 CEQA Air Quality Handbook (2017). Operational emissions created by the proposed 1,500-watt diesel generator would be limited to 1 hour of use per day and would not produce enough emissions to warrant a SLOAPCD permit as it would have less than 50 horsepower. Therefore, operational emissions would be less than significant.

Upon implementation of mitigation measure AQ-1, the project would not result in the exceedance of federal, state, or SLOAPCD ambient air quality standards; therefore, impacts would be *less than significant with mitigation*.

- (c) *Expose sensitive receptors to substantial pollutant concentrations?*

The project site is generally surrounded by agricultural land uses, including vineyards and grazing, with the nearest sensitive receptor (an off-site residence) located approximately 1,300 feet northwest of the

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proposed development area. Therefore, the project would not result in substantial air pollutant concentrations within close proximity to a sensitive receptor location and impacts would be *less than significant*.

- (d) *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

The project site is not located in an area identified as containing NOA by the SLOAPCD. The project does not propose to burn any on-site vegetative materials and would be subject to SLOAPCD restrictions on developmental burning of vegetative material; therefore, the project would not result in substantial air pollutant emissions from such activities.

The project includes indoor and outdoor cannabis cultivation, as well as drying and processing of cannabis grown on-site. These activities often produce potentially objectionable odors during the flowering, harvest, drying, and processing phases of the proposed operations and could disperse through the air and be detected by surrounding receptors.

Odor management of the outdoor cultivation area includes location of the cultivation area at a minimum of 300 feet from each property line and beyond 1,000 feet from any off-site residence, as required by LUO Section 22.40.50.D.3. This cultivation area could produce objectionable odors during the 2- to 3-month maturing and harvest season each year and has been determined to be located and designed in a manner that would prevent all cannabis nuisance odors from being detected off-site, in accordance with LUO Section 22.40.50.D.8.

Proposed indoor mixed-light cannabis cultivation would occur within five 4,320-square-foot greenhouse structures, each equipped with carbon scrubbers. Carbon scrubbers absorb and filter odor-causing agents through activated carbon and have been demonstrated to be an effective odor abatement method for indoor cannabis facilities (County of Santa Barbara 2017). Proposed drying, curing, and storage of cannabis produced on-site would occur within a proposed 2,208-square-foot building that would also be equipped with carbon scrubbers.

Every proposed use that would have the potential to create objectionable odors would be located a minimum of 300 feet from the nearest property line and all structures to be utilized for proposed cannabis cultivation activities would be equipped with sufficient ventilation controls to significantly reduce the likelihood of odors being detected off-site; therefore, impacts related to other emissions, such as those leading to odors, adversely affecting a substantial number of people would be *less than significant*.

Conclusion

The project would have the potential to result in PM₁₀ emissions above the quarterly threshold established by SLOAPCD for construction emissions. Mitigation measures AQ-1 and AQ-2 have been identified to require the applicant to implement fugitive dust control measures during all construction and site disturbance activities to reduce fugitive dust emissions to less than significant. No other potentially significant impacts to air quality were identified.

Mitigation

AQ-1 **Prior to issuance of grading permits for both Phases 1 and 2**, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans for Phase 1 and Phase 2 of project development:

- a. Reduce the amount of the disturbed area where possible;

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- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stockpile areas should be sprayed daily or covered with tarps or other dust barriers, as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil-disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
- j. Install wheel washers or other devices to control tracking of mud and dirt onto adjacent roadways where vehicles enter and exit unpaved roads onto streets, 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. Water sweepers with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and
- l. The applicant shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and 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 SLOAPCD Engineering & Compliance Division **prior to the start of any grading, site disturbance, or demolition.**

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IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

A Biological Resources Assessment (BRA) was prepared by SWCA Environmental Consultants (SWCA) for the subject property in association with the development of the existing solar power facility located adjacent to the proposed project site (SWCA 2013a). Because the site has remained in agricultural and solar use since time of preparation of

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the 2013 BRA, the following discussion is based off of this report and observations made of the project site during the site visit on April 17, 2018.

The project site is located on the north side of El Pomar Drive within a predominately agricultural area with scattered rural residential dwellings and agricultural support structures. The property is developed with two single-family residences, a commercial plant nursery, an agricultural reservoir, agricultural accessory structures, and a 14.8-acre photovoltaic solar farm. Approximately 40 acres of the property is currently utilized for cattle grazing, including the proposed project disturbance area.

Dominant natural communities within the project site include agriculture and scattered oak woodland. The project site was observed to be dominated by oats (*Avena* spp.), Italian ryegrass (*Lolium multiflorum*), and rancher's fireweed (*Amsinckia menziesii*), indicating that the property is used for growing hay. Several mature valley oaks (*Quercus lobata*) also occur within the project area; an inactive raptor nest was observed in one of these trees. Several coyote brush (*Baccharis pilularis*) specimens and one coast live oak (*Quercus agrifolia*) were observed along the El Pomar Drive road edge.

The County Oak Woodland Ordinance was adopted in April 2017 to regulate the clear-cutting of oak woodlands. This ordinance applies to sites located outside of Urban or Village areas within the inland portions of the county (not within the Coastal Zone). "Clear-cutting" is defined as the removal of 1 acre or more of contiguous trees within an oak woodland from a site or portion of a site for any reason, including harvesting of wood, or to enable the conversion of land to other land uses. "Oak woodland" includes the following species: blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizeni*), valley oak (*Quercus lobata*), and California black oak (*Quercus kelloggii*). The ordinance applies to clear-cutting of oak woodland only and does not apply to the removal of other species of trees; the removal of individual oak trees (except for heritage oaks); or the thinning, tree trimming, or removal of oak woodland trees that are diseased, dead, or creating a hazardous condition. Heritage oaks are any individual oak species, as defined in the Oak Woodland Ordinance, of 48 inches diameter at breast height (dbh) or greater, separated from all stands and oak woodlands by at least 500 feet. Minor Use Permit approval is required to remove any heritage oak.

CCR Title 3, Division 8, Chapter 1, Article 4 includes general environmental protection measures for cannabis cultivation projects, including the following requirements associated with compliance with biological resources :

- a. Comply with Section 13149 of the Water Code as implemented by the State Water Resources Control Board (SWRCB), Regional Water Quality Control Boards (RWQCBs), or California Department of Fish and Wildlife (CDFW); and
- b. Comply with any conditions requested by the CDFW or SWRCB under Section 26060.1(b)(1) of the Business and Professions Code.

Discussion

- (a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Special-Status Plants

Based on the literature review conducted for the project property, a total of 45 special-status plant species have been documented within a 10-mile radius of the project property. Due to the disturbed nature of the project site from past and current agricultural activities (e.g., tilling, crop production, cattle grazing, etc.) and lack of suitable soil conditions, no special-status plant species are expected to occur on the property (SWCA 2013a; staff observations in 2018).

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Special-Status Wildlife

Based on a search within the California Natural Diversity Database (CNDDDB) and a review of existing literature, a total of 40 sensitive wildlife species have been documented within an approximate 10-mile radius of the project property.

The project site does not contain suitable coastal or freshwater habitat to support special-status gastropod species such as the Morro shoulderband snail (*Helminthoglypta walkeriana*) or San Luis Obispo pyrg (*Pyrgulopsis taylori*). The project site does not provide vernal pool habitat, coastal habitat, pond habitat, or sand dune habitat to support insect species such as vernal pool fairy shrimp (*Branchinecta lynchi*), sandy beach tiger beetle (*Cicindela dorsalis*), California linderiella (*Linderiella occidentalis*), Morro Bay blue butterfly (*Icaricia icarioides moroensis*), or Atascadero June beetle (*Polyphylla nubila*). No eucalyptus (*Eucalyptus* spp.) or Monterey cypress (*Cupressus macrocarpa*) stands are present within the project site that could support monarch butterfly (*Danaus plexippus*) populations.

The nearest body of water to the project site is an unnamed stream located approximately 1,700 feet to the southwest. The project site does not support aquatic habitat and therefore does not have suitable habitat to support special-status fish or amphibian species.

Based on field observations, the project site lacks adequate native grassland habitat to support grasshopper sparrow (*Ammodramus savannarum*) and the agricultural nature of the site lacks suitable habitat for the golden eagle (*Aquila chrysaetos*). The project site was determined to have insufficient foraging and nesting habitat available to support least Bell's vireo (*Vireo bellii pusillus*), purple martin (*Progne subis*), or bank swallow (*Riparia riparia*). The project site contains suitable foraging habitat for the prairie falcon (*Falco mexicanus*), but no cliffs for nesting are located within the vicinity.

Based on species range and existing habitat features present on-site, the following special-status wildlife species have the potential to occur within or directly adjacent to the project site:

- white-tailed kite (*Elanus leucurus*);
- burrowing owl (*Athene cunicularia*);
- Swainson's hawk (*Buteo swainsonii*); and
- San Joaquin kit fox (SJKF) (*Vulpes macrotis mutica*).

Although none of the above species were observed during the field surveys, the potential for these species to occur on-site cannot be ruled out due to the transitory nature of these wildlife species and suitable habitat within the project site. In addition to the species listed above, there is a potential for a variety of other nesting migratory birds, including ground nesting birds (e.g., meadowlarks and California towhee [*Melospiza crissalis*]) to occur on the property and within the project site. The ground squirrel burrows observed on the property could also be potentially used by burrowing owls. Because burrowing owl is not a common resident to the Templeton area, the likelihood of this occurrence is low.

Potential impacts to white-tailed kite, burrowing owl, Swainson's hawk, and other bird species protected by the Migratory Bird Treaty Act (MBTA) include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials, and debris and vegetation removal within the project site, if these species are nesting within proposed impact areas. Indirect impacts of construction activities, including destruction or modification of habitat and generation of noise, vibration, and dust, may cause temporary disturbance to these species, if present. The project does not include direct trimming or removal of any trees located within the project site. Avoidance and mitigation measures BIO-1 through BIO-3 have been identified to ensure that project activities avoid impacts to migratory nesting birds and

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burrowing owls (SWCA 2013a). Upon implementation of these measures, impacts to white-tailed kite, burrowing owl, Swainson's hawk, and other MBTA-protected birds would be less than significant.

Based on observations made during the field survey and site visits, the project area does not contain suitable habitat for SJKF. While SJKF are known to utilize the Salinas River as a migration corridor for the purposes of foraging, kit foxes are not likely to wander far from the river. Due to the distance between the project site and the Salinas River and the lack of suitable foraging habitat in the area, there is a low likelihood that SJKF would pass through the project area. The project is not located within the designated habitat areas for SJKF as shown on the San Luis Obispo County Kit Fox Standard Mitigation Ratios Area Map (2007). Due to the documentation of SJKF occurrences within a 10-mile radius of the project area and proximity to a known SJKF habitat corridor, avoidance and mitigation measures BIO-4 through BIO-12 have been identified to reduce any potential impacts to SJKF to less than significant.

The applicant is proposing to use neem oil, AzaMax, and biodegradable soap for pesticide use. AzaMax is a botanical insecticide, miticide, and nematicide with an active ingredient (azadirachtin) derived from neem seeds that has very low toxicity to mammals/humans. Neem oil/azadirachtin biodegrades very quickly in soil and water, and the U.S. Environmental Protection Agency (USEPA) has determined it will have "No Effect" on any currently listed threatened or endangered species or any designated critical habitat (USEPA 2019).

Avoidance and mitigation measures have been identified to reduce potential impacts the project may have on special-status birds, migratory nesting birds, and SJKF to a less-than-significant level. In addition, the project would be required to comply with applicable CDFA regulations regarding compliance with CDFW policies and requests. Therefore, potential impacts associated with the loss of unique or special-status species or their habitats would be *less than significant with mitigation*.

- (b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

The nearest natural water feature and riparian habitat is an unnamed tributary to the Salinas River located near the western side of the project property, at the corner of Vaquero and El Pomar Drives, approximately 0.3 mile from the project area. There are no mapped blue line creeks and no riparian vegetation or other sensitive natural communities within or immediately adjacent to the proposed areas of disturbance. Therefore, the project would not result in impacts to riparian habitat or other sensitive natural communities and *no impacts would occur*.

- (c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

The nearest natural water feature and riparian habitat is an unnamed tributary to the Salinas River located near the western side of the project property, at the corner of Vaquero and El Pomar Drives, approximately 0.3 mile from the project area. No watercourses or wetlands are present within the project area on the eastern portion of the property. In addition, the project would be required to comply with applicable CDFA regulations regarding compliance with Section 13149 of the Water Code. Based on the distance from the creek, the existing intervening development, and the topography of the site, the project would have no direct or indirect effect on wetland habitat and *no impacts would occur*.

- (d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

As described in *threshold c* above, the project disturbance area is not located within close proximity to natural water features and therefore would have no impact on resident or migratory fish species. The project

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is located within moderately close proximity to the Salinas River SJKF migratory corridor and therefore there is a low likelihood that SJKF may pass through the project area. Mitigation measure BIO-12 has been identified to require all proposed fencing to be modified to include ground-level gaps every 10 yards to allow for SJKF passage. Therefore, impacts related to interference of migratory fish or wildlife would be *less than significant with mitigation*.

- (e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Scattered mature valley oak trees occur within and around the proposed development area on-site, which are considered a sensitive resource by the County and are endemic to California. Based on the current site plans, it appears approximately 10 mature oak trees are located within close proximity to proposed disturbance activities. While no tree removal is proposed, project activities have the potential to result in impacts to mature valley oaks on-site if disturbance activities, such as compaction, grading, tilling, or year-round irrigation, are located within a tree's critical root zone (measured to be a radius of 1.5 times the dripline of the tree). Mitigation measures BIO-13 and BIO-14 have been identified to require the applicant to identify on final site plans any valley oak trees that would be impacted as a result of project implementation and require preparation of an Oak Tree Replacement Plan to mitigate those impacts through planting of replacement plantings if applicable. Measure BIO-15 has also been identified to ensure any trees not identified as impacted would be maintained for the life of the project. Therefore, impacts associated with conflict with local ordinances or policies protecting biological resources would be *less than significant with mitigation*.

- (f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The project is not located within an area under an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The project is not within areas identified as critical habitat or within the County's SJKF standard mitigation ratio area (County of San Luis Obispo 2007). Therefore, the project would not conflict with the provisions of an adopted plan and *no impacts would occur*.

Conclusion

The project has the potential to result in impacts to special-status and nesting birds protected by the MBTA, SJKF, and native oak trees. Mitigation measures BIO-1 through BIO-15 have been identified to avoid and/or minimize potential impacts to these species to a less-than-significant level. Upon implementation of these measures, the project's potential impacts to biological resources would not be cumulatively considerable. Therefore, upon implementation of measures identified below, the project would not result in significant impacts to biological resources.

Mitigation

- BIO-1** **Prior to issuance of construction permits or establishment of the uses for both Phases 1 and 2, whichever occurs first,** the applicant shall provide evidence to the County that they have retained a County-approved qualified biologist. The scope of work shall include preconstruction surveys, training, monitoring, and reporting, as detailed in the mitigation measures listed below.
- BIO-2** **Nesting Birds Avoidance.** To the maximum extent possible, all site preparation, ground-disturbing, and construction activities associated with Phase 1 and Phase 2 project development shall be conducted outside of the migratory bird breeding season (February 1 through August 31). If such activities are required during this period, the qualified biologist shall conduct a nesting bird survey no sooner than 10 days prior to site disturbance activities and verify that migratory birds are

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not nesting within 0.5 mile of the project site. If nesting activity is detected, the following measures shall be implemented:

- a. The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA and/or California Fish and Game Code;
- b. The qualified biologist shall contact the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to determine the appropriate biological buffer zone around active nest sites. Standard CDFW guidelines recommend a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and
- c. The qualified biologist shall document all active nests and submit a letter report to the County, USFWS, and CDFW, documenting project compliance with the MBTA, California Fish and Game Code, and applicable project mitigation measures **within 14 days of survey completion.**

BIO-3

Burrowing Owl Surveys and Avoidance. Prior to initiation of construction and/or site-disturbance activities of both Phase 1 and Phase 2 of project development, the applicant shall implement the following measures to minimize and avoid impacts to western burrowing owl habitat:

- a. No less than 14 days and no more than 30 days prior to ground-disturbing activities, a County-approved qualified biologist shall conduct pre-activity surveys for the presence of western burrowing owl and/or active burrows within the work area and within a 500-foot buffer of the work area. Surveys shall be conducted by County-approved qualified biologists walking straight-line transects spaced 20 feet to 60 feet, adjusting for vegetation height and density.
- b. Exclusion zones, or no-disturbance buffers, shall be established around active burrows. No project-related disturbances shall occur within 160 feet of occupied burrows during the nonbreeding season of September 1 through January 31 or within 250 feet during the breeding season of February 1 through August 31.
- c. If an active burrow is observed within 500 feet of the work area during the breeding season, construction activities shall not continue until a County-approved qualified biologist confirms the burrow is no longer active. Proposed adjustments to the buffer shall be through consultation with CDFW.
- d. If an active burrow is observed within 160 feet of the work area during the non-breeding season, construction activities shall not continue until a County-approved qualified biologist confirms the burrow is no longer active.
- e. The County-approved qualified biologist, with prior consultation and approval from CDFW, may institute passive relocation through use of one-way burrow doors that will not allow owls to reenter the burrow. Immediately before the start of construction activities, the biologists shall remove all doors and excavate the burrows to ensure that no animals are present at the burrow. The excavated burrows shall then be backfilled.

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- f. A County-approved qualified biologist shall be present during the initial clearing and grading activity. If additional burrowing owl burrows are found, all work shall cease until the biologist can complete the measure described above for inactive and active burrows. Once all burrows have been excavated, work on the site may resume.
- g. The County-approved qualified biologist shall submit a report to the County within 14 days of completing initial surveys and every 14 days thereafter until grading activity is complete, documenting project compliance with the MBTA, California Fish and Game Code, and applicable project mitigation measures.

BIO-4

San Joaquin Kit Fox Preconstruction Monitoring Activities. In accordance with BIO-1, the qualified biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction for both Phases 1 and 2 of project development,** the qualified biologist shall conduct a pre-activity (i.e., preconstruction) transect survey of the work area and 250-foot buffer for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within 250 feet of the work area.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-8 through BIO-15. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see Mitigation Measure BIO-7c). When weekly monitoring is required, the qualified biologist shall submit weekly monitoring reports to the County within 14 days.
- c. **Prior to or during project activities of both Phases 1 and 2 of project development,** if any observations are made of SJKF, or any known or potential SJKF dens are discovered within the project limits, the qualified biologist shall reassess the probability of incidental take (e.g., harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the USFWS and CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS and CDFW determine it is appropriate to resume work. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and CDFW. The results of this consultation may require the applicant to obtain a federal and/or state permit for incidental take during project activities. The applicant shall be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.
- d. In addition, the qualified biologist shall implement the following measures:
 - i. Within 30 days prior to initiation of site disturbance and/or construction of all phases of development, fenced exclusion zones shall be established around all known and potential kit fox dens. Dens will be avoided by the following distances: 50 feet for potential or atypical dens, 100 feet for known dens, and 250 feet for pupping dens. Exclusion zone fencing shall consist of either large flagged stakes

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connected by rope or cord, or survey lath or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e., potential, known, active, or natal den), to be determined by the kit fox biologist.

