Summary of Water Consumption for GREENHOUSE Cannabis Cultivation @
GREENMILK LLC
2685 LYNCH CANYON RD., BRADLEY
Permit No DRC2018-00223
Exceptions to Applicants Environmental Submittals Water Management
Water Demand Analysis and Summary

Sirs:

Based on the applicants **STATED DEMAND TOTAL OF 5.88 acre-feet/year** (see attachment pg 114) 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 165,526 sq-ft (greenhouse canopy totals):

165,526 sq-ft (Total Area) ÷ 16 sq-ft (per plant area) = 10,345 plants

10,345 (plants) x 2 gal/day water = 20,690 gal/day water

20,690 (gal/day) ÷ 325,851 (gal) = 0.063 acre-feet/day

ACTUAL GREENHOUSE DEMAND: 0.063 X 365 days = 22.99 acre-feet/year
This project represents a potential 118% difference between STATED and ACTUAL water use.

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

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. Greenmilk LLC Conditional Use Permit ED21-009 DRC2018-00223

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.

☒ Aesthetics	☒ Greenhouse Gas Emissions	☐ Public Services
☐ Agriculture & Forestry Resources	☒ Hazards & Hazardous Materials	☐ Recreation
☒ Air Quality	☐ Hydrology & Water Quality	☐ Transportation
☒ Biological Resources	☒ Land Use & Planning	☐ Tribal Cultural Resources
☒ Cultural Resources	☐ Mineral Resources	☐ Utilities & Service Systems
☒ Energy	☐ Noise	☐ Wildfire
☐ Geology & Soils	☐ Population & Housing	☒ Mandatory Findings of Significance

DETERMINATION:

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.

David Moran	David Moran	1/14/2021
Prepared by (Print)	Signature	Date
Young Choi		2/2/2021
Reviewed by (Print)	Signature	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 **Greenmilk LLC** for a Conditional Use Permit (DRC2018-00223) to authorize cannabis operations with up to 3.75 acres of outdoor cultivation area in hoop houses, 22,000 square feet of indoor cultivation, 17,388 square feet of indoor commercial nursery, and 19,250 square feet of manufacturing, processing, non-storefront dispensary and offices. The manufacturing/processing and dispensary activities will be housed within a new 19,250 square foot building; indoor cultivation and nursery activities will take place within a 40,572 square foot greenhouse attached to the processing building. In addition, the project includes a 10,000 square foot building to be occupied in the future by offices and a warehouse. The project includes a request for an ordinance modification to reduce the required number of parking spaces from 111 to 68. The project will result in approximately 8.2 acres of site disturbance including 8,200 cubic yards (CY) of cut and 13,050 cy of fill on an approximately 156.7 acre parcel located at 2685 Lynch Canyon Road, north of the community of Oak Shores and west of the community of San Miguel. The project is within the Agricultural land use category and the Lake Nacimiento Sub Area of the North County Planning Area.

The site plan (Figure 2) shows the proposed processing building, greenhouses and outdoor storage area arranged east-west in the northeast corner of the site between the north property line and an ephemeral drainage. Two new wells with corresponding transmission lines will be installed on the project site along with a 60,000 gallon water storage tank (Figure 4). Paved parking for 68 vehicles is provided in double-loaded bays along the north side of the buildings adjacent to the property line; a paved driveway connects the parking area to Wendy Way, a private unimproved access road that connects the project site to Interlake Road and Lynch Road. The proposed processing building will be composed of rectangular components with a flat roof and will be 22.5 feet tall. The greenhouses will consist of 42 foot wide attached bays with the roof line of each bay oriented north-south; the greenhouses will be 20.5 feet at the highest point of the roofline.

The regional location of the project site is shown in Figure 1, and an aerial view is provided in Figure 2. Table 1 provides a summary of project components.

Table 1 – Project Components

Project Component	Quantity	Area (sf)	Cannabis Canopy (sf)	Canopy (acres)
Outdoor Cultivation				
Hoop Houses – Mature/Flowering	49	163,350	130,680	3.00
	Total	*163,350*	*130,680*	*3.00*
Indoor Cultivation and Nursery				
Greenhouse – Mature/Flowering	1	23,184	20,160	0.46
Greenhouse – Commercial Nursery	1	17,388	14,686	0.34
	Total	*40,572*	*34,846*	*0.80*
Indoor Processing, Manufacturing and Non-Storefront Dispensary Building				
Indoor Cultivation	1	760	760	0.01
Processing (Drying/Curing/Trimming/Fertigation)		7,447	n/a	n/a
Offices		829	n/a	n/a
Employee Facilities (restrooms, lockers)		1,255	n/a	n/a
Non-storefront Dispensary		174	n/a	n/a
Manufacturing		1,876	n/a	n/a
Storage		2,218		
Other (mechanical, entry)		1,468	n/a	n/a
	Total:	*19,250*	*760*	*0.01*
Future Warehouse and Offices				
Offices	1	1,000	n/a	n/a
Warehouse		9,000	n/a	n/a
	Total:	*10,000*	*n/a*	*n/a*
	Total Project:	***233,172***	***166,286***	***3.81***
	Area of Disturbance	*357,192 (8.2 acres)*	*n/a*	*n/a*
Parking	68	125,788	n/a	n/a
Wells/Water Lines	various	8,600	n/a	n/a
Employees	38 full time, 30 part time	n/a	n/a	n/a
Cut and Fill	8,200 cubic yards (CY) of cut and 13,050 cy of fill	n/a	n/a	n/a
5,000 Liter Diesel storage tank	1	n/a	n/a	n/a

Operations

The project will employ a total of 38 full time staff and 30 part time workers and will operate 7 days per week year-round between the hours of 8AM and 8PM.