- ii. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
- iii. If kit foxes or known or potential kit fox dens are found on-site, daily monitoring by a qualified biologist shall be required during ground-disturbing activities.

BIO-5 **Kit Fox Speed Limit Signage. Prior to issuance of grading and/or construction permits for both Phases 1 and 2 of project development,** the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

BIO-6 **Kit Fox Night Construction Limitation. During the site disturbance and/or construction phase for both Phases 1 and 2 of project development,** grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BIO-7 **Kit Fox Worker Education Training program. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction for both Phases 1 and 2 of project development,** all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g., SJKF). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the County, and any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program and distributed at the training program to all contractors, employers, and other personnel involved with the construction of the project.

BIO-8 **Kit Fox Entrapment Avoidance. During the site-disturbance and/or construction phase for both Phases 1 and 2 of project development,** to prevent entrapment of the SJKF, all excavations, steep-walled holes, and trenches in excess of 2 feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume or be removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

In addition, during the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site shall be thoroughly inspected for trapped SJKF before the subject pipe is subsequently buried, capped, or

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otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.

- BIO-9** **Kit Fox Trash Removal Procedures. During the site-disturbance and/or construction phase for both Phases 1 and 2 of project development,** all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract SJKF onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BIO-10** **Pesticide and Herbicide Minimization Procedures. Prior to, during, and after the site-disturbance and/or construction phase for both Phases 1 and 2 of project development,** use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which SJKF depend.
- BIO-11** **Kit Fox Mortality Procedures. During the site-disturbance and/or construction phase for both Phases 1 and 2 of project development,** any contractor or employee that inadvertently kills or injures an SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the USFWS and CDFW for care, analysis, or disposition.
- BIO-12** **Kit Fox Fencing Requirements. Prior to final inspection or establishment of the use, whichever occurs first for both Phases 1 and 2 of project development,** all proposed fencing (solid wood) shall be installed to provide for kit fox passage and 8 x 12-inch openings near the ground shall be provided every 100 yards. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines and shall be inspected during quarterly monitoring by the County.
- BIO-13** **Native Tree Impacts. Prior to issuance of construction or grading permits or prior to any site disturbance, whichever occurs first for both Phases 1 and 2 of project development,** a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees would be impacted by project activities, such as compaction (e.g., regular use of vehicles), grading (includes cutting and filling of material), tilling, placement of impermeable surfaces (e.g., pavement), or year-round irrigation within the critical root zone (measured to be a radius of 1.5 times the dripline of the tree), and which trees are to remain unimpacted.
- BIO-14** **Oak Tree Replacement Plan. Prior to issuance of construction or grading permits or prior to site disturbance, whichever occurs first for both Phases 1 and 2 of project development,** the qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement native oak trees on the project parcel and surrounding parcels owned by the Applicant and shall be reviewed and approved by the County Department of Planning and Building. Mitigation replacement plantings for each oak tree impacted shall be at a 2:1 ratio (e.g., if 10 trees are impacted, 20 trees shall be planted). The Oak Tree Replacement Plan shall include the following components:

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- a. A brief narrative of the project location, description, and purpose;
- b. Clearly identified parties responsible for the mitigation program and their contact information;
- c. A landscape map showing and quantifying all oak tree planting areas;
- d. A requirement that all replacement oak trees be located at least 50 feet from the proposed aboveground power connection and from existing powerlines.
- e. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
- f. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
- g. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.
- h. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
- i. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and
- j. Methods for removing nonnative species from the replanting areas.

BIO-15

Unimpacted Oak Tree Maintenance. For the life of the project, all oak trees not identified as being impacted shall be maintained. Unless identified as impacted in the finalized site plans, the following activities are not allowed within the critical root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless “establishing” new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).

V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

San Luis Obispo County possesses a rich and diverse cultural heritage and has an abundance of historic and prehistoric cultural resources dating as far back as 9,000 B.C. The County protects and manages cultural resources in accordance with the provisions detailed by CEQA and local ordinances.

As defined by CEQA, a historical resource includes:

1. A resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR).
2. Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant. The architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural records of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence.

The COSE identifies and maps anticipated culturally sensitive areas and historic resources within the county and establishes goals, policies, and implementation strategies to identify and protect areas, sites, and buildings having architectural, historical, Native American, or cultural significance. There are no known historical resources within the nearby vicinity of the project site.

In the event of an accidental discovery or recognition of any human remains, CCR Title 3, Division 8, Chapter 1, Article 4, Section 8304 (d) requires cannabis cultivation projects to immediately halt all ground-disturbing activities and implement Section 7050.5 of the Health and Safety Code. California State Health and Safety Code Section 7050.5 and LUO Section 22.10.040 (Archaeological Resources) require that in the event of accidental discovery or recognition of any human remains, no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California PRC Section 5097.98.

Discussion

- (a) *Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?*

A Phase 1 Cultural Resources Inventory of 630 and 640 El Pomar Drive was prepared for the project (Albion Environmental 2018) and included a Phase I Archaeological surface survey and a records search using the National Register of Historic Places (NRHP), California Inventory of Historic Places, and Central Coast Information Center (CCIC). Based on the results of the field survey and literature searches, the project site does not contain, nor is it located near, any historic resources identified in the NRHP or CRHR. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would not result in an adverse change in the significance of a historical resources and *no impacts would occur*.

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- (b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?*

A records search was conducted within the California Historical Resources Information System (CHRIS) and CCIC. The CCIC records search indicated that two cultural resource studies have been conducted within a 0.25-mile radius of the project property, none of which documented findings of cultural resources (Albion Environmental 2018).

An intensive pedestrian survey of the Vintner Solar project site was completed on February 1, 2013, and no archaeological resources were identified (SWCA 2013b). Because no historical resources or unique archaeological resources, as defined by CEQA, were identified within the area, the likelihood of historical or archaeological resources to occur within the proposed project site is considered very low.

In the unlikely event resources are uncovered during project construction activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required. This section requires that in the event archaeological resources are encountered during project construction, construction activities cease, and the County Department of Planning and Building be notified of the discovery. If the discovery includes human remains, the County Coroner shall also be notified. This protocol would be required to be implemented in full compliance with California State Health and Safety Code Section 7050.5 as well as CDFA requirements regarding accidental discovery of cultural resources. Therefore, impacts would be *less than significant*.

- (c) *Disturb any human remains, including those interred outside of dedicated cemeteries?*

Based on the existing conditions and results of the Archaeological Resources Survey conducted on-site, buried human remains are not expected to be present in the project area. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and LUO Section 22.10.040 (Archaeological Resources) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California PRC Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and LUO Section 22.10.040, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant*.

Conclusion

Based on comprehensive literature review, an intensive pedestrian survey conducted on the project property, and compliance with LUO archaeological resources standards, the project's impacts associated with archaeological, historic, paleontological, and cultural resources would be less than significant and no mitigation is required.

Mitigation

None necessary.

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VI. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Setting**Local Utilities*

The Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within San Luis Obispo County. Approximately 39% of electricity provided by PG&E is sourced from renewable resources and an additional 47% is sourced from non-renewable GHG-free resources (PG&E 2019).

PG&E offers two programs through which consumers may purchase electricity from renewable sources: the Solar Choice program and the Regional Renewable Choice program. Under the Solar Choice program, a customer remains on their existing electric rate plan and pays a modest additional fee on a per kilowatt-hour (kWh) basis for clean solar power. The fee depends on the type of service, rate plan, and enrollment level. Customers may choose to have 50% or 100% of their monthly electricity usage to be generated via solar projects. The Regional Renewable Choice program enables customers to subscribe to renewable energy from a specific community-based project within PG&E's service territory. The Regional Renewable Choice program allows a customer to purchase between 25% and 100% of their annual usage from renewable sources.

The Southern California Gas Company (SoCalGas) is the primary provider of natural gas for urban and rural communities within San Luis Obispo County. SoCalGas has committed to replacing 20% of its traditional natural gas supply with renewable natural gas by 2030 (Sempra 2019).

Local Energy Plans and Policies

The COSE establishes goals and policies that aim to reduce vehicle miles traveled (VMT), conserve water, increase energy efficiency and the use of renewable energy, and reduce GHG emissions. This element provides the basis and direction for the development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide GHG emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

State Building Code Requirements

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the *2019 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal

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envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements. While the CBC has strict energy and green-building standards, U-occupancy structures (such as greenhouses used for cultivation activities) are typically not regulated by these standards.

Vehicle Fuel Economy Standards

In October 2012, the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA), on behalf of the U.S. Department of Transportation (DOT), issued final rules to further reduce GHG emissions and improve corporate average fuel economy (CAFE) standards for light-duty vehicles for model years 2017 and beyond. NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon (mpg), limiting vehicle emissions to 163 grams of carbon dioxide (CO₂) per mile for the fleet of cars and light-duty trucks by the model year 2025.

In January 2017, EPA Administrator Gina McCarthy signed a Final Determination to maintain the current GHG emissions standards for the model year 2022–2025 vehicles. However, on March 15, 2017, EPA Administrator Scott Pruitt and DOT Secretary Elaine Chao announced that the EPA intended to reconsider the Final Determination. On April 2, 2018, EPA Administrator Scott Pruitt officially withdrew the January 2017 Final Determination, citing information that suggests that these current standards may be too stringent due to changes in key assumptions since the January 2017 determination. According to the EPA, these key assumptions include gasoline prices and overly optimistic consumer acceptance of advanced technology vehicles. The April 2, 2018, notice is not EPA's final agency action, and the EPA intends to initiate rulemaking to adopt new standards. Until that rulemaking has been completed, the current standards remain in effect (EPA 2017; EPA 2018).

As part California's overall approach to reducing pollution from all vehicles, CARB has established standards for clean gasoline and diesel fuels and fuel economies of new vehicles. CARB has also put in place innovative programs to drive the development of low-carbon, renewable, and alternative fuels such as their Low Carbon Fuel Standard (LCFS) Program pursuant to California Assembly Bill (AB) 32 and the Governor's Executive Order S-01-07.

In January 2012, CARB approved the Advanced Clean Cars Program, which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15% of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light-duty trucks will emit 34% fewer global warming gases and 75% fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

All self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles (except on-road two-engine sweepers) are subject to CARB's Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road regulation). This includes vehicles that are rented or leased (rental or leased fleets). The overall purpose of the Off-Road regulation is to reduce emissions of NO_x and particulate matter from off-road diesel vehicles operating within California through the implementation of standards including, but not limited to, limiting

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idling, reporting and labeling off-road vehicles, limiting the use of old engines, and applying performance requirements.

Energy Use in Cannabis Operations

The CDFA Code of Regulations includes renewable energy requirements for indoor mixed-light cannabis cultivation operations. Beginning in 2023 all indoor mixed-light licensees must provide evidence of carbon offsets if the licensee's average weighted GHG emission intensity is greater than the local utility provider's GHG emission intensity. As such, for cultivators within San Luis Obispo County, if a cultivator's mixed-light energy use is supplied by resources with a lesser GHG-emission intensity than PG&E's GHG-emission intensity (currently approximately 85%), they would be required to acquire carbon offsets to account for the difference (CCR Section 8305).

The total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, location of the project, and the types of equipment required. Outdoor cultivation involves minimal equipment and has relatively low energy demands, while indoor cultivation involves more equipment that tends to have much higher energy demands (e.g., high-intensity light fixtures, climate control systems) (County of Santa Barbara 2017). Specific energy uses in indoor grow operations include high-intensity lighting, dehumidification to remove water vapor and avoid mold formation, space heating or cooling during non-illuminated periods and drying processes, preheating of irrigation water, generation of carbon dioxide (CO₂) from fossil fuel combustion, and ventilation and air conditioning to remove waste heat. Reliance on equipment can vary widely as a result of factors such as plant spacing, layout, and the surrounding climate of a given facility (CDFA 2017).

Comparatively, non-cultivation cannabis operations, such as distribution or retail sales, tend to involve typical commercial equipment and processes that may require minor to moderate amounts of power. These non-cultivation activities are subject to the CBC and *2019 Building Energy Efficiency Standards*, and therefore do not typically result in wasteful or inefficient energy use. Activities and processes related to commercial cannabis do not typically require the demand for natural gas supplies, and it is assumed that such activities would represent a nominal portion of the county's total annual natural gas demand (County of Santa Barbara 2017).

Depending on the site and type of activities, cannabis operations may range in measures that promote the conservation of energy resources. For instance, several current operators are known to engage in practices that promote energy conservation and reduce overall energy demands using high-efficiency lighting or through generation and use of solar energy. However, many other operations within the County have been observed to engage in activities that are highly inefficient and may result in the wasteful use of energy resources. Such operations may include the use of old equipment, highly inefficient light systems (e.g., incandescent bulbs), reliance on multiple diesel generators, and other similar inefficiencies (County of Santa Barbara 2017).

Discussion

- (a) *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*
- (b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Project Construction Activities

During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the county. Federal and state regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. Energy consumption during construction would not conflict with a

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state or local plan for renewable energy and would not be wasteful, unnecessary, or inefficient, and therefore would be less than significant.

Project Operations

Electricity and Natural Gas Use. Based on an analysis of cannabis cultivation operations throughout the County, it is assumed that cannabis cultivation projects typically use an insignificant amount of natural gas. Natural gas use is typically associated with cooking appliances and space heating, and neither of these uses are expected to be needed for cultivation projects, as indoor cultivation lighting produces sufficient heat needed for indoor or mixed-light cultivation operations. Accordingly, this assessment of impacts is based on electricity use.

The proposed greenhouses and associated lighting would utilize a connection to PG&E infrastructure. The proposed processing/storage building and security system would rely on power generated from eight proposed 300-watt solar panels to be located just north of the proposed processing/storage building. Lastly, the proposed irrigation pump would be powered by a diesel generator, which would run no longer than 1 hour daily.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards. The project's proposed 2,208-square-foot processing structure would be subject to the CBC 2019 Building Energy Efficiency Standards and would rely on power generated from on-site solar facilities; therefore, the energy demand of these uses would not be wasteful, inefficient, or unnecessary.

U-occupancy structures, such as greenhouses used for cultivation activities, are exempt from CBC standards and therefore would not be subject to state-mandated energy efficiency design requirements or practices. As a result, these uses have the potential to result in wasteful, inefficient, or unnecessary energy consumption. Proposed indoor mixed-light cannabis cultivation activities would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation if it utilizes significantly more energy (greater than 20%) than a generic commercial building of the same size. Based on the California Energy Commission Report prepared by Itron, Inc. (March 2006), a generic commercial building utilizes 21.25 kWh per square foot (kWh/sf) annually (13.63 kWh from electricity and 7.62 kWh from natural gas).

The project would use a 1,500-watt diesel fuel generator at a maximum of 1 hour per day to supply power to the proposed irrigation pump on-site, which would require approximately 3,000 kWh of energy on an annual basis. Due to the limited amount of energy needed for this use and limited use of a diesel fuel generator, this energy use is not considered wasteful or inefficient and would not result in a potentially significant environmental impact.

In order to calculate proposed mixed-light facilities' energy demand, the County utilizes the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018). This calculation form contains formulas for estimating electricity use of cannabis operations. The form assumes that mixed-light (greenhouse) cultivation uses 110 kWh/sf annually. Based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form, a preliminary estimate of the project's mixed-light facilities' energy demand was calculated and compared to the energy use of a standard commercial building of the same size as shown in Table 2 below.

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Table 2. Energy Demand Comparison

	Size (sf)	Annual Energy Demand Rate (kWh/sf)	Projected Energy Demand (kWh/year)
Proposed Mixed-Light (Indoor) Cultivation Activities	21,600 sf	110	2,376,000
Generic Commercial Building Uses	21,600 sf	21.25	459,000
Percent Project Energy Demand in Excess of Generic Commercial Building			518%

The proposed project would include 21,600 square feet of indoor mixed-light cannabis cultivation within five proposed greenhouses. Based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018), the project's expected energy consumption for the mixed-light cultivation activities would be approximately 2,376,000 kWh per year (kWh/year).

Based on the California Energy Commission Report, a generic non-cannabis commercial building uses approximately 21.25 kWh/year/sf, which would be equivalent to 459,000 kWh/year for a 21,600-square-foot building. Based on the energy consumption rates above, the proposed project's cultivation activities would use 517% more energy than a generic non-cannabis commercial building of the same square footage. This amount of energy use would potentially be wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures and, depending on the project's proposed energy sources, would have the potential to result in significant environmental impacts through associated GHG emissions.

Greenhouse Gas Emissions. Energy inefficiency contributes to higher GHG emissions and by nature would conflict with state and local plans for energy efficiency, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP (additional background information on GHG Emissions is provided in Section VIII). The California Energy Emissions Model (CalEEMod) was utilized to determine the approximate GHG emissions from a standard mixed-light cultivation operation based on square footage of the proposed use in order to estimate the project's projected annual carbon dioxide equivalent emissions in metric tons (MTCO₂e; Table 3).

Table 3. Projected Project Operational GHG Emissions

Project Component	Size (sf)	Emissions Rate ¹ (Annual MTCO ₂ e/sf)	Estimated Projected Annual CO ₂ Emissions (MT/year)
Mixed-Light Cultivation (greenhouses)	21,600	0.058	1,252.8

¹ Source: County of San Luis Obispo Staff 2019. Assumptions include an energy use factor of 110 kWh/sf annually and energy source from Pacific Gas & Electric Company.

Based on the CalEEMod emissions rate, the proposed project would result in approximately 1,252.8 MTCO₂e per year, which exceeds the SLOAPCD's Bright Line Threshold of 1,150 MTCO₂e. Mitigation Measures ENG-1 through ENG-3 would reduce the example project's environmental impact from wasteful and inefficient energy use to less than significant through a preparation of an Energy Conservation Plan prepared by a certified energy analyst, which would include measures such as enrollment in PG&E's renewable energy

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programs, structure retrofitting, use of renewable energy sources, and other strategies or programs that effectively reduce energy use and/or increase the project utilization ratio of GHG-free energy sources. The applicant would be required to implement one or more of these strategies/programs until the project's energy demand is reduced and/or offset to a level within 20% of the energy use of a standard commercial building of the same size (459,000 kWh/year) and project GHG emissions are reduced below the 1,150 MTCO₂e Brightline Threshold.

The project's energy use and use of energy resources would contribute cumulatively to use of energy resources within the vicinity. As proposed, the project would result in a substantial energy demand in comparison to standard commercial facilities of the same square footage. Mitigation measures ENG-1 through ENG-3 have been identified to reduce and/or offset project environmental impacts associated with energy usage through preparation of an Energy Conservation Plan and implementation of a combination of measures that would collectively reduce project energy use to a level within 20% of the energy use of a standard commercial building of the same size (459,000 kWh/year) and project GHG emissions are reduced below the 1,150 MTCO₂e Brightline Threshold. In addition, the project would be required to comply with CDFA regulations requiring electrical power used for commercial cannabis activities meet the average electricity GHG emissions intensity of their local utility provider, when they take effect in 2023. Therefore, upon implementation of identified mitigation measures, the project's individual impacts associated with energy use would be reduced to less than significant with mitigation.

Fuel Use. Ongoing operation of the project would result in fuel use associated with employee motor vehicle trips and deliveries. The project would employ up to seven employees—up to two full-time regular and five full-time seasonal employees. All vehicles used by employees and deliveries during operation would be subject to applicable federal and state fuel economy standards. Based on adherence to applicable federal and state fuel regulations and the size and scope of proposed activities, project fuel use would not result in a potentially significant environmental impact and would not be wasteful, inefficient, or unnecessary.

Therefore, potential impacts associated with potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources and potential conflict with state or local plans regarding renewable energy or energy efficiency would be *less than significant with mitigation incorporated*.

Conclusion

The project would result in a potentially significant energy demand and inefficient energy use during long-term operations, which could lead to an increase in GHG emissions and result in potentially significant environmental impacts. Inefficient energy use would potentially conflict with state or local renewable energy or energy efficiency plans. Potential impacts related to energy would be less than significant with implementation of mitigation measures ENG-1 through ENG-3.

Mitigation

- ENG-1** **Prior to issuance of building permits for Phase 2 of project development**, the applicant shall provide to the County Department of Planning and Building for review and approval an Energy Conservation Plan with measures that when implemented would reduce or offset the project's energy demand to within 20% of the energy use of a generic commercial building of the same size. The Energy Conservation Plan shall include the following:
- a. A detailed breakdown of energy demand prepared by a certified energy analyst. The energy breakdown shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities, including, but not limited to, lighting, odor management, and climate control equipment. Such quantification shall be expressed in total kWh per year and non-electrical sources shall be converted to kWh per year.

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- b. A program for providing a reduction or offset of all energy demand that is 20% or more above a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (e.g., solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include the following:
 - 1. Participating in an annual energy audit.
 - 2. Upgrading and maintaining efficient heating/cooling/dehumidification systems.
 - 3. Implement energy efficient lighting, specifically LED over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 - 4. Implementing automated lighting systems.
 - 5. Utilizing natural light when possible.
 - 6. Utilizing an efficient circulation system.
 - 7. Ensuring that energy use is below or in-line with industry benchmarks.
 - 8. Implementing phase-out plans for the replacement of inefficient equipment.
 - 9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
 - iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
 - iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

ENG-2

Prior to issuance of building permits for Phase 2 of project development, the applicant shall provide to the County Department of Planning and Building for review and approval a program for providing a reduction or offset of GHG emissions below MTCO₂e. Such a program (or programs) may include, but is not limited to, the following:

- a. Purchase of GHG offset credits from any of the following recognized and reputable voluntary carbon registries:
 - i. American Carbon Registry;
 - ii. Climate Action Reserve; or

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iii. Verified Carbon Standard.

Offsets purchased from any other source are subject to verification and approval by the County Department of Planning and Building.

- b. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.

ENG-3

At time of quarterly monitoring inspection of both Phases 1 and 2 of project development, the applicant shall provide to the County Department of Planning and Building for review, a current energy use statement from the electricity provider (e.g., PG&E) that demonstrates energy use to date for the year. The applicant shall demonstrate continued compliance with ENG-1 and ENG-2 (e.g., providing a currently PG&E energy statement showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the county and are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The project site is not located within an Alquist-Priolo Fault Hazard Zone; however, an unnamed fault of the Rinconada fault zone traverses the project parcel (CDOC 2015).

The project site is not located within the LUO Geologic Study Area (GSA) combining designation. Based on the Safety Element, the project site is not located in an area with high landslide risk potential or liquefaction potential.

The project site is underlain by Older Dissected Surficial Sediments of the Pleistocene era (Diblee 2004). This type of underlying geologic material is considered to have low paleontological sensitivity (County of Santa Barbara 2008).

Discussion

(a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

(a-i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

The project site is not located within an Alquist-Priolo Fault Hazard Zone; however, an unnamed fault of the Rinconada fault zone traverses the project parcel (CDOC 2015). This and the nearby Rinconada fault,

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approximately 1 mile east of the project site, have not seen activity in the past 700,000 years and are not considered active; however, both are considered potentially capable. All proposed structures would follow the regulations set forth in the CBC and thereby would be compliant with earthquake standards. Therefore, potential impacts related to the project location within known fault zones would be *less than significant*.

(a-ii) *Strong seismic ground shaking?*

The project would be required to comply with the CBC and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. The project does not include unique components that would be particularly sensitive to seismic ground shaking or result in an increased risk of injury or damage as a result of ground shaking. Implementation of the project would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant*.

(a-iii) *Seismic-related ground failure, including liquefaction?*

Based on the Safety Element Liquefaction Hazards Map, the project site is located in an area with low to moderate potential for liquefaction. In addition, the project would be required to comply with CBC seismic requirements to address the site's potential for seismic-related ground failure including liquefaction; therefore, the potential impacts would be *less than significant*.

(a-iv) *Landslides?*

The project site has relatively flat topography and, based on the Safety Element Landslide Hazards Map, is located in an area with low potential for landslide risk. Therefore, the project would not result in significant adverse effects associated with landslides and impacts would be *less than significant*.

(b) *Result in substantial soil erosion or the loss of topsoil?*

The project would result in the disturbance of approximately 4.2 acres, including approximately 178 cubic yards of cut and 178 cubic yards of fill. During grading activities, there would be a potential for erosion to occur. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize potential impacts related to erosion, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project would be subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site erosion. Upon implementation of the above control measures, impacts related to soil erosion would be *less than significant*.

(c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Based on the Safety Element Landslide Hazards Map, the project site is not located in an area with high landslide risk. Based on the Safety Element and U.S. Geological Survey (USGS) data, the project is not located in an area of historical or current land subsidence (USGS 2019) and is located in an area with low to moderate potential for liquefaction risk. Due to the distance to the nearest active fault zone and topography of the project site, lateral spreading is not likely to occur on-site. The project would be required to comply with the CBC standards designed to significantly reduce potential risks associated with unstable earth conditions. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse would be *less than significant*.

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Landslides typically occur in areas with steep slopes or in areas containing escarpments. Based on the Safety Element Landslide Hazards Map, the project site is not located in an area with high potential for local failure or landslide.

The project would be required to comply with CBC seismic requirements to address potential seismic-related ground failure including lateral spread. Based on the Safety Element and USGS data, the project is not located in an area of historical or current land subsidence (USGS 2019). Based on the Safety Element Liquefaction Hazards Map, the project site is located in an area with low to moderate potential for liquefaction risk and the project is not located within the GSA combining designation. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse would be *less than significant*.

- (d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

The entirety of the project site proposed for development is underlain by Lockwood-Concepcion Complex, 2-9 percent slopes. This soil has a moderate to high shrink-swell (expansion) potential (USDA 1983). Expansive soils tend to swell with seasonal increases in moisture and shrink during the dry season as subsurface moisture decreases. Volume changes that this type of soil undergoes can result in stress and damage to slabs and foundations if precautionary measures are not incorporated into the design and construction procedures. According to the NRCS soil survey for the area, the Concepcion soil has severe limitations for building sites and roads and streets because of the high shrink-swell potential and low strength of the subsoil. All proposed structures would be designed and constructed to comply with CBC requirements to minimize safety hazards associated with expansive soils, including preparation of soil tests to determine the presence or absence of expansive soils on proposed building sites, and preparation of a geotechnical report to include recommendations for foundation type and design criteria and provisions to mitigate the effects of expansive soils, as necessary therefore, impacts would be less than significant.

- (e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

The entirety of the project site proposed for development is underlain by Lockwood-Concepcion Complex, 2-9 percent slopes. Based on the NRCS soil survey, the slow absorption of effluent in septic tank absorption fields installed in this unit of soil can be overcome by increasing the size of the absorption area. Based on the proposed uses and location, the new septic system would meet Tier 1 minimum horizontal setbacks including distance from parcel property lines and structures, distance from existing wells unstable land masses and surface water bodies. In order to demonstrate full compliance with Tier 1 minimum site evaluation and siting standards, the proposed septic system location would need to be evaluated by a qualified professional to perform all necessary soil and site evaluations including soil depth, level of groundwater, and percolation rates. This would be required through the building permit process. Based on findings presented in the Geotechnical Investigation for the Vintner Solar Project located adjacent to the project site, site limitations such as depth to bedrock are not expected (Neil O. Anderson and Associates 2013). Therefore, impacts related to soil suitability for septic tanks would be *less than significant*.

- (f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

The project site is underlain by Older Dissected Surficial Sediments and this subsurface geological unit has low paleontological sensitivity (Diblee 2004; County of Santa Barbara 2008). In addition, proposed earth movement is minimal and no substantial quantities or deep cuts into the land are proposed. Therefore, the project would not result in the disturbance of paleontological resources and impacts would be *less than significant*.

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Conclusion

The project site is not within the GSA combining designation or an area of high risk of landslide, liquefaction, subsidence, or other unstable geologic conditions. The project would be required to comply with CBC and standard LUO requirements that have been developed to properly safeguard against seismic and geologic hazards. Therefore, potential impacts related to geology and soils would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

GHGs are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement).

CO₂ is the most abundant GHG and is estimated to represent approximately 80–90% of the principal GHGs that are currently affecting the earth's climate. According to the CARB, transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

In March 2012, the SLOAPCD approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. The Bright-Line Threshold of 1,150 MTCO₂e/yr is the most applicable GHG threshold for most projects. Table 1-1 in the SLOAPCD CEQA Air Quality Handbook provides a list of general land uses and the estimated sizes or capacity of those uses expected to exceed the GHG Bright Line Threshold of 1,150 MTCO₂/yr. Projects that exceed the criteria or are within 10% of exceeding the criteria presented in Table 1-1 are required to conduct a more detailed analysis of air quality impacts.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

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In October 2008, the CARB published its *Climate Change Proposed Scoping Plan*, which is the state's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32. The Scoping Plan included CARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, implementation of energy efficiency measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extend the state's GHG reduction goals and require CARB to regulate sources of GHGs to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40% below 1990 levels by 2030, and 80% below 1990 levels by 2050. The initial Scoping Plan was first approved by CARB on December 11, 2008, and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by CARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

Discussion

- (a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- (b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

As discussed in Section VI, Energy, the project would result in inefficient or wasteful energy use that would contribute to higher GHG emissions and by nature would be in conflict with state and local plans for the reduction of GHG emissions, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. As shown in Table 2 (see Section VI, Energy), the project would exceed the SLOAPCD Bright-Line Threshold of 1,150 MT CO₂e/year. Mitigation measures ENG-1 through ENG-3 have been identified to reduce or offset the project's GHG emissions to a less-than-significant level. In addition, the project would be required to comply with CDFA regulations requiring electrical power used for commercial cannabis activities meet the average electricity GHG emissions intensity of their local utility provider, when they take effect in 2023. Potential impacts would be *less than significant with mitigation*.

Conclusion

The project would result in potentially significant GHG emissions during long-term operations and would potentially conflict with plans adopted to reduce GHG emissions. Implementation of mitigation measures ENG-1, ENG-2, and ENG-3 would reduce potential impacts to less than significant.

Mitigation

Implement measures ENG-1 through ENG-3.

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IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The project would not be located in an area of known hazardous

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material contamination and is not on a site listed on the Cortese List (SWRCB 2015; California Department of Toxic Substance Control [DTSC] 2019).

The County has adopted general emergency plans for multiple potential natural disasters, including the Local Hazard Mitigation Plan, County Emergency Operations Plan, Earthquake Plan, Dam and Levee Failure Plan, Hazardous Materials Response Plan, County Recovery Plan, and the Tsunami Response Plan.

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County of San Luis Obispo General Plan provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high fire hazard severity zones. The project would be located within the State Responsibility Area in a high fire hazard severity zone. Based on CAL FIRE's referral response letter, it would take approximately 35 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

The project would be not located within an Airport Review Area and there are no active public or private landing strips within the immediate project vicinity.

Discussion

- (a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The project would utilize a diesel generator to supply energy to the proposed irrigation pump. This generator would be refilled on a monthly basis. The project would not result in generation or disposal of hazardous materials. Routine use, dispensing, and refilling of diesel fuel would be required to be conducted in accordance with the County Department of Environmental Health standards and California Fire Code, and would not result in a hazard to the public or the environment; therefore, impacts would be *less than significant*.

- (b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The project includes use of a diesel generator during the operation phase of the project and oils, gasoline, lubricants, fuels, and other potentially hazardous substances would be used and temporarily stored on-site during construction activities. A spill or leak of these materials under accident conditions during operation or construction activities could create a hazard to the environment. Refilling, use, and dispensing procedures of these materials would be required to be conducted in accordance with the California Fire Code and the project Storage and Hazard Response Plan during operation and construction to limit spill potential. Therefore, impacts would be *less than significant*.

- (c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The closest school facility is located approximately 1.92 miles southwest of the project site. The project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

- (d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Based on the California DTSC's Envirostor and SWRCB's GeoTracker, the proposed project site is not listed on or located in close proximity to a site listed on the Cortese List, which is a list of hazardous materials

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sites compiled pursuant to CGC Section 65962.5. The nearest active Cortese List site is a Leaking Underground Storage Tank (LUST) Cleanup Site located 1.75 miles southwest of the project site; therefore, *no impacts* would occur.

- (e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

The nearest airstrip in proximity to the project site is the Oak Country Ranch Airport in Paso Robles, located approximately 6.62 miles northwest of the site. The project is not located within an Airport Review designation or within close proximity of a private airstrip; therefore, *no impacts* would occur.

- (f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The project does not require any road closures and would be designed to accommodate emergency vehicle access. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, *no impacts* would occur.

- (g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

The proposed project is located in a high fire severity zone and is located in a State Responsibility Area. The applicant would be required to comply with all applicable standards of the California Fire Code, which requires, among other things, a dedicated water storage tank for firefighting, a fire pump, and emergency vehicle access improvements. Upon implementation of these provisions, the project would have a *less than significant impact* related to exposure of people and structures to risks from wildfire.

Conclusion

No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

Mitigation

None necessary.

X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The RWQCB's Water Quality Control Plan for the Central Coast Basin (Basin Plan; RWQCB 2017) describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Basin Plan outlines the beneficial uses of streams, lakes, and other water bodies for humans and other life. There are 24 categories of beneficial uses, including, but not limited to, municipal water supply, water contact recreation, non-water contact recreation, and cold freshwater habitat. Water quality objectives are then established to protect the beneficial uses of those water resources. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

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The project site is located within the Atascadero Groundwater Basin (Atascadero Basin), which is designated by the California Department of Water Resources (DWR). The County of San Luis Obispo, Templeton Community Service District, City of Atascadero, City of Paso Robles, Atascadero Mutual Water Company, and others have entered into a memorandum of agreement creating a Groundwater Sustainability Agency for the Atascadero Basin in accordance with the Sustainable Groundwater Management Act (SGMA) to prepare a Groundwater Sustainability Plan. In May 2018, the California DWR designated the Atascadero Basin as a very low-priority basin and therefore no longer required to comply with the SGMA.

Cannabis cultivators that plan to divert surface water need a water right to irrigate cannabis. The SWRCB Cannabis Policy requires cannabis cultivators to forbear (or cease) from diverting surface water during the dry season, which starts April 1 and ends October 31 of each calendar year. This means that water must be diverted during the wet season and stored for use during the dry season. Water is required to be stored off-stream. The Cannabis Small Irrigation Use Registration (SIUR) is a streamlined option to obtain a small appropriative water right (less than 6.6 acre-feet per year) to divert and store surface water to irrigate commercial cannabis crops.

The LUO dictates which projects are required to prepare a drainage plan, including any project that would, for example, change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent. Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing. The LUO also dictates that an erosion and sedimentation control plan is required year-round for all construction and grading permit projects and site disturbance activities of one-half acre or more in geologically unstable areas, on slopes steeper than 30 percent, on highly erodible soils, or within 100 feet of any watercourse.

Per the County's Stormwater Program, the County Department of Public Works is responsible for ensuring that new construction sites implement Best Management Practices (BMPs) during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB's Construction General Permit. The Construction General Permit requires the preparation of a SWPPP to minimize on-site sedimentation and erosion. There are several types of projects that are exempt from preparing a SWPPP, including routine maintenance to existing developments, emergency construction activities, and projects exempted by the SWRCB or RWQCB. Projects that disturb less than 1 acre must implement all required elements within the site's erosion and sediment control plan as required by the LUO.

For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The Safety Element of the County of San Luis Obispo General Plan establishes policies to reduce flood hazards and reduce flood damage, including, but not limited to, prohibition of development in areas of high flood hazard potential, discouragement of single-road access into remote areas that could be closed during floods, and review of plans for construction in low-lying areas.

Discussion

- (a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

The project would result in approximately 182,952 square feet (4.2 acres) of site disturbance, including 178 cubic yards of cut and 178 cubic yards of fill to be balanced on-site. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Because the project would result in more than 1 acre of site disturbance, the applicant would be required to prepare a SWPPP to ensure appropriate BMPs are implemented during construction activities to control storm water runoff.

All potentially hazardous materials would be stored, refilled, and dispensed on-site in full compliance with applicable County Department of Environmental Health standards. The project would include the use of

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organic pesticides and fertilizers on-site. These products would be stored in secure storage containers within the proposed office/storage building. All pesticides would be registered and regulated by federal and state government codes, with the County Agricultural Commissioner being the primary local regulator. Based on the distance from the nearest creek or water feature, and compliance with existing County and state water quality, sedimentation, and erosion control standards, the project would not result in a violation of any water quality standards, discharge into surface waters, or otherwise alter surface water quality; therefore, impacts would be *less than significant*.

- (b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The project's total estimated annual water use is approximately 274,940 gallons (0.84 acre-feet). The project would result in marginal additional water demand for the irrigation and maintenance of all landscape screening plantings described in Section I, Aesthetics, and any oak tree replacement plantings described in Section IV, Biological Resources.

Based on the location and depth of the on-site well that would support the operation, the well draws water from the Paso Robles Formation aquifer within the Atascadero Groundwater Basin. Therefore, SWRCB restrictions related to diversion of surface water or Salinas River underflow would not apply to the project. The Atascadero Groundwater Basin is not designated as Level of Severity III per the County's Resource Management System or within in a high- or medium-priority groundwater basin as designated by the California DWR. Based on a well pump test performed in May 2018, the on-site well is capable of supplying 25 gallons of water per minute for a 4-hour period, with a water level reduction of only 0.5 foot (Miller Drilling Co. 2018). Based on the current status of the groundwater basin and steady performance of the on-site well, the on-site water supplies would be sufficient to support project facilities and proposed landscape and mitigation plantings without resulting in substantial decreases in groundwater supplies or interference with groundwater recharge; therefore, impacts would be *less than significant*.

- (c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- (c-i) *Result in substantial erosion or siltation on- or off-site?*

The project would not result in the substantial alteration of the existing drainage pattern of the project site. The project would be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a SWPPP that incorporates BMPs during construction. Water quality protection measures would include protection of stockpiles, protection of slopes, protection of all disturbed areas, protection of access roads, and perimeter containment measures. Therefore, potential impacts associated with erosion and siltation from substantial alteration of the existing on-site drainage pattern would be *less than significant*.

- (c-ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could result in flooding on- or off-site. The proposed outdoor cultivation areas would occur in-ground, in cloth pots, or in aboveground planters, and would not include the use or installation of cannabis hoop structures. Based on the nature and size of the project, overall changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff resulting in flooding would be *less than significant*.

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- (c-iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could exceed the capacity of existing stormwater or drainage systems. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff exceeding stormwater capacity would be *less than significant*.