Processing

The project proposes to construct a new, 19,250 sq.ft. building house for the processing and manufacturing of cannabis products grown on site. Processing will include trimming, drying and packaging for shipment. Once cannabis products are processed, a sample will be transported off-site for testing, and then distributed for sale.

Manufacturing

The project includes non-volatile manufacturing of cannabis products. The manufacturing process will include extraction of cannabinoid rich oil using carbon dioxide and ethanol. The oils will be mixed with ethanol and frozen for at least 12 hours. The freezing will cause waxes, impurities and other particulates to form and these will be removed with a filtering process. The filtered oil/ethanol mixture will be processed to separate the oil from the ethanol creating a distilled product that then be processed a second time to insure the quality of the product.

Non-storefront Dispensary

The project proposes to use a 200 sq.ft. portion of the processing building for a non-storefront dispensary. Greenmilk will provide Cannabis delivery service to the Lake Nacimiento and West Paso Robles area. These areas are generally out of the range of most San Luis Obispo County Cannabis delivery services. Greenmilk will develop a website specific to its delivery service and take orders via the internet, phone, and smart phone app. Greenmilk delivery will stock in-house brand, as well as a variety of Cannabis products available through vendors. Greenmilk delivery will operate seven days a week and will be open from noon until 7pm. Greenmilk will use only child-proof packaging: including child-proof exit bags. Greenmilk delivery drivers will verify the age of the customer via valid government issued identification and drivers will undergo training in how to identify the validity of state identifications. Delivery drivers will drive fleet vehicles provided by Greenmilk that are outfitted with secure storage and GPS tracking.

Security

The premises will be accessible through a locked gate to secure the perimeter of the facility and prevent unauthorized access. Security cameras and dark-skies-compliant lights will be strategically placed in and along the exterior of the building as added safety measures.

Access to the site would be from Wendy Way, a private roadway; the entrance will be gated and locked. No public road improvements are necessary.

The processing building, greenhouses, outdoor storage areas and the outdoor cultivation area will be enclosed by a 6-foot high chain link security fence with opaque slats. Lighting associated with the greenhouses would be shielded with blackout screening to prevent views from offsite.

Odor Management

Odor associated with outdoor cultivation will be managed with the use of setbacks and barriers (hoop house materials and screened fencing) and by conducting processing and nursery activities within enclosed buildings. The proposed outdoor cultivation area will be located a minimum of 300 feet from all property lines. All structures utilized for indoor cannabis cultivation and processing will be equipped with sufficient ventilation controls (e.g. carbon scrubbers) and an odor neutralizing spray to eliminate nuisance odor emissions from being detected offsite. The proposed nursery operation is not anticipated to create any odor issues.

Water Management

Based on the Water Demand Analysis prepared for the project, cannabis related activities would result in approximately 5.94 acre-feet of water demand per year including 0.20 acre-feet per year for oak tree planting and 0.30 acre-feet per year domestic water use for 38 full-time employees.

The project water demand would be served by two new groundwater wells. A 60,000-gallon water tank would be installed on the property for storage.

Pesticides and Fertilizers

In accordance with LUO Section 22.40.050.C.3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan. The list of pesticides and herbicides that may be on site at a given time is provided below.

Manufacturer	Common Name	Active Ingredient
Marrone Bio Innovations	Regalia	Extract of reynoutria sachalinensis
Bayer	Serenade	QT 713 strain of bacillus subtilis
Valent	Pygenic EC 5.0	Pyrethrins
Marrone Bio Innovations	Grandevo	Chromobacterium subsugae PRAA4-1
Marrone Bio Innovations	Venerate	Burkholderia spp. Strain A396
Bionade	Sulphur	Ssulphur
Pathogen Zero	Pathogen Zero	Citric acid
BioSafe Systems	Zerotol 2.0	Hydrogen dioxide, Peroxyacetic acid
Food Grade	Food Grade Hydrogen Peroxide 32%	Hydrogen Peroxide
Greenspire Global, Inc.	Proacidic 2	Citric acid

Waste oil associated with extraction equipment will be stored in sealed drums and disposed of through licensed contracted hauling/disposal services. Fertilizers and pesticides will be stored in a locked cabinet.

Ordinance Modification. The project includes a modification from the parking provisions set forth in Section 22.18.050.C.1 of the County LUO. As shown in Table 2, by applying county parking standards to the various cannabis related uses, the project would require a total of 111 parking spaces. The project proposes a modification to reduce the required number of spaces from 111 to a total of 68 spaces with all-weather surface (decomposed granite) including two paved spaces meeting Americans with Disabilities Act [ADA] standards.

Table 2
Estimated Parking Requirements

Cannabis Activity	Gross Floor Area (sf)	Parking Req. Title 22	Parking Spaces Required
Indoor Cultivation	23,944	1:500	48
Commercial Nursery	17,388	1:500	35
Processing	7,447	1:1,000	7
Non-Storefront Dispensary	174	1:1,000	1
Non-Volatile Manufacturing	1,876	1:500	4
Office	1,829	1:400	5
Storage/Warehouse	1,1218	1:1,000	11
Total Parking Required			**111**

Baseline Conditions. The project will be constructed on a single lot of record; a parcel map (SUB2019-00032) to divide the parent 157-acre parcel into four parcels was withdrawn in 2019. However, the site plan shows the parcel lines associated with the withdrawn parcel map.

The project site is undeveloped and supports a diverse assemblage of open grassland, oak woodland, riparian and upland scrub habitats. Four unnamed 'blue line' drainages and four ephemeral drainages cross the project site but are outside the areas proposed for cannabis activities. Topography of the project site where cannabis activities are proposed is relatively flat; to the south the topography rises abruptly to the on the north slope of Tierra Redondo mountain which is a designated Sensitive Resource Area (SRA). Lynch Road, a county maintained rural collector, crosses the middle of the parcel in an east-west direction. Wendy Way, an unimproved private access road, extends south from Interlake Road to Lynch Road.

In 2019, the County approved the Oak Shores Wastewater Treatment Facility Upgrade for the unincorporated community of Oak Shores which is located about 5 miles south of the project site (Figure 1). The upgrade project includes phased improvements to the existing Oak Shores wastewater treatment facility that will include the construction of a wastewater force main to deliver treated wastewater to spray fields and a storage pond located on the project site (Figure 5) to the south of the proposed outdoor cultivation area. The spray fields and storage pond are expected to start construction toward the end of 2021. The wastewater facility upgrade project was the subject of separate, project-specific Supplemental Environmental Impact Report (SWCA Environmental Consultants, SCH# 2017111024) which recommended mitigation measures for aesthetic and visual resources, air quality, biological resources, cultural resources and land use.

There has been no cannabis cultivation previously on the project site.

ASSESSOR PARCEL NUMBER(S): 080-021-005

Latitude: 35.784º N **Longitude:** 120.973ºW **SUPERVISORIAL DISTRICT #** 1

B. Existing Setting

Plan Area: North County **Sub:** Salinas River **Comm:** Rural

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 160 acres

Topography: Nearly level to steeply sloping

Vegetation: Agriculture

Existing Uses: Agricultural uses accessory structures

Surrounding Land Use Categories and Uses:

North: Rural Lands; residential ***East:*** Agriculture; agricultural uses

South: Agriculture; agricultural uses ***West:*** Agriculture; residential

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 (CalFire)