- (c-iv) *Impede or redirect flood flows?*

Based on the County Flood Hazard Map, the project site is not located within a 100-year flood zone. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Therefore, *no impacts would occur*.

- (d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Based on the Safety Element Flood Hazard Map, the project site is not located within a 100-year flood zone (County of San Luis Obispo 2013). Based on the San Luis Obispo County Tsunami Inundation Maps, the project site is not located in an area with potential for inundation by a tsunami (CDOC 2019). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, the project site has no potential to release pollutants due to project inundation and *no impacts would occur*.

- (e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The project site is located within the Atascadero Groundwater Basin, which is designated by the California DWR as a very low-priority basin and, as a result, not subject to the requirement of preparing a Groundwater Sustainability Plan for the basin.

Conclusion

The project would not result in potentially significant impacts associated with water quantity or water quality; therefore, impacts would be less than significant, and no mitigation is necessary.

Mitigation

None necessary.

XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The LUO was established to guide and manage the future growth in the county in accordance with the County of San Luis Obispo General Plan; regulate land use in a manner that will encourage and support orderly development and beneficial use of lands; minimize adverse effects on the public resulting from inappropriate creation, location, use, or design of buildings or land uses; and protect and enhance significant natural, historic, archeological, and scenic resources within the county. The LUO is the primary tool used by the County to carry out the goals, objectives, and policies of the General Plan.

The Land Use Element (LUE) of the County of San Luis Obispo General Plan provides policies and standards for the management of growth and development in each unincorporated community and rural areas of the county and serves as a reference point and guide for future land use planning studies throughout the county. The LUE identifies strategic growth principles to define and focus the County's proactive planning approach and balance environmental, economic, and social equity concerns. Each strategic growth principle correlates with a set of policies and implementation strategies that define how land will be used and resources protected. The LUE also defines each of the 14 land use designations and identifies standards for land uses based on the designation they are located within. The project parcel and surrounding properties are all within the Agriculture land use designation.

The inland LUE also contains the area plans of each of the four inland planning areas: Carrizo, North County, San Luis Obispo, and South County. The area plans establish policies and programs for land use, circulation, public facilities, services, and resources that apply "areawide," in rural areas, and in unincorporated urban areas within each planning area. Part three of the LUE contains each of the 13 inland community and village plans, which contain goals, policies, programs, and related background information for the County's unincorporated inland urban and village areas. The project site is located within the El Pomar-Estrella subarea of the North County Planning Area.

Discussion

(a) *Physically divide an established community?*

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of development within the project vicinity and would not create, close, or impede any existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community and *no impacts would occur*.

(b) *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The proposed project components are allowed uses within property's land use designation and would be generally consistent with the guidelines and policies for development within the applicable area plan, inland LUO, and the COSE. The project is consistent with existing surrounding developments and does not contain sensitive on-site resources; therefore, the project would not conflict with policies or regulations adopted for

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the purpose of avoiding or mitigating environmental effects. The project would be consistent with existing land uses and designations for the proposed site and would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating environmental effect; therefore, *no impacts would occur*.

Conclusion

The project would be consistent with local and regional land use designations, plans, and policies and would not divide an established community. Therefore, potential impacts related to land use and planning would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XII. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The California Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Geologist classify land into mineral resource zones (MRZ) according to the known or inferred mineral potential of the land (California PRC Sections 2710–2796).

The three MRZs used in the SMARA classification-designation process in the San Luis Obispo-Santa Barbara Production-Consumption Region are defined below (California Geological Survey [CGS] 2015):

- **MRZ-1:** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.
- **MRZ-2:** Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. This zone shall be applied to known mineral deposits or where well-developed lines of reasoning, based upon economic-geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.
- **MRZ-3:** Areas containing known or inferred aggregate resources of undetermined significance.

The LUO provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The EX combining designation is used to identify areas of the county where:

1. Mineral or petroleum extraction occurs or is proposed to occur;

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2. The state geologist has designated a mineral resource area of statewide or regional significance pursuant to California PRC Sections 2710 et seq. (SMARA); and
3. Major public utility electric generation facilities exist or are proposed.

The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the LUE from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production.

Discussion

- (a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

Based on the CGS Information Warehouse for Mineral Land Classification, the project site is located within an area that has been evaluated for mineral resources aggregate materials and the project parcel is adjacent to an extractive resource area. Although located in the vicinity of mineral resource extraction areas, the project would not be located in the area of an active mine since active mines are located in the Salinas riverbed, which is 0.5 mile away from the project site (CGS 2015). In addition, based on COSE Chapter 6, Minerals, the project site is not located within an extractive resource area or an energy and extractive resource area. Therefore, impacts related to the loss of availability of a known mineral resource would be *less than significant*.

- (b) *Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, *no impacts would occur*.

Conclusion

No impacts to mineral resources would occur and no mitigation measures are necessary.

Mitigation

None necessary.

XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The Noise Element of the County of San Luis Obispo General Plan provides a policy framework for addressing potential noise impacts in the planning process. The purpose of the Noise Element is to minimize future noise conflicts. The Noise Element identifies the major noise sources in the county (highways and freeways, primary arterial roadways and major local streets, railroad operations, aircraft and airport operations, local industrial facilities, and other stationary sources) and includes goals, policies, and implementation programs to reduce future noise impacts. Among the most significant policies of the Noise Element are numerical noise standards that limit noise exposure within noise-sensitive land uses and performance standards for new commercial and industrial uses that might adversely impact noise-sensitive land uses.

Noise sensitive uses that have been identified by the County include the following:

- Residential development, except temporary dwellings
- Schools (preschool to secondary, college and university, and specialized education and training)
- Health care services (e.g., hospitals, clinics, etc.)
- Nursing and personal care
- Churches
- Public assembly and entertainment
- Libraries and museums
- Hotels and motels
- Bed and breakfast facilities
- Outdoor sports and recreation
- Offices

All sound levels referred to in the Noise Element are expressed in A-weighted decibels (dBA). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear.

The LUO establishes acceptable standards for exterior and interior noise levels and describe how noise shall be measured. Exterior noise level standards are applicable when a land use affected by noise is one of the sensitive uses listed in the Noise Element. Exterior noise levels are measured from the property line of the affected noise-sensitive land use.

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Table 4. Maximum Allowable Exterior Noise Level Standards⁽¹⁾

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime ⁽²⁾
Hourly Equivalent Sound Level (L_{eq} , dB)	50	45
Maximum level, dB	70	65

¹ When the receiving noise-sensitive land use is outdoor sports and recreation, the noise level standards are increased by 10 db.

² Applies only to uses that operate or are occupied during nighttime hours.

Discussion

- (a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The proposed project does not include any features that would generate a permanent or consistent source of mobile or stationary operational noise. The proposed 3,000-watt diesel generator would only operate 1 hour per day and would be located approximately 225 feet west of the western property line. The generator would be located approximately 1,776 feet from the nearest noise sensitive receptor, an off-site residence. The sound emanating from the generator would attenuate considerably over this distance and has a very low potential to exceed daytime noise standards set forth in the LUE. However, as nighttime noise standards are considerably more strict than daytime standards, mitigation measure N-1 has been identified to require operation of the diesel generator be limited to daytime hours of 7:00 a.m. to 10:00 p.m. to avoid potential exceedance of nighttime noise standards for surrounding residential uses.

The project includes minor grading activities and construction of five 4,320-square-foot greenhouses and a 2,208-square-foot processing/manufacturing/security structure. These construction activities would have the potential to generate short-term construction noise. All construction activities would be limited to the daytime hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday or Sunday, in accordance with County construction noise standards (County Code Section 22.10.120.A). In addition, these activities would occur at a minimum of 0.42 mile (2,220 feet) from sensitive receptors. All construction noises would considerably attenuate over this distance and would not approach or exceed Noise Element thresholds.

The project proposes the use of heating, ventilation, and air conditioning systems (HVAC) including evaporative through-wall coolers, dehumidifiers, and odor control systems, including carbon scrubbers within the proposed greenhouses and processing building, which would result in new sources of stationary noise during project operation. Based on a general evaluation of HVAC equipment specifications used for greenhouses, noise associated with the use of wall- or roof-mounted HVAC and odor mitigation equipment associated with the proposed greenhouses would be expected to generate noise levels of approximately 65 dBA at a distance of 25 feet from the source. Noise naturally attenuates (diminishes) at a rate of 6 dB per doubling of distance (OSHA 2013), so noise levels at the nearest property lines approximately 350 feet away from these proposed uses would be between approximately 41 and 47 decibels, which would be below the general noise level of normal conversation (CDC 2018) and would be well below the maximum allowable exterior noise standards set forth in the County Noise Element.

Therefore, upon implementation of mitigation measure N-1, the project would not result in generation of a substantial temporary or permanent noise increase in excess of the General Plan or Noise Ordinance. In addition, based on the distance of the proposed noise sources and surrounding receptors, and

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implementation of measure N-1, project noise impacts would be less than significant. Therefore, potential impacts would be *less than significant with mitigation*.

(b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

The project does not propose substantial grading/earthmoving activities, pile driving, or other high-impact activities that would generate substantial groundborne noise or groundborne vibration during construction. Construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited in duration and are not likely to be perceptible from adjacent areas. The project does not propose a use that would generate long-term operational groundborne noise or vibration. Therefore, impacts related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels would be *less than significant*.

(c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The nearest airstrip in proximity to the project site is the Oak Country Ranch Airport in Paso Robles, located approximately 6.6 miles northwest of the site. The project site is not located within an Airport Review designation or adjacent to a private airstrip; therefore, *no impacts would occur*.

Conclusion

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per LUO standards. Mitigation measure N-1 has been identified reduce potential impacts associated with the exceedance of nighttime noise standards set forth in the LUO to less than significant. No other potentially significant impacts were identified, and no other mitigation measures are necessary.

Mitigation

N-1 **For the life of the project**, operation of the diesel fuel generator shall be limited to no more than 1 hour daily between the hours of 7:00 a.m. and 10:00 p.m.

XIV. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Setting

The Housing Element of the County of San Luis Obispo General Plan recognizes the difficulty for residents to find suitable and affordable housing within San Luis Obispo County. The Housing Element includes an analysis of vacant and underutilized land located in urban areas that is suitable for residential development and considers zoning provisions and development standards to encourage development of these areas. Consistent with state housing element laws, these areas are categorized into potential sites for very low- and low-income households, moderate-income households, and above moderate-income households.

The County's Inclusionary Housing Ordinance requires the provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions. In its efforts to provide for affordable housing, the County currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provide limited financing to projects relating to affordable housing throughout the county.

Discussion

- (a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The project proposes cannabis activities within a rural area and would employ up to two full-time employees and up to five additional full-time seasonal employees during harvest times. The general scope and scale of the proposed activities would not directly or indirectly induce substantial population growth in the area and would not result in a need for a significant amount of new housing nor displace any housing in the area. In addition, the project would be subject to inclusionary housing fees to offset any potential increased need for housing in the area. Therefore, impacts to housing and population would be *less than significant*.

- (b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The project would not displace existing housing or necessitate the construction of replacement housing elsewhere; therefore, *no impacts would occur*.

Conclusion

No impacts to population and housing would occur and no mitigation measures are necessary.

Mitigation

None necessary.

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XV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the project would be served by CAL FIRE station #30, located approximately 1.7 miles northwest of the project site in Paso Robles. Based on the referral response letter received from CAL FIRE regarding the proposed project, emergency personnel would be able to reach the site within 10 minutes of receiving a call.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North Station in Templeton, and the South Station in Oceano. The project would be served by the County Sheriff's Office, and the nearest sheriff station is located approximately 1.2 miles west of the project site, in the community of Templeton.

San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The project site is located within the Templeton Unified School District.

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Within the County's unincorporated areas, there are currently 23 parks, three golf courses, four trails/staging areas, and eight Special Areas that include natural areas, coastal access, and historic facilities currently operated and maintained by the County.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public services. A public facility fee program (i.e., development impact fee program) has been adopted to address impacts related to public facilities (county) and schools (CGC Section 65995 et seq.). The fee amounts are assessed annually by the County based on the type of proposed development and the development's proportional impact and are collected at the time of building permit issuance. Public facility fees are used as needed to finance the construction of and/or improvements to public facilities required to serve new development, including fire protection, law enforcement, schools, parks, and roads.

Discussion

- (a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

Fire protection?

The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and California PRC, which include designing the proposed access driveway to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and potential installation of a water storage tank for fire protection (if fire sprinklers are required). The County Fire Department/CAL FIRE has provided a referral response letter for the project that details required items to be completed prior to final inspection/operation of the project. Based on the limited amount of development proposed, the project would not create a significant new demand for fire services. In addition, the project would be subject to public facility fees to offset the increased cumulative demand on fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is discussed in Section XX, Wildfire.

Police protection?

The applicant has prepared a security plan subject to the review and approval of the County Sheriff's Department. The Security Plan lays out infrastructure and operational guidelines to prevent and deter any foreseeable security breaches, crimes and/or statute violations. The project would be required to adhere to the security measures and protocols in the Security Plan as well as with any additional recommendation or requirements provided by the County Sheriff's Office. In addition, the project would be subject to public facility fees to offset the project's cumulative contribution to demand on law enforcement services. Therefore, impacts related to police services would be *less than significant*.

Schools?

As discussed in Section XIV, Population/Housing, the project would not induce population growth and would not result in the need for additional school services or facilities. However, the project would be subject to school impact fees, pursuant to California Education Code Section 17620, to help fund construction or reconstruction of school facilities. Therefore, impacts would be *less than significant*.

Parks?

As discussed in Section XIV, Population and Housing, the project would not induce a substantial increase in population growth and would not result in the need for additional parks or recreational services or facilities to serve new populations; therefore, potential impacts would be *less than significant*.

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Other public facilities?

As discussed above, the proposed project would be subject to applicable fees to offset negligible increased demands on public facilities; therefore, impacts related to other public facilities would be *less than significant*.

Conclusion

The project does not propose development that would substantially increase demands on public services and would not induce population growth that would substantially increase demands on public services. The project would be subject to payment of development impact fees to reduce the project's negligible contribution to increased demands on public services and facilities. Therefore, potential impacts related to public services would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The Parks and Recreation Element (Recreation Element) of the County of San Luis Obispo General Plan establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing parks and recreation facilities and the development of new parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the county.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public parks and recreational facilities. Public facility fees are collected upon construction of new residential units and currently provide funding for new community-serving recreation facilities. Quimby Fees are collected when new residential lots are created and can be used to expand, acquire, rehabilitate, or develop community-serving parks. Finally, a discretionary permit issued by the County may condition a project to provide land, amenities, or facilities consistent with the Recreation Element.

The County Bikeways Plan identifies and prioritizes bikeway facilities throughout the unincorporated area of the county, including bikeways, parking, connections with public transportation, educational programs, and funding. The Bikeways Plan is updated every 5 years and was last updated in 2016. The plan identifies goals, policies, and

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procedures geared towards realizing significant bicycle use as a key component of the transportation options for San Luis Obispo County residents. The plan also includes descriptions of bikeway design and improvement standards, an inventory of the current bicycle circulation network, and a list of current and future bikeway projects within the county.

Discussion

- (a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

The project proposes cannabis activities within a rural area and would employ up to two full-time employees and up to five additional full-time seasonal employees during harvest times. Due to the limited number of project employees, the project would not result in increased demand on existing recreational facilities in the County. The project parcel has a proposed trail corridor running through the southern portion; however, since actual development is set towards the middle of the parcel and all proposed development would occur beyond 300 feet from El Pomar Drive, the project is not expected to affect use of any future trail in that area. The project would not increase the use of existing parks or other recreational facilities; therefore, *no impacts would occur*.

- (b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The project does not include the construction of new recreational facilities and would not result in a substantial increase in demand or use of parks and recreational facilities. Implementation of the project would not require the construction or expansion of recreational facilities; therefore, *no impacts would occur*.

Conclusion

The project would not result in the significant increase in use, construction, or expansion of parks or recreational facilities. Therefore, potential impacts related to recreation would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XVII. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The San Luis Obispo Council of Governments (SLOCOG) holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA), SLOCOG is responsible for conducting a comprehensive, coordinated transportation program; preparing a Regional Transportation Plan (RTP); programming state funds for transportation projects; and administering and allocating transportation development act funds required by state statutes. The 2019 RTP, adopted June 5, 2019, is a long-term blueprint of San Luis Obispo County's transportation system. The plan identifies and analyzes transportation needs of the region and creates a framework for project priorities. SLOCOG represents and works with the County as well as the Cities within the county in facilitating the development of the RTP.

In 2013 SB 743 was signed into law with the intent to "more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions" and required the Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3 [b]). Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts must be implemented statewide.

The County's Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County of San Luis Obispo General Plan. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities within 5 miles of the project site.

The project is located off of El Pomar Drive, an east-west two-lane collector road maintained by the County. El Pomar Drive serves as a major collector for residential and agricultural lands east of Templeton. Based on the County Department of Public Works most recent traffic counts on El Pomar Drive in 2015, the section of El Pomar Drive that the project is located along experiences approximately 1,572 trips per day (County of San Luis Obispo 2017).

Discussion

- (a) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

The project includes establishment of indoor and outdoor cannabis cultivation and processing of cannabis products grown on-site. Based on the Traffic Study prepared for the project, the project is expected to generate approximately 12 average daily trips (Associated Transportation Engineers [ATE] 2018). Based on

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average trip rates provided by the Institute of Transportation Engineers (ITE), the project would generate similar traffic levels as rural residences in the area, which generate an average of 10 trips per day per residential dwelling unit. The project would be subject to Road Improvement Fees and public facility fees to offset the relative impacts on surrounding roadways.

The Templeton Community Plan includes a Circulation Element that identifies key issues that affect the regional transportation system and establishes policies and objectives to address those issues. The project is located outside of the Templeton Urban Reserve Line and no proposed roadway improvements are currently proposed on El Pomar Drive. The County Bikeways Plan identifies that El Pomar Drive provides a Class III bike route from Templeton Drive to Neal Springs Road, which the project site is located along (County of San Luis Obispo 2016). The project would not result in any impacts to this existing bike route. As detailed in Section XVI, Recreation, a conceptual proposed trail corridor runs through the southern portion of the project parcel but the project would not be expected to affect this future proposed use. Therefore, the project would not conflict with an established measure of effectiveness for the performance of a circulation system or conflict with a program plan, ordinance, or policy addressing the circulation system, and potential impacts would be *less than significant*.

(b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

The County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. State CEQA Guidelines Section 15064.3(b) states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project's VMT qualitatively.

In operation, the project would generate vehicle trips from two regular full-time employees and five seasonal full-time employees, as well as delivery of harvested cannabis to an off-site testing facility, and occasional deliveries of soil, supplies, and diesel fuel. Based on the nature and location of the project, the project would not generate a significant increase in construction-related or operational traffic trips or VMT. The project would not substantially change existing land uses and would not result in the need for additional new or expanded transportation facilities. Therefore, potential impacts would be *less than significant*.

(c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The project includes construction of a new 20-foot wide all-weather driveway on the eastern side of the project property off of El Pomar Drive. The sight distance from this proposed driveway entrance onto El Pomar Drive was determined to be adequate and exceeds County minimum sight distance requirements (ATE 2020). If approved, the project would be conditioned to require the proposed driveway to be consistent with the County Public Improvement Standard B-1a rural road and A-5 sight distance standards, as well as CAL FIRE roadway standards. Therefore, impacts related to creation of unsafe conditions on public roadways would be *less than significant*.