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

Figure 1 -- Project Location

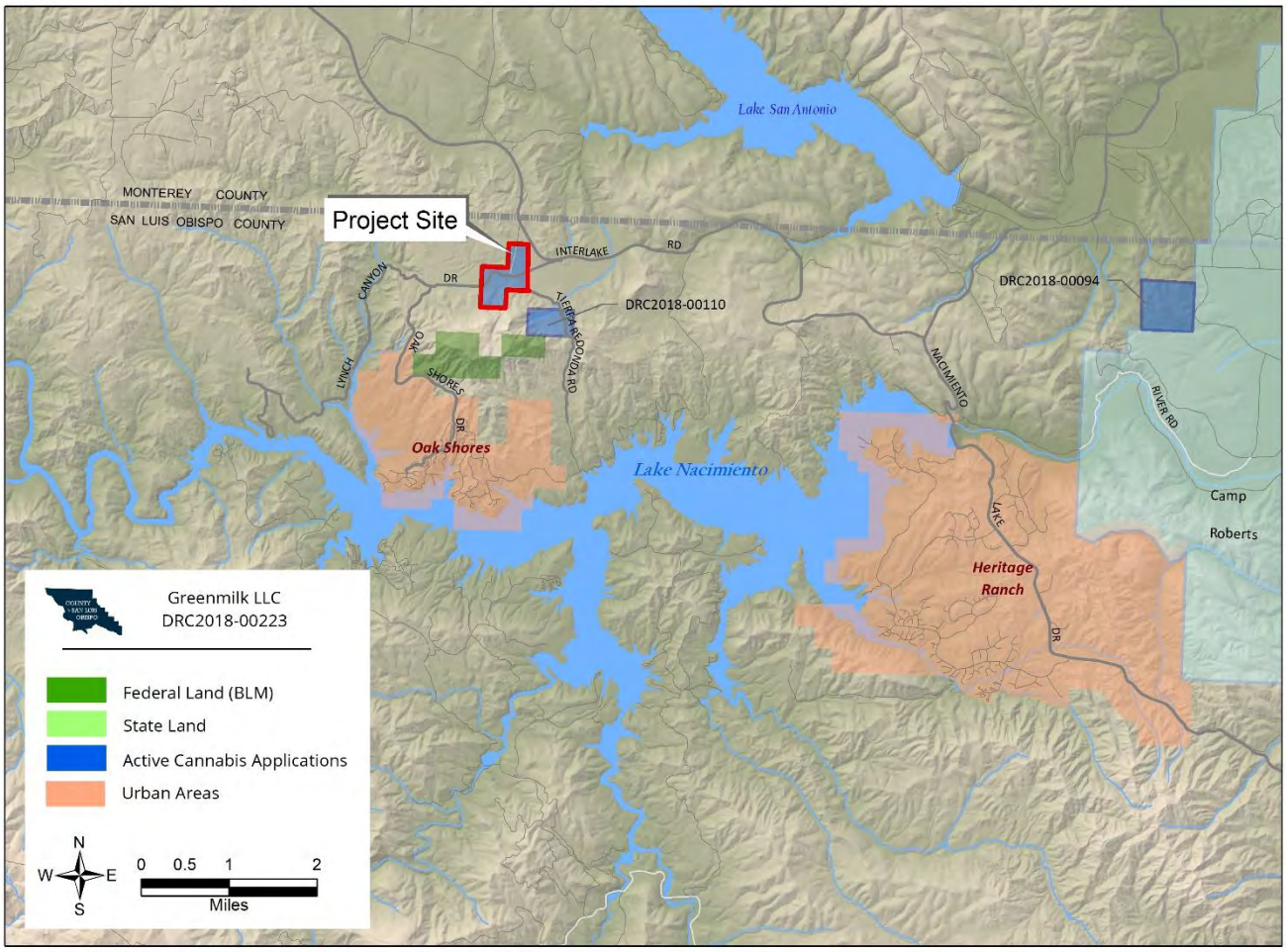


Figure 2 – Project Vicinity

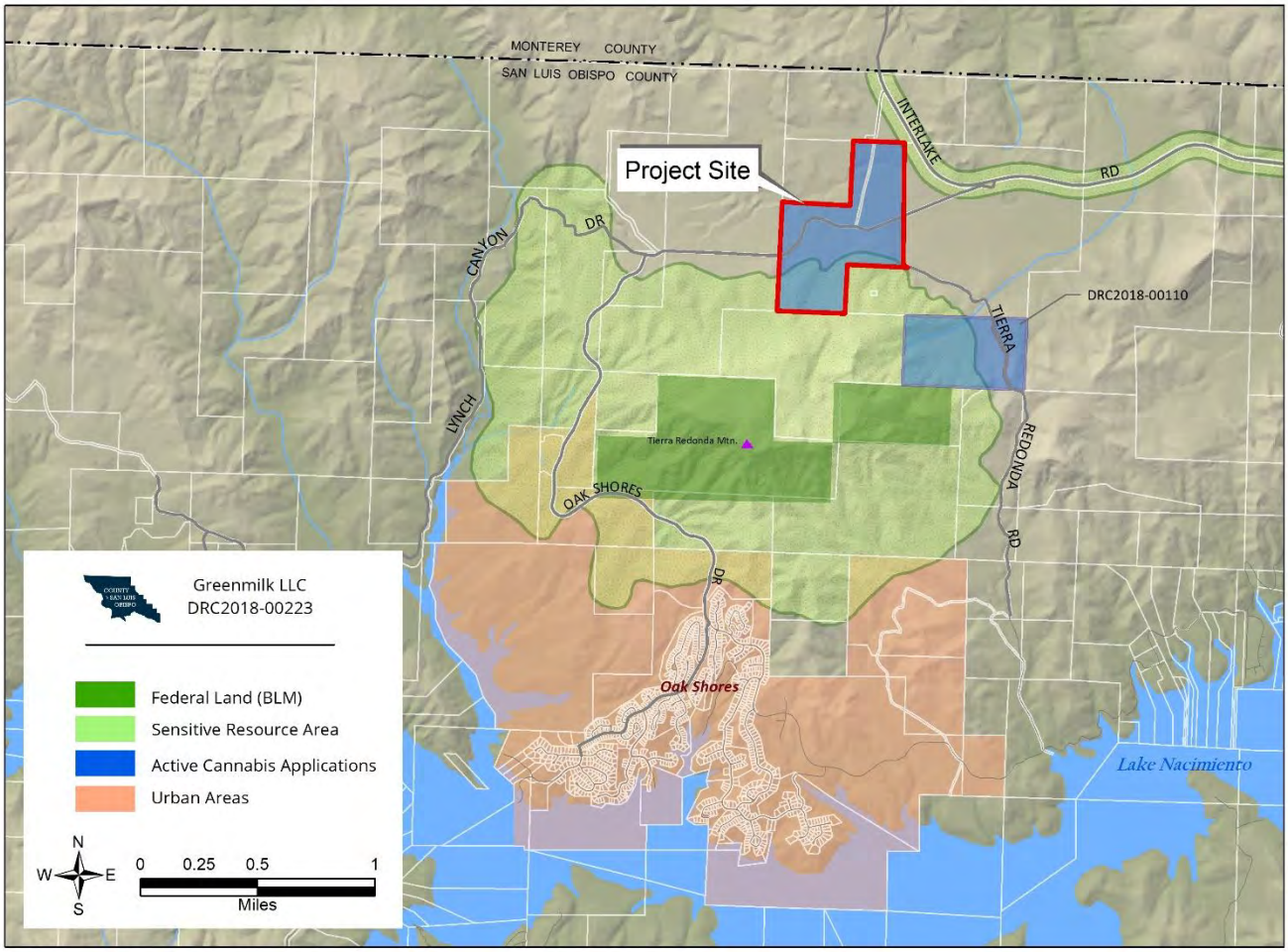


Figure 3 – Aerial View of the Project Site

- ***Lot lines shown below does not represent any official lot lines*.**

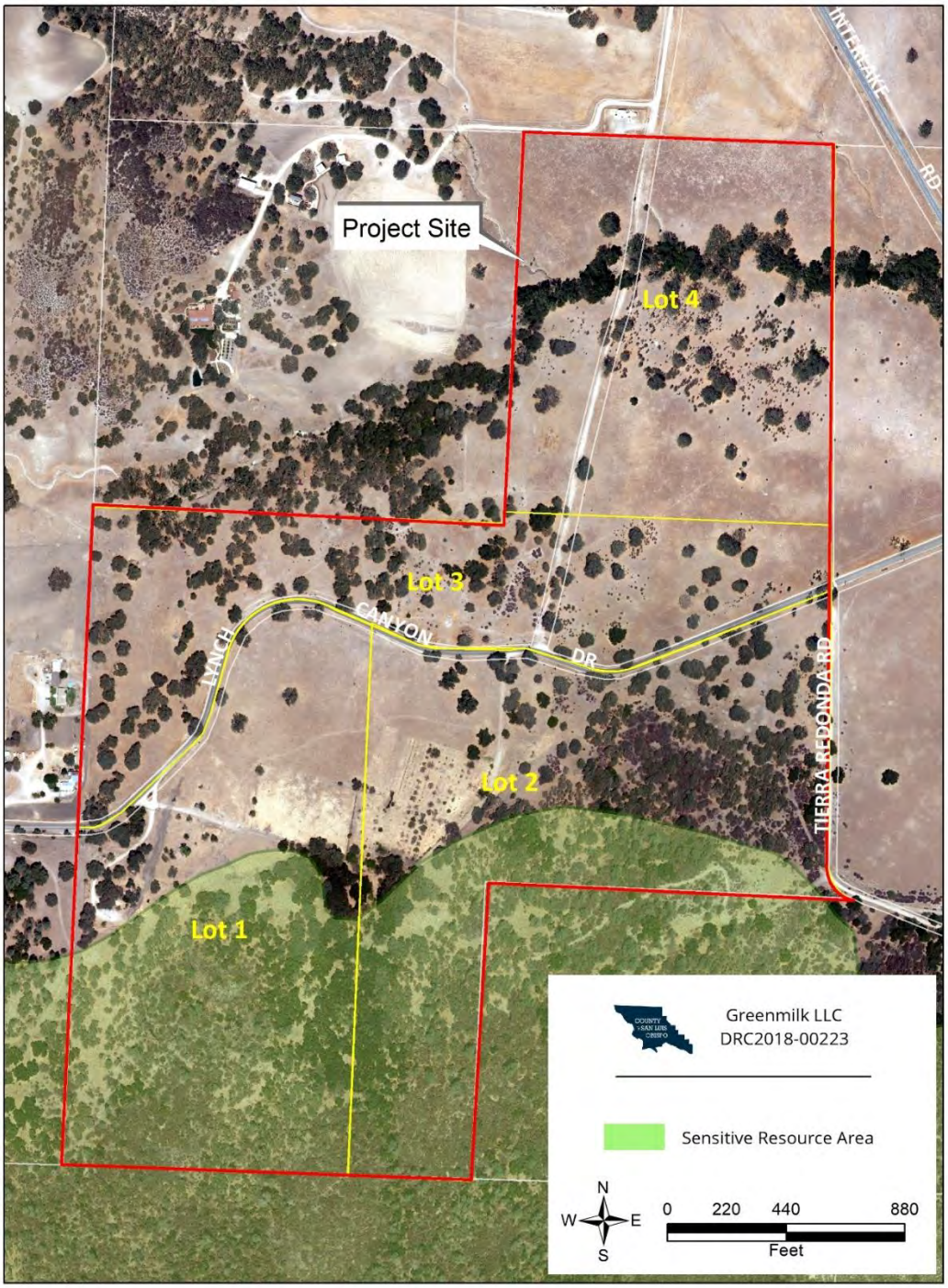


Figure 4 – Land Use Categories

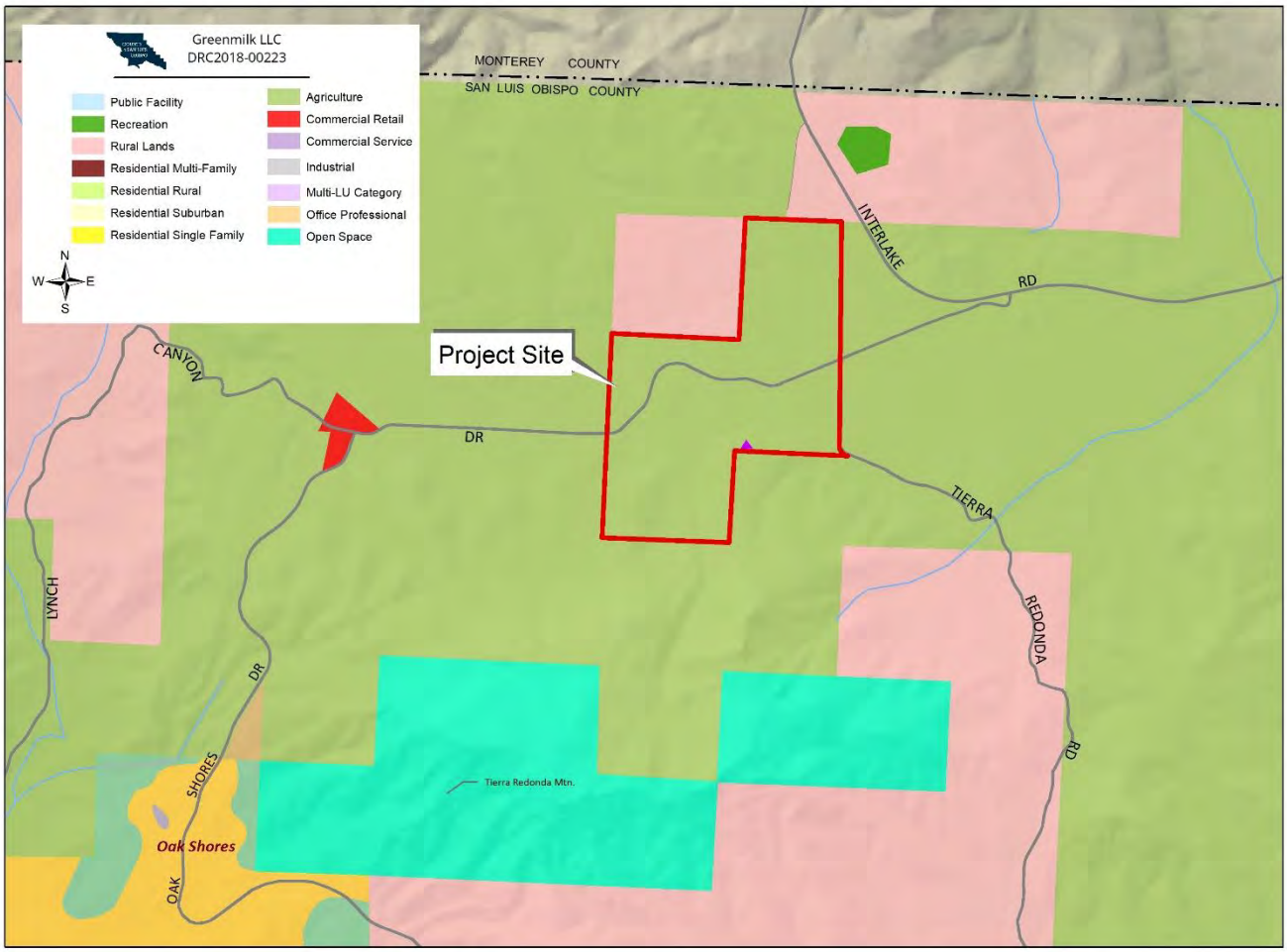


Figure 5 -- Overall Site Plan

- ***Lot lines shown above does not represent any official lot lines.***

Initial Study – Environmental Checklist

Figure 6 – Site Plan for Buildings and Parking Area

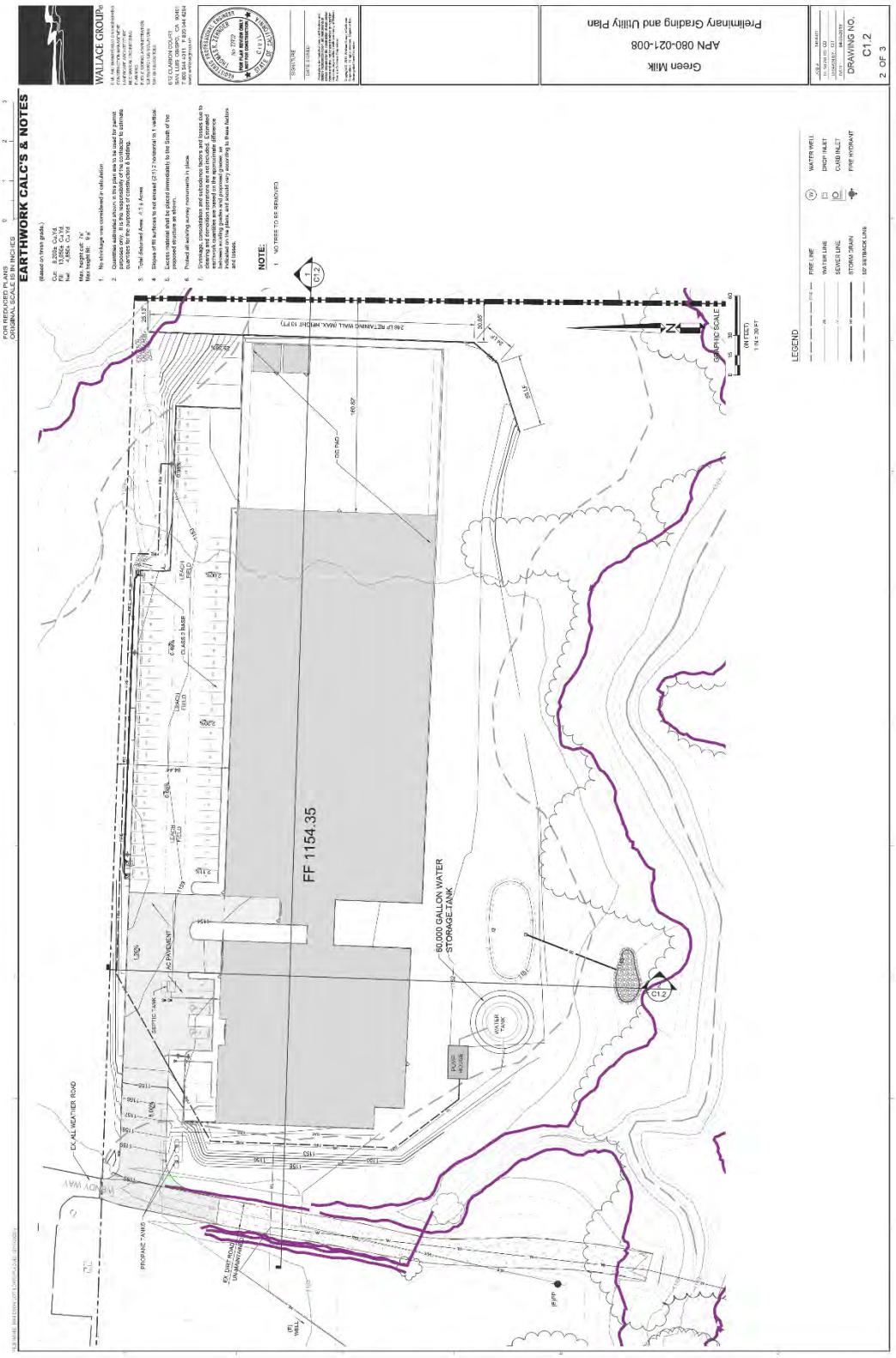


Figure 7 – Wells and Water Line Locations

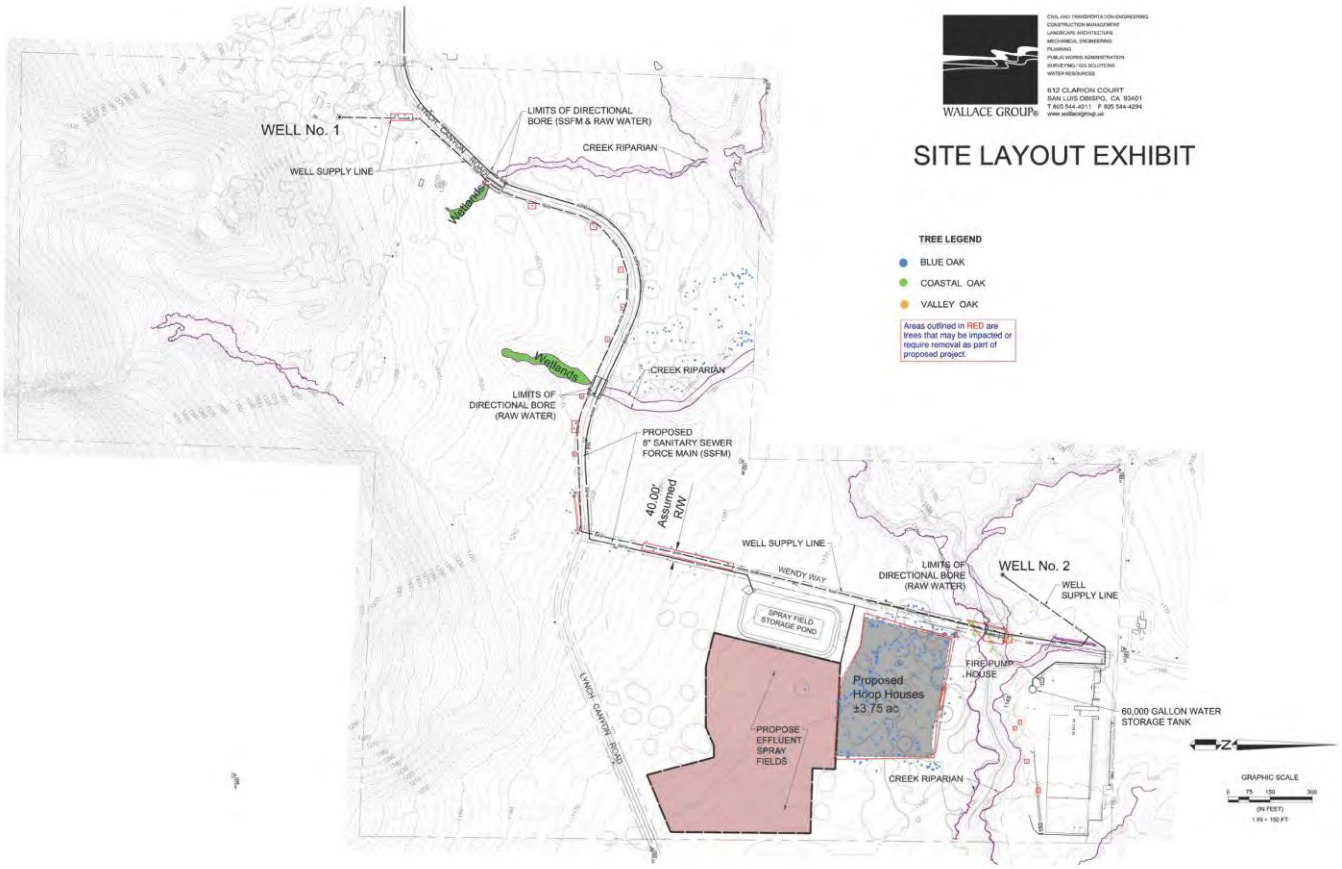


Figure 8 -- Building Elevations

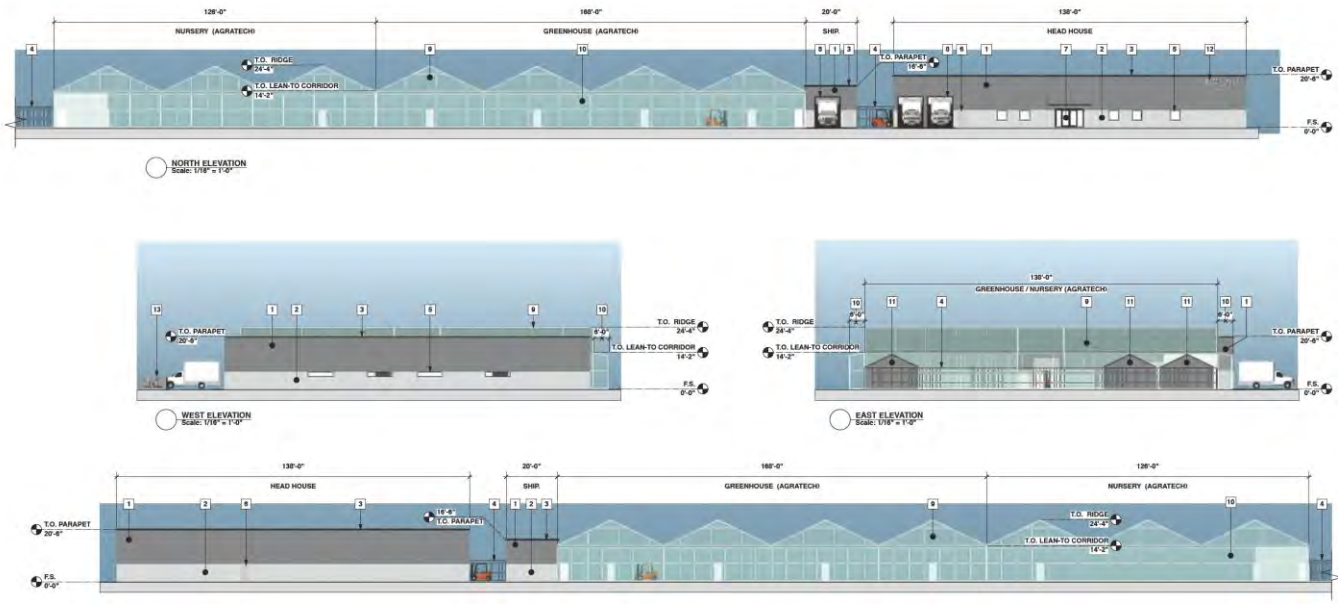
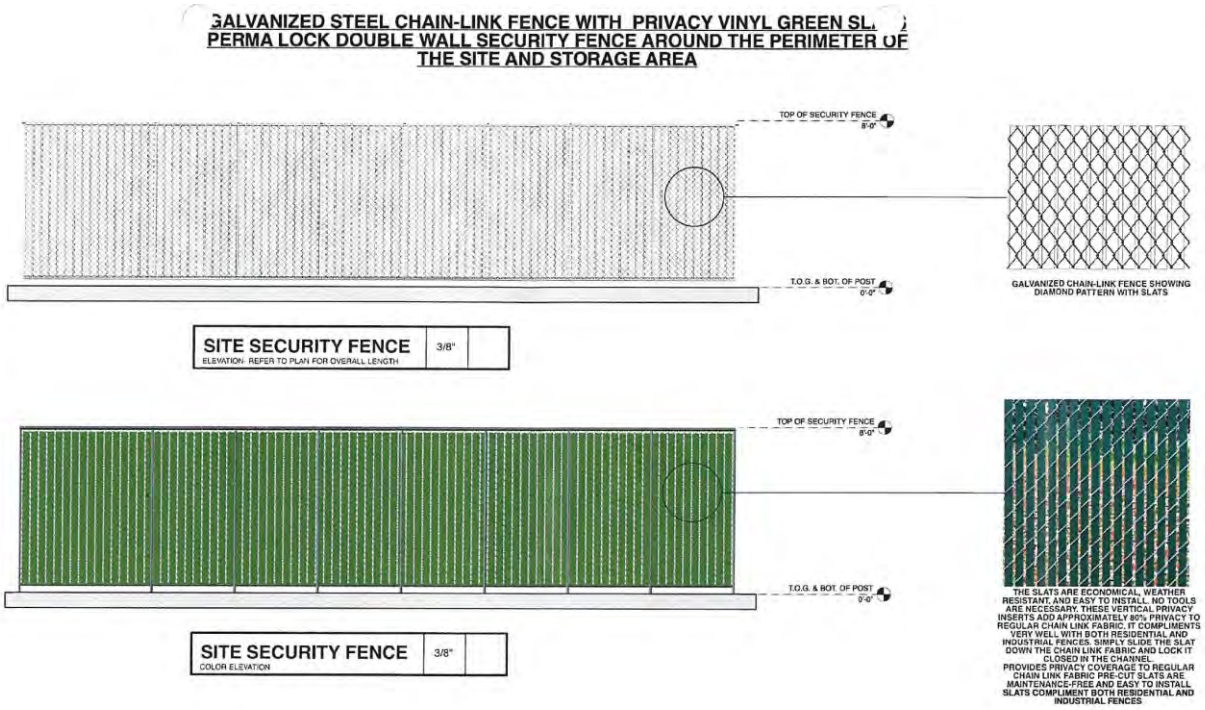


Figure 9 – Security Fencing



C. Environmental Analysis

The Initital 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
Except as provided in Public Resources Code Section 21099, would the project:					
(a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
(b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
(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?	☐	☒	☐	☐