(d) *Result in inadequate emergency access?*

The proposed driveway and on-site circulation elements would be designed to adequately accommodate emergency access vehicles. No public road closures are necessary to implement these improvements. Therefore, the project would provide for adequate emergency access and impacts would be *less than significant*.

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Conclusion

The project would be subject to payment of the Templeton Area B Road Improvement Fee as well as public facilities fees to off-site relative impacts to surrounding roadways. Potential impacts related to transportation and circulation would be less than significant, and no mitigation is necessary.

Mitigation

None necessary.

XVIII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Approved in 2014, AB 52 added tribal cultural resources to the categories of resources that must be evaluated under CEQA. Tribal cultural resources are defined as either of the following:

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1. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the CRHR; or
 - b. Included in a local register of historical resources as defined in subdivision (k) of California PRC Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth California PRC Section 5024.1(c).

In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

Recognizing that tribes have expertise with regard to their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe regarding the potential for adverse impacts on tribal cultural resources as a result of a project. Consultation may include discussing the type of environmental review necessary, the presence and/or significance of tribal cultural resources, the level of significance of a project's impacts on the tribal cultural resources, and available project alternatives and mitigation measures recommended by the tribe to avoid or lessen potential impacts on tribal cultural resources.

In accordance with AB 52 Cultural Resources requirements, outreach to four Native American tribes has been conducted: Northern Salinan, Xolon Salinan, *tiṭu tiṭu yak tiłhini* Northern Chumash, and Northern Chumash Tribal Council. A response was received from the Northern Chumash Tribal Council and, upon review of the project Phase 1 Cultural Resource Inventory prepared for the project (Albion Environmental 2018), the tribe indicated there were no comments or concerns regarding the proposed project. No responses from the other three tribes contacted were received.

Discussion

- (a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
- (a-i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

The County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52 and the project site does not contain any known tribal cultural resources that have been listed or been found eligible for listing in the CRHR or in a local register of historical resources as defined in California PRC Section 5020.1 (Albion Environmental 2018).

Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO Section 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Department of Planning and Building shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with federal and state law. Therefore, impacts related to a substantial adverse change in the significance of tribal cultural resources would be *less than significant*.

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- (a-ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

The project site does not contain any resources determined by the County to be a potentially significant tribal cultural resource. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO Section 22.10.040). Therefore, potential impacts would be *less than significant*.

Conclusion

No tribal cultural resources are known or expected to occur within or adjacent to the project site. In the event unanticipated sensitive resources are discovered during project activities, adherence with LUO standards and State Health and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to tribal cultural resources would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The County Department of Public Works provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater “will serve” letters. The Department of Public Works currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, the San Luis Obispo County Club, and Santa Margarita. Other unincorporated areas in the county rely on on-site wells and individual wastewater systems. Regulatory standards and design criteria for on-site wastewater treatment systems are provided by the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (California OWTS Policy).

Per the County’s Stormwater Program, the Department of Public Works is responsible for ensuring that new construction sites implement BMPs during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB’s Construction General Permit. PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo; Chicago Grade Landfill, located near the community of Templeton; and Paso Robles Landfill, located east of the city of Paso Robles.

Discussion

- (a) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The project includes the construction of a new wastewater (septic) system that would be located to the east of the proposed processing building. Based on the proposed uses and location, the new septic system would meet Tier 1 minimum horizontal setbacks, including distance from parcel property lines and structures, existing wells, unstable land masses, and surface water bodies. In order to demonstrate full compliance with Tier 1 minimum site evaluation and siting standards, the proposed septic system location would need to be evaluated by a qualified professional to perform all necessary soil and site evaluations including soil depth, level of groundwater, and percolation rates. This would be required through the building permit process. Based on findings presented in the Geotechnical Investigation for the Vintner Solar Project located adjacent to the project site, site limitations such as depth to bedrock are not expected (Neil O. Anderson and Associates 2013). Therefore, impacts related to the construction of new wastewater treatment facilities would be *less than significant*.

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- (b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The project is not located within a groundwater basin designated as Level of Severity III per the County's Resource Management System or within a high- or medium-priority groundwater basin as designated by the California DWR. Based on a well pump test performed in May 2018, the on-site well that would support the operation is capable of supplying 25 gallons of water per minute for a 4-hour period, with a water level reduction of only 0.5 foot (Miller Drilling Co. 2018). Based on the current status of the groundwater basin and steady performance of the on-site well, the project is expected to have sufficient water supplies available during normal, dry, and multiple dry years, and impacts would be *less than significant*.

- (c) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

The project would be served by an individual on-site wastewater system and would not be connected to a community wastewater service provider. Therefore, *no impacts would occur*.

- (d) *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Construction activities would result in the generation of minimal solid waste materials. The nearest waste facility to the project site is Paso Robles Landfill, which has a remaining capacity of 4,216,402 cubic yards. The project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure; therefore, impacts would be *less than significant*.

- (e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

The project would not result in a substantial increase in waste generation during project construction or operation. Construction waste disposal would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Therefore, potential impacts would be *less than significant*.

Conclusion

The project would not result in significant increased demands on water, wastewater, or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. Therefore, potential impacts to utilities and service systems would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

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XX. WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. Fire Hazard Severity Zones (FHSZ) are defined by CALFIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project would be located within the State Responsibility Area in a high fire hazard severity zone. Based on CAL FIRE's referral response letter, it would take approximately 10 minutes to respond to a call regarding fire or life safety.

The County Emergency Operations Plan (EOP) addresses several overall policy and coordination functions related to emergency management. The EOP includes the following components:

- Identifies the departments and agencies designated to perform response and recovery activities and specifies tasks they must accomplish;
- Outlines the integration of assistance that is available to local jurisdictions during disaster situations that generate emergency response and recovery needs beyond what the local jurisdiction can satisfy;

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- Specifies the direction, control, and communications procedures and systems that will be relied upon to alert, notify, recall, and dispatch emergency response personnel; alert the public; protect residents and property; and request aid/support from other jurisdictions and/or the federal government;
- Identifies key continuity of government operations; and
- Describes the overall logistical support process for planned operations.

Topography influences wildland fire to such an extent that slope conditions can often become a critical wildland fire factor. Conditions such as speed and direction of dominant wind patterns, the length and steepness of slopes, direction of exposure, and/or overall ruggedness of terrain influence the potential intensity and behavior of wildland fires and/or the rates at which they may spread (Barros et al. 2013).

The Safety Element of the County of San Luis Obispo General Plan establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 identifies that new development should be carefully located, with special attention given to fuel management in higher fire risk areas, and that new development in fire hazard areas should be configured to minimize the potential for added danger. Implementation strategies for this policy include identifying high risk areas, developing and implementing mitigation efforts to reduce the threat of fire, requiring fire resistant material be used for building construction in fire hazard areas, and encouraging applicants applying for subdivisions in fire hazard areas to cluster development to allow for a wildfire protection zone.

The California Fire Code provides minimum standards for many aspects of fire prevention and suppression activities. These standards include provisions for emergency vehicle access, water supply, fire protection systems, and the use of fire resistant building materials.

The County EOP outlines the emergency measures that are essential for protecting public health and safety. These measures include, but are not limited to, public alert and notifications, emergency public information, and protective actions. The EOP also addresses policy and coordination related to emergency management.

Discussion

(a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

The project does not require any road closures and would be designed to accommodate emergency vehicle access. Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project. There are adequate alternative routes available to accommodate any rerouted trips through the project area for the short-term construction period. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Potential impacts would be *less than significant*.

(b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

The project site is nearly level and prevailing wind speeds range between 6.6 and 8.8 mph and predominately come from the west (WeatherSpark.com 2016). The project does not include major grading that would alter the site's slope or removal of a substantial number of trees, buildings, or other natural wind breaks or barriers. The project components would be required to be designed and constructed in accordance with the California Fire Code. The project would include landscape plantings of plants from the County-approved list of native plants through implementation of mitigation measure AES-1 and AES-2 and planting of new native oak trees as required by mitigation measure BIO-14. These measures have been designed to minimize potential exacerbation of existing fire risk on-site through requiring 80% of landscape

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screening plantings to be of the F1 or F2 fire resistant designation on the County's Approved Plant List, and requiring proposed plantings (including oak tree replacement plantings) be located a minimum of 50 feet from proposed and existing overhead power lines. Therefore, the project would not exacerbate fire risks and potential impacts would be *less than significant with mitigation*.

- (c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

The project includes the construction of a new access driveway off of El Pomar Drive to provide access to the project area, which would be required to be designed and constructed in compliance with County Department of Public Works and CAL FIRE regulations to ensure emergency vehicles would have adequate access during an emergency.

The project would require a new power line connection to the existing PG&E transmission tower located on the adjacent property to the northeast of the project site. This new power connection would serve the proposed greenhouses and would be required to be installed in compliance with all applicable California Public Utilities Commission (CPUC) and California Fire Code standards. Mitigation measures AES-1, AES-2, and BIO-14 have been designed to require all required landscape and native oak tree plantings be located a minimum of 50 feet from this proposed overhead powerline and existing powerlines on-site. This would effectively avoid potential future fire hazards associated with newly established oak trees interfering with the proposed power line. Therefore, project impacts would be *less than significant with mitigation*.

- (d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The project site is in a low landslide potential area. The nearest slopes with high landslide potential are located 0.63 mile the west of the project area, and the likelihood of landslides affecting the project site as a result of post-fire slope instability, runoff, or drainage changes is low. The soil in this area is moderately susceptible to fire damage. Due to the makeup of the soil, wind erosion is common post fire and can contribute to slope instability (NRCS 2017). The low slopes in the area reduce the hazards related to slope failure and subsequent impacts to surrounding developed lands. People and structures would not be exposed to these risks and thus project impacts would be *less than significant*.

Conclusion

The project would include landscape plantings of plants from the County-approved list of native plants through implementation of mitigation measure AES-1 and AES-2 and planting of new native oak trees as required by mitigation measure BIO-14. These measures have been designed to minimize potential exacerbation of existing fire risk on-site through requiring 80% of landscape screening plantings to be of the F1 or F2 fire resistant designation on the County's Approved Plant List, and requiring proposed plantings (including oak tree replacement plantings) be located a minimum of 50 feet from proposed and existing overhead power lines. Therefore, through implementation of these measures, potential impacts associated with wildfire would be less than significant.

Mitigation

Implement measures AES-1, AES-2, and BIO14.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- (a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

As discussed in each resource section above, the proposed project would have the potential to result in significant impacts to special-status and nesting birds protected by the MBTA, SJKF, and native oak trees. Mitigation measures BIO-1 through BIO-15 have been identified to avoid and/or minimize potential impacts to these species to a less-than-significant level. Therefore, impacts would be *less than significant with mitigation incorporated*.

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- (b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." Section 15355 of the State CEQA Guidelines further states that individual effects can be various changes related to a single project or the change involved in a number of other closely related past, present, and reasonably foreseeable future projects. The State CEQA Guidelines state that the discussion of cumulative impacts should reflect the severity of the impacts as well as the likelihood of their occurrence. However, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Furthermore, the discussion should remain practical and reasonable in considering other projects and related cumulatively considerable impacts.

Existing and Reasonably Foreseeable Cannabis Facilities

In 2016, the County estimated that there were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming 0.5 acre per site, the canopy associated with these activities could be as high as 250 acres. County Code Enforcement officers have successfully abated 82 operations, and there are currently approximately 225 total operations under investigation to date (December 10, 2019). Unpermitted cannabis operations are expected to continue to be abated throughout the county.

Table 5 below provides a summary of the maximum possible cannabis cultivation activities that could be approved through permit applications that have been received by the County to date (December 9, 2019). Each of these proposed activities is considered a reasonably foreseeable future project for the purposes of this cumulative impact analysis. It is important to note, however, that many proposed activities are subject to change during the land use permit process and a portion of these applications may be withdrawn by the applicant or denied by the County approving body. Figure 5 shows the project site along with other approved and proposed cannabis project sites within 5 miles of the proposed project site.

Table 5. Summary of Cannabis Facility Applications for Unincorporated San Luis Obispo County¹

Proposed Cannabis Cultivation Type	Total Number of Proposed Cannabis Cultivation Permits ^{1,2}	Total Proposed Canopy (acres)	Approved Activities
Indoor Cultivation and Indoor Nursery	115	89	10
Outdoor Cultivation		241	10
Total	115	330	20

1. As of December 9, 2019.

2. Total number of all cannabis activities for which an application has been submitted to the County to date. A project site may include multiple proposed cannabis activities.

For purposes of assessing the cumulative impacts of cannabis cultivation activities, the following assumptions have been made:

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- (c) *All 115 applications for cultivation sites would be approved and developed;*
- (d) *Each cultivation site would be developed with the maximum allowed cultivation uses:*
 - a. 3 acres of outdoor cultivation;
 - b. 0.5 acres of indoor cultivation;
 - c. 19,000 square feet of ancillary nursery;
 - d. A total of six full-time employees;
 - e. A total of 12 average daily motor vehicle trips; and
 - f. All sites would be served by a well and septic leach field.

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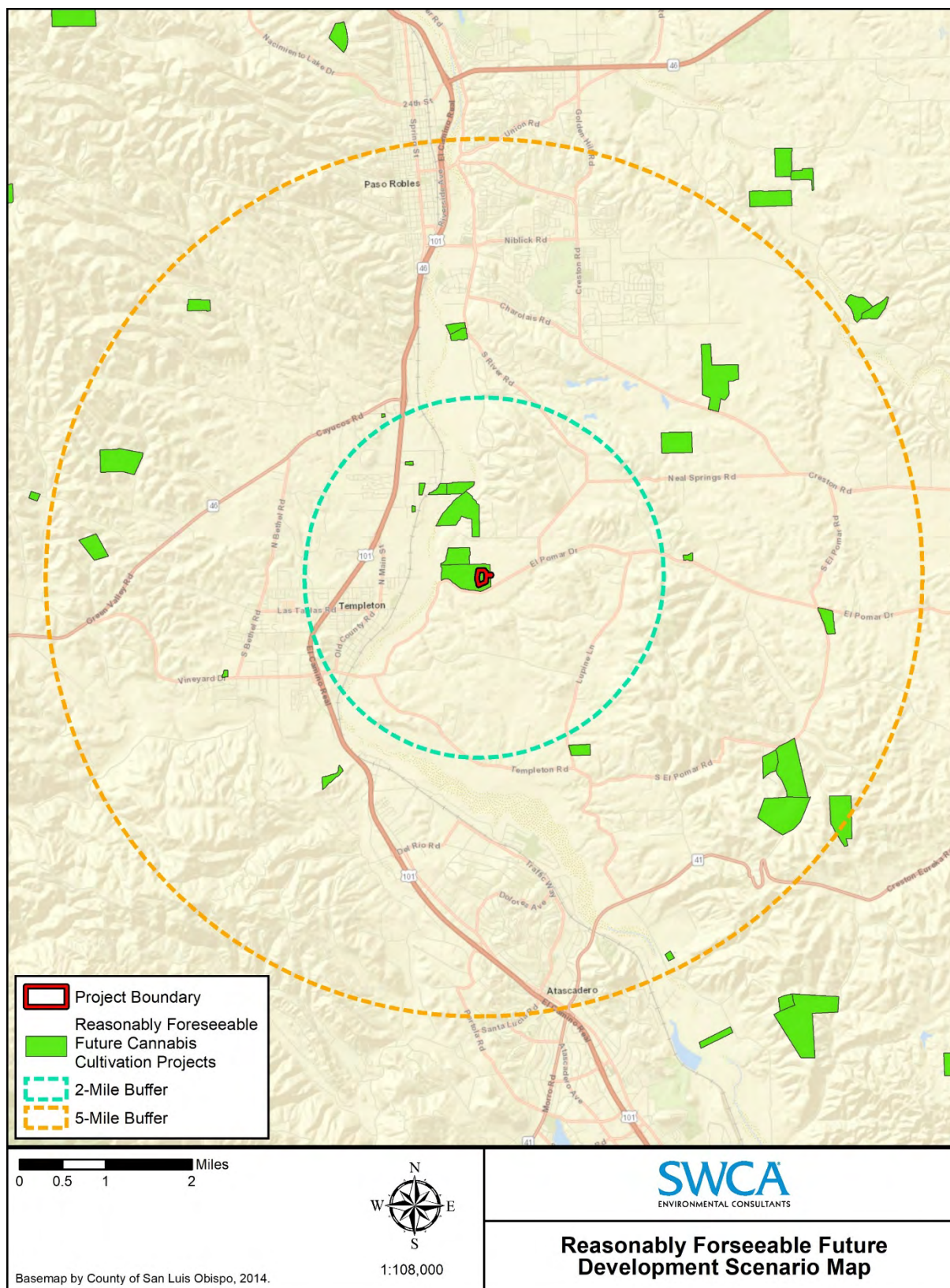


Figure 5. Reasonably Foreseeable Future Development Scenario Map

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Aesthetics

The analysis provided in Section I, Aesthetic and Visual Resources, provides an overview of the visual setting and concludes that the potential project-specific impacts would be less than significant with mitigation measures identified to implement and maintain vegetative screening and eliminate off-site nighttime light overspill.

The project is one of several development projects in the vicinity that are not associated with traditional agricultural operations or rural residences. The 14.8-acre solar farm located adjacent to the project development site was approved in 2013 and included implementation of a landscape plan as a mitigation measure to address visual impacts, including planting of walnut trees along the perimeter of the development to provide visual screening from El Pomar Drive. In addition, Templeton Substation is located on the south side of El Pomar Drive directly across from the project site and has the potential to be expanded as a part of an alternative to the Estrella Substation and Paso Robles Area Reinforcement Project.

The project site is located in an area with 7 potential cannabis facilities within 2 miles and 26 potential cannabis facilities within 5 miles (as of January 13, 2020). Surrounding proposed cannabis cultivation operations would require discretionary land use permits and evaluation of potential environmental impacts in accordance with CEQA, including potential impacts to visual resources. Based on the rural and agricultural visual character of the area, newly proposed structures visible from surrounding public roadways would undergo evaluation for consistency with the surrounding visual character and may be required to implement visual screening and/or other measures if County staff identify potential impacts to visual resources. Proposed cannabis cultivation projects, including use of mixed-light growing techniques, would be subject to standard County mitigation measures to eliminate off-site nighttime light overspill.

Based on the mitigation measures identified to reduce potential project impacts and discretionary review of surrounding proposed cannabis projects, the impacts to aesthetic and visual resources of this project, when considered with the potential impacts of other reasonably foreseeable development in the area, would be less than cumulatively considerable.

Agriculture and Forestry Resources

The analysis provided in Section II, Agriculture and Forestry Resources, indicates that the project would not result in the permanent conversion of Prime Farmland, based on the FMMP, and no potential impacts to forest land or timberland would occur. The project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the project's potential impacts to agriculture and forestry resources is considered less than cumulatively considerable.

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related emissions would have the potential to exceed SLOAPCD thresholds of significance for construction emissions, resulting in a potentially cumulatively considerable contribution to the county's non-attainment status under state air quality standards for ozone and fugitive dust. With implementation of recommended mitigation measure AQ-1, project construction, operational, and cumulative impacts would be less than significant.

The project is one of 115 land use permit applications for cannabis cultivation activities located within the county. All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts to air quality. These proposed cannabis cultivation projects would undergo

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evaluation for their potential to exceed applicable SLOAPCD thresholds and result in potentially cumulatively considerable contribution to the county's non-attainment status for ozone and/or fugitive dust. Proposed projects with the potential to exceed SLOAPCD thresholds would be subject to standard SLOAPCD mitigation measures to reduce potential air pollutant emissions to a less-than-significant level. These measures would also be applied for projects located within close proximity of sensitive receptor locations.

The project site is located in an area with eight reasonably foreseeable future cannabis cultivation facilities within 2 miles (as of January 13, 2020). The analysis provided in Section III, Air Quality, concludes that the project's potential other emissions (such as those leading to odor) would be less than significant based on the distance of proposed odor-emitting uses from the project property lines and proposed odor control technology to be implemented within proposed structures. All surrounding proposed cannabis development projects would be required to comply with County LUO ordinance cannabis odor control requirements, including preparation of an odor control plan, minimum setback distances, and installation of sufficient ventilation controls to prevent odors from being detected off-site.

Therefore, based on the mitigation measures identified to reduce potential project impacts and LUO odor control requirements for all surrounding proposed cannabis cultivation projects, the contribution of the project's potential impacts to air quality are considered less than cumulatively considerable.

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project would have a less-than-significant impact upon implementation of the identified avoidance and mitigation measures for nesting migratory birds, burrowing owl, San Joaquin kit fox, and native trees. Mitigation measures have been identified to require limitations on construction timing, preconstruction surveys, modification of fencing, establishment of no-disturbance buffers, replacement plantings, and other avoidance and compensatory measures.

All surrounding proposed cannabis development projects would undergo evaluation for potential to impact biological resources. Proposed cannabis projects that are determined to have the potential to impact sensitive species and/or their habitats, sensitive natural communities, federal or state wetlands, migratory corridors, native trees, or conflict with state or local policies or habitat conservation plans would be required to implement mitigation measures to reduce these impacts.

Based on the mitigation measures identified to reduce potential project impacts and discretionary review of surrounding projects, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts are considered less than cumulatively considerable.

Energy

Cannabis cultivation operations typically use an insignificant amount of natural gas. Accordingly, this assessment of cumulative energy impacts is based on electricity use. The analysis provided in Section VI, Energy, states that the project could increase the demand for electricity by 2,376,000 kWh per year.

Table 5 provides a summary of the estimated worst-case scenario of total electricity demand associated with development of all 115 proposed and/or approved cannabis cultivation projects with 22,000 square feet (0.5 acre) of mixed-light (indoor) cannabis cultivation based on the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form.

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Table 6. Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects

Proposed Land Use	Total Electricity Demand from Proposed Cannabis Cultivation Projects ¹ (Kilowatt-Hours/Year)	Total Electricity Demand (Gigawatt Hours/Year)	Electricity Consumption in San Luis Obispo County in 2018 ² (Gigawatt Hours)	Total Demand in San Luis Obispo County with Proposed Cannabis Cultivation (Gigawatt Hours/Year)	Percent Increase Over 2018 Electricity Demand
Mixed-light (indoor) Cultivation	620,400,000	620			
Total	620,400,000	620	1,765.9	2,385	35%

¹Source: CalEEMOD 2016 v.3.2. Assumes 115 cultivation projects with 0.5 acre of mixed-light cannabis canopy.

²Source: California Energy Commission 2019.

Table 6 indicates that electricity demand in San Luis Obispo County could increase by as much as 35% if all 115 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and are approved. PG&E is required by state law (the Renewable Portfolio Standard) to derive at least 60% of their electricity from renewable sources by 2030. These sources are “bundled” and offered for sale to other Load Serving Entities (utility providers). Table 7 shows the percent increase in the projected 2030 demand for these bundled sources of electricity throughout PG&E’s service area for, assuming all 115 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and approved.

Table 7. Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared With Projected PG&E 2030 Available Service Load

Increased Electricity Consumption in San Luis Obispo County with 115 Cannabis Cultivation Projects ¹ (Gigawatt Hours/Year)	620
Projected PG&E 2030 Bundled Service Load ² (Gigawatt Hours)	33,784
Percent Increase in 2030 Demand With Cannabis Cultivation	1.8%

¹Source: CalEEMOD 2016 v.3.2. Assumes 115 cultivation projects with 3.5 acres of cannabis canopy.

²Source: Pacific Gas and Electric 2018, Integrated Resource Plan.

The project’s contribution to the overall increased demand for electricity would have the potential to result in potentially significant environmental impacts through GHG emissions. Mitigation measures ENG-1, ENG-2, and ENG-3 require the applicant to provide an Energy Conservation Plan to identify strategies to reduce or offset for cannabis-related electricity demand and GHG emissions. In addition, all proposed cannabis cultivation projects within the county would be subject to discretionary review by County staff. Indoor and mixed-light cultivation projects that are determined to have the potential to result in potentially significant impacts from their proposed energy use would be required to implement mitigation measures to reduce their energy demand and use sources that result in less GHG emissions. It is also important to note that while many proposed cannabis cultivation projects would result in new permitted facilities, a portion of these facilities are being proposed in existing buildings previously used for unpermitted cannabis cultivation

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activities or other uses. Therefore, the estimated increases in energy demand provided in Tables 6 and 7 are very likely overestimations.

With implementation of identified mitigation measures and discretionary review of other cultivation projects within the county, the project's environmental impacts associated with energy use would be less than cumulatively considerable.

Greenhouse Gas Emissions

As discussed in Section VI, Energy, the project is estimated to generate approximately 1,253 metric tons of CO₂ emissions per year. Accordingly, the project has the potential to exceed the SLOAPCD Bright-Line Threshold of 1,150 metric tons of GHG emissions per year. Mitigation measures ENG-1, ENG-2, and ENG-3 have been identified to require the applicant to prepare and submit an Energy Conservation Plan that identifies strategies to offset and/or reduce project GHG emissions to a less-than-significant level.

All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts associated with GHG emissions. These proposed cannabis cultivation projects would undergo evaluation for their potential to exceed applicable SLOAPCD GHG thresholds. Projects identified to have the potential to exceed the SLOAPCD GHG thresholds would be required to implement standard mitigation measures to reduce these potential impacts, including but not limited to, preparation of an Energy Conservation Plan and/or requiring enrollment in a clean energy program.

With implementation of these measures and discretionary review of other cannabis cultivation projects within the county, cumulative impacts associated with GHG emissions would be less than cumulatively considerable.

Hydrology and Water Quality

All proposed cannabis cultivation projects located in the county would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. All potentially hazardous materials (e.g., pesticides, fertilizers, etc.) proposed to be utilized for these projects would be required to comply with the applicable storage, refilling, and dispensing County Department of Environmental Health standards. All cannabis cultivation projects within the county would also be required to comply with applicable riparian, wetland, and other waterway setbacks established by the RWQCB.

The project site is located within the Atascadero Groundwater Basin (Atascadero Basin). As shown, in Table 8, a total of six cannabis cultivation projects have been proposed within the Atascadero Basin to date (December 9, 2019). The Atascadero Basin is not designated as Level of Severity III per the County's Resource Management System or within in a high- or medium-priority groundwater basin as designated by the California DWR.

Table 8. Proposed Cannabis Cultivation Projects in the Atascadero Groundwater Basin

Bulletin 118 Groundwater Basin ¹	Number of Proposed Cultivation Projects	Total Estimated Water Demand from Cannabis Cultivation	Basin Estimated Safe Yield ¹
Atascadero Basin	6	35.85 AFY	16,400 AFY

¹Source: California Department of Water Resources Bulletin 118.

According to the California DWR, the Atascadero Basin is expected to meet the estimated water demand from urban, rural, and agricultural demand for at least the next 15 years. As shown in Table 8, the demand

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associated with cannabis cultivation is marginal (approximately 2.2%) in relation to the estimated safe yield of the Atascadero Basin. Therefore, based on the applicable water quality requirements for all cannabis cultivation projects in the area and the sufficient water supply of the Atascadero Basin, the project's impacts associated with hydrology and water quality would be less than cumulatively considerable.

Noise

As discussed in Section XIII, Noise, noise associated with proposed HVAC and odor management systems are considered less than significant. Mitigation measure N-1 has been identified to require operation of the diesel generator be limited to 1 hour of operation between the daytime hours of 7:00 a.m. and 10:00 p.m. to avoid potential exceedance of nighttime noise standards for surrounding residential uses.

Reasonably foreseeable future cannabis cultivation projects would require discretionary permits and would be reviewed by County staff for potentially significant environmental impacts, including impacts associated with noise. Future projects with potential to generate noise above County standards or noise that would adversely affect surrounding sensitive receptors would be required to implement measures to reduce associated impacts. In addition, most cultivation activities would be required to adhere to the established setback distances from property lines as detailed in the LUO and these setbacks would allow noises to dissipate to some degree before reaching surrounding land uses.

Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential noise impacts is considered less than cumulatively considerable.

Population and Housing

The most recent projection of regional growth for San Luis Obispo County is the 2050 Regional Growth Forecast (RGF) for San Luis Obispo County, prepared and adopted by SLOCOG in 2017. Using the Medium Scenario, the total county population, housing, and employment for both incorporated and unincorporated areas is projected to increase at an average annual rate of 0.50% per year. Between 2015 and 2050, the County's population is projected to increase by 44,000, or about 1,260 residents per year. Within the unincorporated area, the population is expected to increase by about 19,500 residents, or about 557 per year. Employment is expected to increase by about 6,441, or about 184 per year.

Cannabis cultivation activities typically employ six to eight full-time workers and up to 12 seasonal workers during the harvest. The 2050 employment forecast does not account for employment in the cannabis industry because of the formerly illegal status of the industry. However, assuming 115 cultivation projects, total employment associated with cannabis cultivation could result in as many as 920 workers. It is most likely that these workers will be sourced from the existing workforce in San Luis Obispo County. If all 920 workers are new residents to the county, it would represent a 2% increase in the projected growth in population between 2015 and 2050. The small increase in projected population is not expected to result in an increased demand for housing throughout the county. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered less than cumulatively considerable.

Public Services

The project and surrounding reasonably foreseeable future development would be subject to adopted public facility (County) and school (CGC Section 65995 et seq.) fee programs to offset impacts to public services. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential public services impacts would be less than cumulatively considerable.

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Transportation

As discussed in Section XVII, Transportation, the project would not result in a conflict with a plan or policy addressing the circulation system, increase hazards due to a geometric design feature, or result in inadequate emergency access. Surrounding reasonably foreseeable future cannabis cultivation projects would be subject to discretionary review and potential impacts associated with these thresholds would be analyzed and required to be reduced on a case-by-case basis. Therefore, the project's potential impacts associated with these thresholds would be less than cumulatively considerable.

The County Department of Public Works has derived trip generation rates for cannabis cultivation activities through the trip generation rates published by the Institute of Traffic Engineers. Table 9 provides an estimate of total average daily trips (ADT) and PM peak hour trips associated with buildout of the 115 currently proposed cannabis cultivation projects.

Table 9. Cumulative Average Daily Trips From Cannabis Cultivation

Use	Unit	ADT per Unit	Total Proposed Cannabis Cultivation Area	Total ADT	PM Peak Hour Trips
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000 sf	0.27	2,530,000 sf	690	10.3
Cultivation, Outdoor (includes hoop house)	Acres	2.00	345 acres	683	68.3
Seasonal Employees*	Employee	2.00	460 employees	460	460
Total				1,833	538.6

* Seasonal Trips are adjusted based on the annual frequency.

The County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. State CEQA Guidelines Section 15064.3(b) states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project's VMT qualitatively.

The most recent estimate of total VMT for the county is from 2013, at which time total VMT per day was estimated to be 7,862,000 VMT. Assuming a 1% annual growth in VMT during the intervening 6 years, the current daily total is estimated to be around 8,333,720 VMT. Accordingly, the VMT associated with proposed cannabis cultivation projects throughout the county is estimated to result in a very marginal increase in the total county VMT. The marginal increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections. Moreover, each project will be required to mitigate the project-specific impacts to the transportation network. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to serve the project and the payment of applicable road improvement fees. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to roadway impacts would be less than cumulatively considerable.

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Other Impact Issue Areas

Based on the project's less-than-significant impacts and the discretionary review of all surrounding reasonably foreseeable future cannabis cultivation projects, the project's potential impacts associated with the following issue areas would be less than cumulatively considerable:

- Cultural Resources;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Land Use Planning;
- Mineral Resources;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

- (e) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

The project would have the potential to result in PM₁₀ emissions above the quarterly threshold established by SLOAPCD for construction emissions. Mitigation measures AQ-1 and AQ-2 have been identified to require the applicant to implement fugitive dust control measures during all construction and site disturbance activities to reduce fugitive dust emissions to less than significant. Mitigation measure N-1 has been identified to reduce potential impacts associated with the exceedance of nighttime noise standards set forth in the LUO to less than significant. Mitigation measures AES-1, AES-2, and BIO-14 have been designed to minimize potential exacerbation of existing fire risk on-site through requiring 80% of landscape screening plantings to be of the F1 or F2 fire resistant designation on the County's Approved Plant List, and requiring proposed plantings (including oak tree replacement plantings) be located a minimum of 50 feet from proposed and existing overhead power lines. Therefore, through implementation of these measures, potential impacts associated with wildfire would be less than significant; therefore, impacts would be *less than significant with mitigation*.

Conclusion

Potential impacts would be less than significant upon implementation of mitigation measures identified in the resource sections above.

Mitigation

Implement measures AES-1 through AES-7, AQ-1, BIO-1 through BIO-15, ENG-1 through ENG-3, and N-1.

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Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Services	In File**
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File**
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	None
<input checked="" type="checkbox"/>	County Sheriff's Department	None
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	None
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	In File**
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other Templeton Area Advisory Group (TAAG)	In File**
<input checked="" type="checkbox"/>	Other Agricultural Preserve Review Committee (APRC)	In File**

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

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

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Design Plan
<input checked="" type="checkbox"/> County Documents	<input type="checkbox"/> Specific Plan
<input type="checkbox"/> Coastal Plan Policies	<input type="checkbox"/> Annual Resource Summary Report
<input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland)	<input type="checkbox"/> Circulation Study
<input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:	<input checked="" type="checkbox"/> Other Documents
<input checked="" type="checkbox"/> Agriculture Element	<input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook
<input checked="" type="checkbox"/> Conservation & Open Space Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input type="checkbox"/> Economic Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Noise Element	<input type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Parks & Recreation Element/Project List	<input type="checkbox"/> Area of Critical Concerns Map
<input checked="" type="checkbox"/> Safety Element	<input type="checkbox"/> Special Biological Importance Map
<input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)	<input type="checkbox"/> CA Natural Species Diversity Database
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Public Facilities Fee Ordinance	<input checked="" type="checkbox"/> Flood Hazard Maps
<input type="checkbox"/> Real Property Division Ordinance	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input type="checkbox"/> Affordable Housing Fund	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input type="checkbox"/> Airport Land Use Plan	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Energy Wise Plan	
<input checked="" type="checkbox"/> North County Area Plan/El Pomar-Estrella SA	

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

- Albion Environmental, Inc. 2018. Phase 1 Cultural Resource Inventory of 630 and 640 El Pomar Drive in Templeton, California. May 2018.
- Association of Transportation Engineers (ATE). 2018. Traffic Study for the Finley Farms Cannabis Cultivation Project, San Luis Obispo County. June 28, 2018.
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- Barros, Ana M.G., Jose M.C. Pereira, Max A. Moritz, and Scott L. Stephens. 2013. Spatial Characterization of Wildfire Orientation Patterns in California. *Forests* 2013, 4; Pp 197-217." 2013.
- California Department of Conservation (CDOC). 2004. A Guide to the Farmland Mapping and Monitoring Program. California Department of Conservation Division of Land Resource Protection.
- _____. 2015. Fault Activity Map of California. Available at < <http://maps.conservation.ca.gov/cgs/fam/>> Accessed April 16, 2019.
- _____. 2019. San Luis Obispo County Tsunami Inundation Maps. Available at <<https://www.conservation.ca.gov/cgs/tsunami/maps/San-Luis-Obispo>> Accessed May 2019.
- California Department of Forestry and Fire Protection (CAL FIRE). 2007. "Draft Fire Hazard Severity Zones in Local Responsibility Areas." Available at <http://frap.fire.ca.gov/webdata/maps/san_luis_obispo/fhszl06_1_map.40.pdf>
- California Department of Toxic Substances Control (DTSC). 2019. EnviroStor. Available at <<https://www.envirostor.dtsc.ca.gov/public/>> Accessed April 17, 2019.
- California Geological Survey (CGS). 2015. CGS Information Warehouse: Mineral Land Classification. Available at <<https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>> Accessed April 16, 2019.
- County of San Luis Obispo. 2007. San Joaquin Kit Fox Standard Mitigation Ratio Areas. Available at: <<https://www.slocounty.ca.gov/getattachment/2c0fc293-eb37-4a0c-af22-5e0992efd025/Kit-Fox-Habitat-Area.aspx>>
- _____. 2013. Vintner Solar LLC Minor Use Permit Mitigated Negative Declaration. San Luis Obispo County Department of Planning and Building. July 11, 2013.
- _____. 2016. 2015/2016 County Bikeways Plan. July 6th, 2016.
- County of Santa Barbara. 2008. Final Environmental Impact Report Lompoc Wind Energy Project – 3.12 Paleontological Resources. August 2008.
- _____. 2017. Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program. December 2017.
- _____. 2018. County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form.
- County of San Luis Obispo Staff. 2019. California Emissions Estimator Model (CalEEMod) Results.

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- Diblee, T.W. 2004. Geologic Map of the Templeton Quadrangle, San Luis Obispo County, California. Santa Barbara Museum of Natural History. June 2004.
- Miller Drilling Co. 2018. Pump Test Report. May 22, 2018.
- Neil O. Anderson and Associates. 2013. Geotechnical Investigation Vintner Solar Project 1050 El Pomar Drive. August 6, 2013.
- Omni Means. 2017. Templeton Community 2017 Travel Demand Model and Circulation Study Update. May 2017.
- Occupational Safety and Health Administration (OSHA). 2013. OSHA Technical Manual – Section III: Chapter 5 Noise. Updated August 15, 2013. Available at: <https://www.osha.gov/dts/osta/otm/new_noise/index.html#soundpressure>. Accessed January 2020.
- Pacific Gas and Electric (PG&E). 2019. Delivering Low-Emission Energy. Available at: <https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page>.
- San Luis Obispo Air Pollution Control District (SLOAPCD). 2012. CEQA Air Quality Handbook. April 2012.
- _____. 2017. Clarification Memorandum for the San Luis Obispo County Air Pollution Control District's 2012 CEQA Air Quality Handbook. November 2017.
- State Water Resources Control Board (SWRCB). 2015. GeoTracker. Available at <<http://geotracker.waterboards.ca.gov/>> Accessed April 17, 2019.
- SWCA Environmental Consultants (SWCA). 2013a. Biological Resources Assessment for Vintner Solar Project in Templeton, San Luis Obispo County, California. February 2013.
- _____. 2013b. Phase 1 Archaeological Survey for the Vintner Solar Project in Templeton, San Luis Obispo County, California. February 2013.
- U.S. Department of Agriculture (USDA). 1983. Soil Survey of San Luis Obispo County, California, Paso Robles Area. U.S. Department of Agriculture, Soil Conservation Service. May 1983.
- U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). 2017. Web Soil Survey. Available at <<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>> Accessed April 17, 2019.
- U.S. Environmental Protection Agency (USEPA). 2012. Biopesticides Registration Action Document – Cold Pressed Neem Oil PC Code 025006. Available at <https://www3.epa.gov/pesticides/chem_search/reg_actions/registration/decision_PC-025006_07-May-12.pdf>. Accessed June 5, 2019.
- United States Geological Survey (USGS). 2019. Areas of Land Subsidence in California. Available at: <https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html>
- WeatherSpark. 2016. Average Weather in Templeton, California, United States. Available at <<https://weatherspark.com/y/1290/Average-Weather-in-Templeton-California-United-States-Year-Round>>. Accessed April 17, 2019.

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Exhibit B – Other Agency Approvals That May Be Required

California Department of Food and Agriculture, CalCannabis Cultivation Licensing Division

CDFA has jurisdiction over the issuance of licenses to cultivate, propagate, and process commercial cannabis in California and issues licenses to outdoor, indoor, and mixed-light cannabis cultivators; cannabis nurseries; and cannabis processor facilities, where the local jurisdiction authorizes these activities (Bus. & Prof. Code, § 26012, subd. (a)(2)). All commercial cannabis cultivation within the California requires a cultivation license from CDFA.

The project is also subject to the CDFA's regulations for cannabis cultivation pursuant to the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), including environmental protection measures related to aesthetics, cultural resources, pesticide use and handling, use of generators, energy restrictions, lighting requirements, requirements to conduct Envirostor database searches, and water supply requirements.

State law also sets forth application requirements, site requirements, and general environmental protection measures for cannabis cultivation in CCR Title 3, Division 8, Chapter 1, Article 4. These measures include (but are not limited to) the following:

Section 8102 – Annual State License Application Requirements

- (p) For all cultivator license types except Processor, evidence of enrollment in an order or waiver of waste discharge requirements with the State Water Resources Control Board or the appropriate Regional Water Quality Control Board. Acceptable documentation for evidence of enrollment can be a Notice of Applicability letter. Acceptable documentation for a Processor that enrollment is not necessary can be a Notice of Non-Applicability;
- (q) Evidence that the applicant has conducted a hazardous materials record search of the EnviroStor database for the proposed premises. If hazardous sites were encountered, the applicant shall provide documentation of protocols implemented to protect employee health and safety;
- (s) For indoor and mixed-light license types, the application shall identify all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation;
- (v) Identification of all of the following applicable water sources used for cultivation activities and the applicable supplemental information for each source pursuant to section 8107;
- (w) A copy of any final lake or streambed alteration agreement issued by the California Department of Fish and Wildlife, pursuant to sections 1602 or 1617 of the Fish and Game Code, or written verification from the California Department of Fish and Wildlife that a lake and streambed alteration agreement is not required;
- (dd) If applicable, the applicant shall provide evidence that the proposed premises is not located in whole or in part in a watershed or other geographic area that the State Water Resources Control Board or the Department of Fish and Wildlife has determined to be significantly adversely impacted by cannabis cultivation pursuant to section 8216.

Section 8106 – Cultivation Plan Requirements

- (a) The cultivation plan for each Specialty Cottage, Specialty, Small, and Medium licenses shall include all of the following:
 - (3) A pest management plan.

Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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If the State Water Resources Control Board or the Department of Fish and Wildlife notifies the department in writing that cannabis cultivation is causing significant adverse impacts on the environment in a watershed or other geographic area pursuant to section 26069, subdivision (c)(1), of the Business and Professions Code, the department shall not issue new licenses or increase the total number of plant identifiers within that watershed or area while the moratorium is in effect.

Section 8304 – General Environmental Protection Measures

- (a) Compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife;
- (b) Compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code;
- (c) All outdoor lighting used for security purposes shall be shielded and downward facing;
- (d) Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered;
- (e) Requirements for generators pursuant to section 8306 of this chapter;
- (f) Compliance with pesticide laws and regulations pursuant to section 8307 of this chapter;
- (g) Mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

Section 8305 – Renewable Energy Requirements

Beginning January 1, 2023, all indoor, tier 2 mixed-light license types of all sizes, and nurseries using indoor or tier 2 mixed-light techniques, shall ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program, division 1, part 1, chapter 2.3, article 16 (commencing with section 399.11) of the Public Utilities Code.

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

- (a) Licensees shall comply with all pesticide laws and regulations enforced by the Department of Pesticide Regulation.

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

The retail sale of cannabis and/or cannabis products requires a state license from the Bureau of Cannabis Control.

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The project may also be subject to other permitting requirements of the federal and state governments, as described below.

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) provides legislation to protect federally listed plant and animal species. Impacts to listed species resulting from the implementation of a project would require the responsible agency or individual to formally consult with the USFWS to determine the extent of impact to a particular species. If the USFWS determines that impacts to a federally listed species would likely occur, alternatives and measures to avoid or reduce impacts must be identified.

State Water Resources Control Board

The project may require issuance of a water rights permit for the diversion of surface water or proof of enrollment in, or an exemption from, either the SWRCB or RWQCB program for water quality protection.

California Department of Fish and Wildlife

Lake or Streambed Alteration

Pursuant to Division 2, Chapter 6, Sections 1600–1602 of the California Fish and Game Code, CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. CDFW defines a “stream” (including creeks and rivers) as “a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation.” CDFW’s definition of “lake” includes “natural lakes or man-made reservoirs.” CDFW jurisdiction within altered or artificial waterways is based upon the value of those waterways to fish and wildlife.

If CDFW determines that a project may adversely affect existing fish and wildlife resources, a Lake or Streambed Alteration Agreement (SAA) is required. An SAA lists the CDFW conditions of approval relative to the proposed project, and serves as an agreement between an applicant and CDFW for a term of not more than 5 years for the performance of activities subject to this section.

California Endangered Species Act

The California Endangered Species Act (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened. The state also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, CDFW is empowered to review projects for their potential to impact special-status species and their habitats. Under the CESA, CDFW reserves the right to request the replacement of lost habitat that is considered important to the continued existence of CESA protected species.

DATE: April 22, 2020

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR BRETT FINLEY MINOR USE PERMIT
(DRC2018-00016)**

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

Per Public Resources Code Section 21081.6 the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, is responsible to verify compliance with these COAs.

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

MEASURES REQUIRED FOR IMPLEMENTATION OF PHASE 1 OF PROJECT DEVELOPMENT

AESTHETICS (AES)

- AES-1** **At the time of application for construction permits for Phase 1 of project development, or prior to establishment of the uses of Phase 1, whichever occurs first,** the applicant shall submit a landscape plan to the County Department of Planning and Building, prepared by a licensed landscape architect, for review and approval. The landscape plan shall be prepared in accordance with Water Efficient Landscape Methods and Landscape Plan Content requirements as described in LUO Section 22.16. The plan shall effectively screen the proposed development from viewers traveling along El Pomar Drive and shall include the following:
- a. The screen plants shall be strategically located along the southern and eastern fence lines of the project development site (approximately 1,170 feet long and 30 feet wide) and southern frontage of the property along El Pomar Drive from the existing solar array area to the proposed access driveway location (approximately 890 feet) and eastern boundary of the property from El Pomar Drive to the proposed fence line along the east-west portion of the proposed access driveway (see Figure 1). Placement of various tree types and understory vegetation (e.g., varying height, growth rate) shall be placed to create a more natural setting around the proposed fencing. Plantings shall screen 75% of the proposed fencing, greenhouses, and processing building as seen from El Pomar Drive, upon maturity or 5 years, whichever occurs first.

April 22, 2020

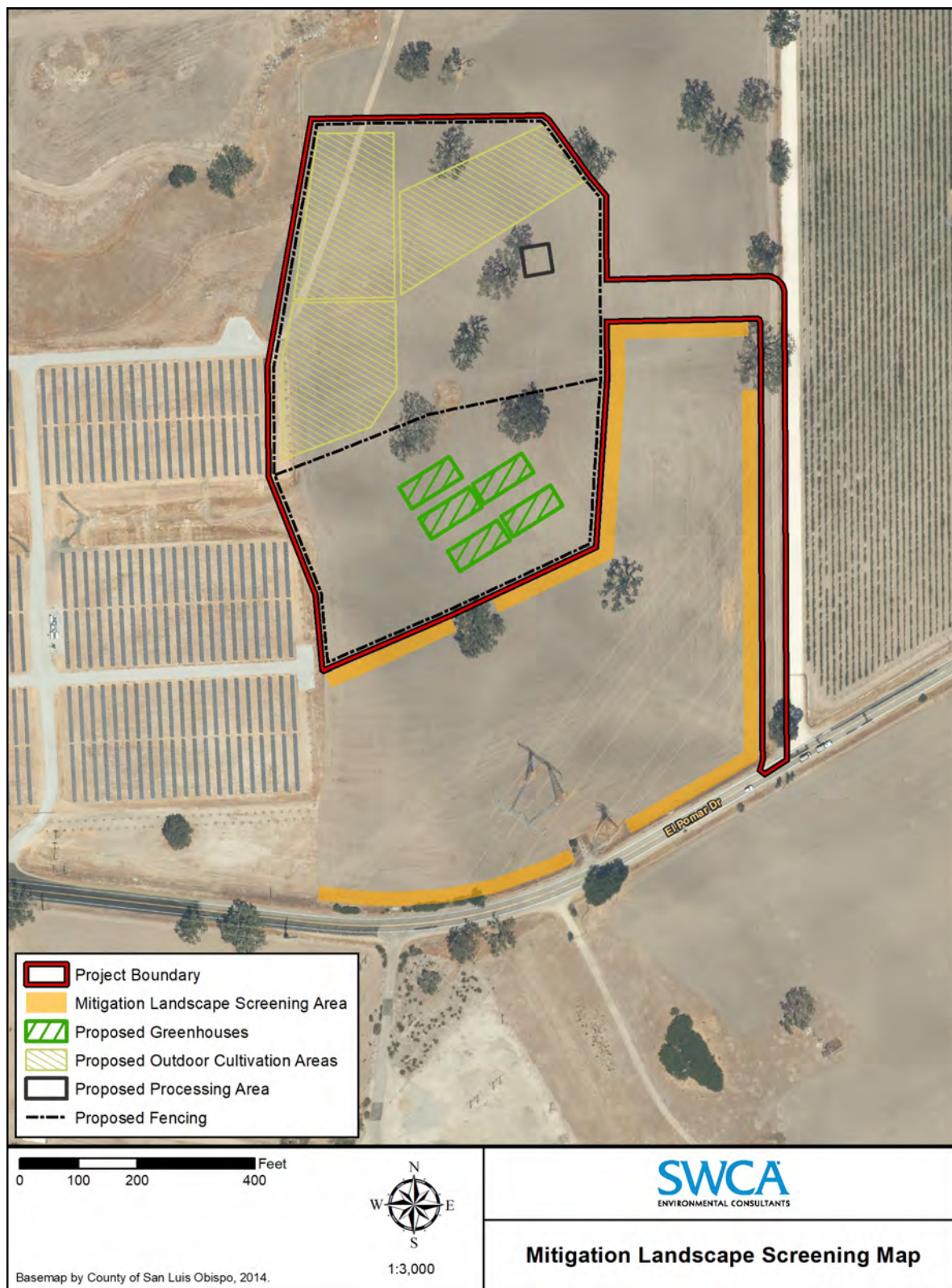


Figure 1. Mitigation Landscape Screening Map.

April 22, 2020

- b. Screen planting shall include evergreen trees capable of growing to a minimum height of 8 feet tall. Trees shall be planted from a minimum 15-gallon container size. Shrubs from 5-gallon containers shall be planted among the screen trees. All landscaping plants shall be native to the area and utilize plants identified in the County's Approved Plant List. At least 80% of the proposed vegetation shall have either an F1 or F2 fire resistance designation, as noted within the County's Approved Plant List.
- c. The landscape screening plan shall be designed to meet the required 75% screening criteria while accommodating for typical establishment success ratios and possible plant mortality.
- d. All vegetation planting with a maturity height of 10 feet or greater shall be located at least 50 feet from the proposed aboveground power connection and from existing powerlines.
- e. If possible, planting during the warmest, driest months (June through September) shall be avoided.
- f. The licensed landscape architect shall include a cost estimate for the implementation of the landscape plan.

AES-2 **Prior to final inspection/occupancy, or establishment of Phase 1 uses, whichever occurs first,** the approved landscape plan shall be implemented, and the applicant shall provide a letter to the County Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified landscape architect for the purpose of monitoring the success of the screen planting area. The monitoring contract shall include a requirement that the monitor conduct, at a minimum, an annual site visit and assessment of the planting success for 5 years and an annual submittal of a monitoring report to the County Department of Planning and Building.

AES-3 **Prior to final inspection/occupancy, or establishment of Phase 1 uses, whichever occurs first,** the applicant shall post a bond for the cost of implementing the landscape screening plan with the County Department of Planning and Building. **At the end of the 5-year monitoring period,** the monitoring report (as described in measure AES-2) shall be submitted to the County Department of Planning and Building for review:

- a. If the monitoring report demonstrates that the landscaping plan has been successfully implemented and meets the required screening criteria (as described in measure AES-1), the bond shall be returned to the applicant in full; or
- b. If the monitoring report demonstrates that the landscaping plan does not meet the required screening criteria, the applicant shall submit a revised landscape plan prepared by a licensed landscape architect in accordance with the standards set forth in measure AES-1 for review and approval by the County Planning Department. Upon approval of the revised landscape plan, the applicant shall implement the revised landscape plan and submit an annual monitoring report (consistent with the standards set forth in AES-2) for two years.
- c. If the revised landscape plan does not meet the required screening criteria after two years, the County Planning Department shall use the bond to hire a licensed landscape architect to implement and maintain the revised landscape screening plan. If the monitoring report demonstrates the landscaping plan successfully meets the required screening criteria, the bond shall be returned to the applicant in full.

AES-4 **For the life of the project,** all plantings associated with the landscape plan described in AES-1 shall be maintained until successfully established. This shall include protection (e.g., tree shelters, exclusionary fencing) from animals (e.g., deer, rodents), regular weeding (minimum of once during early fall and once during early spring) of at least a 3-

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foot radius surrounding each tree/plant, and adequate watering (e.g., drip irrigation system) as described in the approved landscape plan.

AES-5 **Prior to application for project building permits for Phase 1 development**, the applicant shall retain a licensed architect to prepare revised architectural elevations and design plans for the proposed 2,208-square-foot processing structure to incorporate agrarian-style architectural design and maximize consistency with the design elements of surrounding rural agricultural accessory structures in compliance with the rural character design criteria standards set forth in LUO Section 22.40.065(D). The revised design plans for the proposed processing building shall be submitted to the County Department of Planning and Building for review and approval.

AES-6 **Nighttime lighting. Prior to issuance of construction permits or establishment of use for both Phases 1 and 2**, the applicant shall submit a light pollution prevention plan (LPPP) to the County Department of Planning and Building for review and approval that incorporates the following measures to reduce impacts related to night lighting:

- a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
- b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping; and
- c. All exterior lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. All exterior lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions.

Monitoring: Required prior to establishment of uses, at time of application for construction permits, and throughout the life of the project. Monitoring reports to be submitted on an annual basis to the County Department of Planning and Building. Compliance will be verified by the County Department of Planning and Building.

AGRICULTURE AND FORESTRY RESOURCES (AG)

AG-1 **Within 60 days of permanent cessation of cannabis cultivation activities of either Phase 1, Phase 2, or both**, the applicant shall remove all fencing installed as part of the project that are located on Farmland of Local Importance per the FMMP, including all concrete footings.

Monitoring: Required within 60 days of permanent cessation of cannabis cultivation activities. Compliance will be verified by the County Department of Planning and Building.

AIR QUALITY (AQ)

AQ-1 **Prior to issuance of grading permits of both Phases 1 and 2**, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans for Phase 1 and Phase 2 of project development:

- a. Reduce the amount of the disturbed area where possible;

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- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stockpile areas should be sprayed daily or covered with tarps or other dust barriers, as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil-disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
- j. Install wheel washers or other devices to control tracking of mud and dirt onto adjacent roadways where vehicles enter and exit unpaved roads onto streets, 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. Water sweepers with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and
- l. The applicant shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and 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 SLOAPCD Engineering & Compliance Division **prior to the start of any grading, site disturbance, or demolition.**

Monitoring: Required prior to issuance of . Compliance will be verified by the County Department of Planning and Building.

BIOLOGICAL RESOURCES (BIO)

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- BIO-1** **Prior to issuance of construction permits or establishment of the uses for both Phases 1 and 2, whichever occurs first,** the applicant shall provide evidence to the County that they have retained a County-approved qualified biologist. The scope of work shall include preconstruction surveys, training, monitoring, and reporting, as detailed in the mitigation measures listed below.
- BIO-2** **Nesting Birds Avoidance.** To the maximum extent possible, all site preparation, ground-disturbing, and construction activities associated with Phase 1 and Phase 2 of project development shall be conducted outside of the migratory bird breeding season (February 1 through August 31). If such activities are required during this period, the qualified biologist shall conduct a nesting bird survey no sooner than 10 days prior to site disturbance activities and verify that migratory birds are not nesting within 0.5 mile of the project site. If nesting activity is detected, the following measures shall be implemented:
- a. The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA and/or California Fish and Game Code;
 - b. The qualified biologist shall contact the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to determine the appropriate biological buffer zone around active nest sites. Standard CDFW guidelines recommend a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and
 - c. The qualified biologist shall document all active nests and submit a letter report to the County, USFWS, and CDFW, documenting project compliance with the MBTA, California Fish and Game Code, and applicable project mitigation measures **within 14 days of survey completion.**
- BIO-3** **Burrowing Owl Surveys and Avoidance. Prior to initiation of construction and/or site-disturbance activities of both Phase 1 and Phase 2 of project development,** the applicant shall implement the following measures to minimize and avoid impacts to western burrowing owl habitat:
- a. No less than 14 days and no more than 30 days prior to ground-disturbing activities, a County-approved qualified biologist shall conduct pre-activity surveys for the presence of western burrowing owl and/or active burrows within the work area and within a 500-foot buffer of the work area. Surveys shall be conducted by County-approved qualified biologists walking straight-line transects spaced 20 feet to 60 feet, adjusting for vegetation height and density.
 - b. Exclusion zones, or no-disturbance buffers, shall be established around active burrows. No project-related disturbances shall occur within 160 feet of occupied burrows during the nonbreeding season of September 1 through January 31 or within 250 feet during the breeding season of February 1 through August 31.
 - c. If an active burrow is observed within 500 feet of the work area during the breeding season, construction activities shall not continue until a County-approved qualified biologist confirms the burrow is no longer active. Proposed adjustments to the buffer shall be through consultation with CDFW.
 - d. If an active burrow is observed within 160 feet of the work area during the non-breeding season, construction activities shall not continue until a County-approved qualified biologist confirms the burrow is no longer active.
 - e. The County-approved qualified biologist, with prior consultation and approval from CDFW, may institute passive relocation through use of one-way burrow doors that

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will not allow owls to reenter the burrow. Immediately before the start of construction activities, the biologists shall remove all doors and excavate the burrows to ensure that no animals are present at the burrow. The excavated burrows shall then be backfilled.

- f. A County-approved qualified biologist shall be present during the initial clearing and grading activity. If additional burrowing owl burrows are found, all work shall cease until the biologist can complete the measure described above for inactive and active burrows. Once all burrows have been excavated, work on the site may resume.
- g. The County-approved qualified biologist shall submit a report to the County within 14 days of completing initial surveys and every 14 days thereafter until grading activity is complete, documenting project compliance with the MBTA, California Fish and Game Code, and applicable project mitigation measures.

BIO-4 San Joaquin Kit Fox Preconstruction Monitoring Activities. In accordance with BIO-1, the qualified biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction for both Phases 1 and 2 of project development,** the qualified biologist shall conduct a pre-activity (i.e., preconstruction) transect survey of the work area and 250-foot buffer for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within 250 feet of the work area.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., grading, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-8 through BIO-15. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see Mitigation Measure BIO-7c). When weekly monitoring is required, the qualified biologist shall submit weekly monitoring reports to the County within 14 days.
- c. **Prior to or during project activities of both Phases 1 and 2 of project development,** if any observations are made of SJKF, or any known or potential SJKF dens are discovered within the project limits, the qualified biologist shall reassess the probability of incidental take (e.g., harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the USFWS and CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS and CDFW determine it is appropriate to resume work. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and CDFW. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant shall be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.
- d. In addition, the qualified biologist shall implement the following measures:
 - i. Within 30 days prior to initiation of site disturbance and/or construction of all phases of development, fenced exclusion zones shall be established around all known and potential kit fox dens. Dens will be avoided by the following

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distances: 50 feet for potential or atypical dens, 100 feet for known dens, and 250 feet for pupping dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey lath or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e., potential, known, active, or natal den), to be determined by the kit fox biologist.

- ii. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
- iii. If kit foxes or known or potential kit fox dens are found on-site, daily monitoring by a qualified biologist shall be required during ground-disturbing activities.

BIO-5 Kit Fox Speed Limit Signage. Prior to issuance of grading and/or construction permits for both Phases 1 and 2 of project development, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

BIO-6 Kit Fox Night Construction Limitation. During the site disturbance and/or construction phase of both Phases 1 and 2 of project development, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BIO-7 Kit Fox Worker Education Training program. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction for both Phases 1 and 2 of project development, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g., SJKF). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the County, and any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program and distributed at the training program to all contractors, employers, and other personnel involved with the construction of the project.

BIO-8 Kit Fox Entrapment Avoidance. During the site-disturbance and/or construction phase for both Phases 1 and 2 of project development, to prevent entrapment of the SJKF, all excavations, steep-walled holes, and trenches in excess of 2 feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume or be removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

In addition, during the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site shall be thoroughly inspected for trapped SJKF before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a

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kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.

- BIO-9 Kit Fox Trash Removal Procedures. During the site-disturbance and/or construction phase for both Phases 1 and 2 of project development,** all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract SJKF onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BIO-10 Pesticide and Herbicide Minimization Procedures. Prior to, during, and after the site-disturbance and/or construction phase for both Phases 1 and 2 of project development,** use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which SJKF depend.
- BIO-11 Kit Fox Mortality Procedures. During the site-disturbance and/or construction phase of both Phases 1 and 2 of project development,** any contractor or employee that inadvertently kills or injures an SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the USFWS and CDFW for care, analysis, or disposition.
- BIO-12 Kit Fox Fencing Requirements. Prior to final inspection or establishment of the use for both Phases 1 and 2 of project development, whichever occurs first,** all proposed fencing (solid wood) shall be installed to provide for kit fox passage and 8 x 12-inch openings near the ground shall be provided every 100 yards. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines and shall be inspected during quarterly monitoring by the County.
- BIO-13 Native Tree Impacts. Prior to issuance of construction or grading permits or prior to any site disturbance of both Phases 1 and 2 of project development, whichever occurs first,** a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees would be impacted by project activities, such as compaction (e.g., regular use of vehicles), grading (includes cutting and filling of material), tilling, placement of impermeable surfaces (e.g., pavement), or year-round irrigation within the critical root zone (measured to be a radius of 1.5 times the dripline of the tree), and which trees are to remain unimpacted.
- BIO-14 Oak Tree Replacement Plan. Prior to issuance of construction or grading permits or prior to site disturbance, whichever occurs first for both Phases 1 and 2 of project development,** the qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement native oak trees on the project parcel and surrounding parcels owned by the Applicant and shall be reviewed and approved by the County Department of Planning and Building. Mitigation replacement plantings for each oak tree impacted shall be at a 2:1 ratio (e.g., if 10 trees are impacted, 20 trees shall be planted). The Oak Tree Replacement Plan shall include the following components:

- a. A brief narrative of the project location, description, and purpose;

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- b. Clearly identified parties responsible for the mitigation program and their contact information;
- c. A landscape map showing and quantifying all oak tree planting areas;
- d. A requirement that all replacement oak trees be located at least 50 feet from the proposed aboveground power connection and from existing powerlines.
- e. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
- f. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
- g. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.
- h. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
- i. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and
- j. Methods for removing nonnative species from the replanting areas.

BIO-15 Unimpacted Oak Tree Maintenance. For the life of the project, all oak trees not identified as being impacted shall be maintained. Unless identified as impacted in the finalized site plans, the following activities are not allowed within the critical root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless “establishing” new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).

Monitoring: Prior to the onset of construction activities, construction plans shall be checked for inclusion of the general measures for site maintenance and general operations. Compliance will be verified by the County Department of Planning and Building prior to and during construction and for the life of the project.

ENERGY/GREENHOUSE GAS EMISSIONS (ENG)

ENG-3 At time of each quarterly monitoring inspection, the applicant shall provide to the County Department of Planning and Building for review, a current energy use statement from the electricity provider (e.g., PG&E) that demonstrates energy use to date for the year. The applicant shall demonstrate continued compliance with ENG-1 and ENG-2 (e.g., providing a currently PG&E energy statement showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

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Monitoring: Required at the time of quarterly monitoring inspections. Compliance will be verified by the County Department of Planning and Building.

NOISE (N)

N-1 For the life of the project, operation of the diesel fuel generator shall be limited to no more than 1 hour daily between the hours of 7:00 a.m. and 10:00 p.m.

Monitoring: Required for the life of the project. Compliance will be verified by the County Department of Planning and Building.

MEASURES REQUIRED FOR IMPLEMENTATION OF PHASE 2 OF PROJECT DEVELOPMENT

AESTHETICS (AES)

AES-4 Prior to issuance of construction permits for Phase 2 development, the applicant must submit evidence demonstrating full compliance with Phase 1 measures AES-1, AES-2, and post a bond for the cost of implementing the landscape screening plan as described in AES-3.

AES-5 For the life of the project, all plantings associated with the landscape plan described in AES-1 shall be maintained until successfully established. This shall include protection (e.g., tree shelters, exclusionary fencing) from animals (e.g., deer, rodents), regular weeding (minimum of once during early fall and once during early spring) of at least a 3-foot radius surrounding each tree/plant, and adequate watering (e.g., drip irrigation system) as described in the approved landscape plan.

AES-7 **Nighttime lighting.** Prior to issuance of construction permits or establishment of use for both Phases 1 and 2, the applicant shall submit a light pollution prevention plan (LPPP) to the County Department of Planning and Building for review and approval that incorporates the following measures to reduce impacts related to night lighting:

- a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
- b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping; and
- c. All exterior lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. All exterior lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions.

Monitoring: Required prior to establishment of uses, at time of application for construction permits, and throughout the life of the project. Compliance will be verified by the County Department of Planning and Building.

AIR QUALITY (AQ)

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- AQ-1** **Prior to issuance of grading permits of both Phases 1 and 2**, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans for Phase 1 and Phase 2 of project development:
- a. Reduce the amount of the disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible;
 - c. All dirt stockpile areas should be sprayed daily or covered with tarps or other dust barriers, as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil-disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
 - j. Install wheel washers or other devices to control tracking of mud and dirt onto adjacent roadways where vehicles enter and exit unpaved roads onto streets, 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. Water sweepers with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and
 - l. The applicant shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and 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 SLOAPCD Engineering & Compliance Division **prior to the start of any grading, site disturbance, or demolition.**

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Monitoring: Required prior to issuance of . Compliance will be verified by the County Department of Planning and Building.

BIOLOGICAL RESOURCES (BIO)

- BIO-1** **Prior to issuance of construction permits or establishment of the uses for both Phases 1 and 2, whichever occurs first,** the applicant shall provide evidence to the County that they have retained a County-approved qualified biologist. The scope of work shall include preconstruction surveys, training, monitoring, and reporting, as detailed in the mitigation measures listed below.
- BIO-2** **Nesting Birds Avoidance.** To the maximum extent possible, all site preparation, ground-disturbing, and construction activities associated with Phase 1 and Phase 2 of project development shall be conducted outside of the migratory bird breeding season (February 1 through August 31). If such activities are required during this period, the qualified biologist shall conduct a nesting bird survey no sooner than 10 days prior to site disturbance activities and verify that migratory birds are not nesting within 0.5 mile of the project site. If nesting activity is detected, the following measures shall be implemented:
- a. The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA and/or California Fish and Game Code;
 - b. The qualified biologist shall contact the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to determine the appropriate biological buffer zone around active nest sites. Standard CDFW guidelines recommend a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and
 - c. The qualified biologist shall document all active nests and submit a letter report to the County, USFWS, and CDFW, documenting project compliance with the MBTA, California Fish and Game Code, and applicable project mitigation measures **within 14 days of survey completion.**
- BIO-3** **Burrowing Owl Surveys and Avoidance. Prior to initiation of construction and/or site-disturbance activities of both Phase 1 and Phase 2 of project development,** the applicant shall implement the following measures to minimize and avoid impacts to western burrowing owl habitat:
- a. No less than 14 days and no more than 30 days prior to ground-disturbing activities, a County-approved qualified biologist shall conduct pre-activity surveys for the presence of western burrowing owl and/or active burrows within the work area and within a 500-foot buffer of the work area. Surveys shall be conducted by County-approved qualified biologists walking straight-line transects spaced 20 feet to 60 feet, adjusting for vegetation height and density.
 - b. Exclusion zones, or no-disturbance buffers, shall be established around active burrows. No project-related disturbances shall occur within 160 feet of occupied burrows during the nonbreeding season of September 1 through January 31 or within 250 feet during the breeding season of February 1 through August 31.
 - c. If an active burrow is observed within 500 feet of the work area during the breeding season, construction activities shall not continue until a County-approved

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qualified biologist confirms the burrow is no longer active. Proposed adjustments to the buffer shall be through consultation with CDFW.

- d. If an active burrow is observed within 160 feet of the work area during the non-breeding season, construction activities shall not continue until a County-approved qualified biologist confirms the burrow is no longer active.
- e. The County-approved qualified biologist, with prior consultation and approval from CDFW, may institute passive relocation through use of one-way burrow doors that will not allow owls to reenter the burrow. Immediately before the start of construction activities, the biologists shall remove all doors and excavate the burrows to ensure that no animals are present at the burrow. The excavated burrows shall then be backfilled.
- f. A County-approved qualified biologist shall be present during the initial clearing and grading activity. If additional burrowing owl burrows are found, all work shall cease until the biologist can complete the measure described above for inactive and active burrows. Once all burrows have been excavated, work on the site may resume.
- g. The County-approved qualified biologist shall submit a report to the County within 14 days of completing initial surveys and every 14 days thereafter until grading activity is complete, documenting project compliance with the MBTA, California Fish and Game Code, and applicable project mitigation measures.

BIO-4 San Joaquin Kit Fox Preconstruction Monitoring Activities. In accordance with BIO-1, the qualified biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction for both Phases 1 and 2 of project development,** the qualified biologist shall conduct a pre-activity (i.e., preconstruction) transect survey of the work area and 250-foot buffer for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within 250 feet of the work area.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., grading, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-8 through BIO-15. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see Mitigation Measure BIO-7c). When weekly monitoring is required, the qualified biologist shall submit weekly monitoring reports to the County within 14 days.
- c. **Prior to or during project activities of both Phases 1 and 2 of project development,** if any observations are made of SJKF, or any known or potential SJKF dens are discovered within the project limits, the qualified biologist shall reassess the probability of incidental take (e.g., harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the USFWS and CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS and CDFW determine it is appropriate to resume work. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and CDFW. The results of this consultation may require the applicant to obtain a Federal and/or

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State permit for incidental take during project activities. The applicant shall be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:
- i. Within 30 days prior to initiation of site disturbance and/or construction of all phases of development, fenced exclusion zones shall be established around all known and potential kit fox dens. Dens will be avoided by the following distances: 50 feet for potential or atypical dens, 100 feet for known dens, and 250 feet for pupping dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey lath or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e., potential, known, active, or natal den), to be determined by the kit fox biologist.
 - ii. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
 - iii. If kit foxes or known or potential kit fox dens are found on-site, daily monitoring by a qualified biologist shall be required during ground-disturbing activities.

BIO-5 Kit Fox Speed Limit Signage. Prior to issuance of grading and/or construction permits for both Phases 1 and 2 of project development, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

BIO-6 Kit Fox Night Construction Limitation. During the site disturbance and/or construction phase of both Phases 1 and 2 of project development, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BIO-7 Kit Fox Worker Education Training program. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction for both Phases 1 and 2 of project development, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g., SJKF). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the County, and any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program and distributed at the training program to all contractors, employers, and other personnel involved with the construction of the project.

BIO-8 Kit Fox Entrapment Avoidance. During the site-disturbance and/or construction phase for both Phases 1 and 2 of project development, to prevent entrapment of the SJKF, all excavations, steep-walled holes, and trenches in excess of 2 feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any

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kit fox so discovered shall be allowed to escape before field activities resume or be removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

In addition, during the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site shall be thoroughly inspected for trapped SJKF before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.

- BIO-9 Kit Fox Trash Removal Procedures. During the site-disturbance and/or construction phase for both Phases 1 and 2 of project development,** all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract SJKF onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BIO-10 Pesticide and Herbicide Minimization Procedures. Prior to, during, and after the site-disturbance and/or construction phase for both Phases 1 and 2 of project development,** use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which SJKF depend.
- BIO-11 Kit Fox Mortality Procedures. During the site-disturbance and/or construction phase of both Phases 1 and 2 of project development,** any contractor or employee that inadvertently kills or injures an SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the USFWS and CDFW for care, analysis, or disposition.
- BIO-12 Kit Fox Fencing Requirements. Prior to final inspection or establishment of the use for both Phases 1 and 2 of project development, whichever occurs first,** all proposed fencing (solid wood) shall be installed to provide for kit fox passage and 8 x 12-inch openings near the ground shall be provided every 100 yards. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines and shall be inspected during quarterly monitoring by the County.
- BIO-13 Native Tree Impacts. Prior to issuance of construction or grading permits or prior to any site disturbance of both Phases 1 and 2 of project development, whichever occurs first,** a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees would be impacted by project activities, such as compaction (e.g., regular use of vehicles), grading (includes cutting and filling of material), tilling, placement of impermeable surfaces (e.g., pavement), or year-round irrigation within the critical root zone (measured to be a radius of 1.5 times the dripline of the tree), and which trees are to remain unimpacted.
- BIO-14 Oak Tree Replacement Plan. Prior to issuance of construction or grading permits or prior to site disturbance, whichever occurs first for both Phases 1 and 2 of project development,** the qualified biologist shall prepare an Oak Tree Replacement Plan that

provides for the installation and maintenance of replacement native oak trees on the project parcel and surrounding parcels owned by the Applicant and shall be reviewed and approved by the County Department of Planning and Building. Mitigation replacement plantings for each oak tree impacted shall be at a 2:1 ratio (e.g., if 10 trees are impacted, 20 trees shall be planted). The Oak Tree Replacement Plan shall include the following components:

- a. A brief narrative of the project location, description, and purpose;
- b. Clearly identified parties responsible for the mitigation program and their contact information;
- c. A landscape map showing and quantifying all oak tree planting areas;
- d. A requirement that all replacement oak trees be located at least 50 feet from the proposed aboveground power connection and from existing powerlines.
- e. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
- f. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
- g. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.
- h. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
- i. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and
- j. Methods for removing nonnative species from the replanting areas.

BIO-15 Unimpacted Oak Tree Maintenance. For the life of the project, all oak trees not identified as being impacted shall be maintained. Unless identified as impacted in the finalized site plans, the following activities are not allowed within the critical root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).

Monitoring: Prior to the onset of construction activities, construction plans shall be checked for inclusion of the general measures for site maintenance and general operations. Compliance will be verified by the County Department of Planning and Building prior to and during construction and for the life of the project.

ENERGY/GREENHOUSE GAS EMISSIONS (ENG)

ENG-1 Prior to issuance of building permits for Phase 2 of project development, the applicant shall provide to the County Department of Planning and Building for review and approval an Energy Conservation Plan with measures that when implemented would

reduce or offset the project's energy demand to within 20% of the energy use of a generic commercial building of the same size. The Energy Conservation Plan shall include the following:

- a. A detailed breakdown of energy demand prepared by a certified energy analyst. The energy breakdown shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities, including, but not limited to, lighting, odor management, and climate control equipment. Such quantification shall be expressed in total kWh per year and non-electrical sources shall be converted to kWh per year.
- b. A program for providing a reduction or offset of all energy demand that is 20% or more above a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (e.g., solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include the following:
 1. Participating in an annual energy audit.
 2. Upgrading and maintaining efficient heating/cooling/dehumidification systems.
 3. Implement energy efficient lighting, specifically LED over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 4. Implementing automated lighting systems.
 5. Utilizing natural light when possible.
 6. Utilizing an efficient circulation system.
 7. Ensuring that energy use is below or in-line with industry benchmarks.
 8. Implementing phase-out plans for the replacement of inefficient equipment.
 9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
 - iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
 - iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

ENG-2 **Prior to issuance of building permits for Phase 2 of project development,** the applicant shall provide to the County Department of Planning and Building for review and approval a program for providing a reduction or offset of GHG emissions below MTCO_{2e}. Such a program (or programs) may include, but is not limited to, the following:

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- a. Purchase of GHG offset credits from any of the following recognized and reputable voluntary carbon registries:
 - i. American Carbon Registry;
 - ii. Climate Action Reserve; or
 - iii. Verified Carbon Standard.

Offsets purchased from any other source are subject to verification and approval by the County Department of Planning and Building.

- b. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.

ENG-3 At time of each quarterly monitoring inspection, the applicant shall provide to the County Department of Planning and Building for review, a current energy use statement from the electricity provider (e.g., PG&E) that demonstrates energy use to date for the year. The applicant shall demonstrate continued compliance with ENG-1 and ENG-2 (e.g., providing a currently PG&E energy statement showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

Monitoring: Required prior to issuance of building permits and at the time of quarterly monitoring inspections. Compliance will be verified by the County Department of Planning and Building.

NOISE (N)

N-1 For the life of the project, operation of the diesel fuel generator shall be limited to no more than 1 hour daily between the hours of 7:00 a.m. and 10:00 p.m.

Monitoring: Required for the life of the project. Compliance will be verified by the County Department of Planning and Building.


Signature of Applicant

BRETT FINLEY
Name (Print)

4/23/2020
Date