(d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

Setting

The project site is located on a 157-acre parcel located north of the Oak Shores community at Lake Nacimiento and west of the community of San Miguel in a rural area of the county where the predominant land use is agriculture (grazing and vineyards) on parcels ranging in size from 25 acres to over 160 acres. The visual quality of the area is relatively high with expansive views of ranchlands and oak-covered hillsides. Tierra Redondo Mountain is located to the south and is the most prominent visual feature in the area.

The location where cannabis activities are proposed is relatively level and has historically been used for grazing. The project site takes access from Interlake Road and Lynch Canyon Road which are rural collectors that provide the primary vehicular access to ranches and vineyards in the area. Views from both roadways are expansive in the vicinity of the project site as they pass through the area. Traffic counts taken on Interlake River Road in 2018 west of Lake Nacimiento Road revealed an afternoon peak hour volume of 132 and 1,309 average daily trips. Counts taken on Lynch Canyon Road in 2014 west of Interlake Drive revealed an afternoon peak hour volume of 59 and 409 average daily trips. The area proposed outdoor cultivation

area and hoop structures is visible to the north from Lynch Canyon Road; views of the processing building and greenhouses from Lynch Canyon Road are blocked by vegetation associated with an ephemeral drainage and by scattered oak trees (Figure 10). Views of the project site from Interlake Road are largely unobstructed to north and southbound travelers (Figure 11).

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.
- **Goal VR 2:** The natural and historic character and identity 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 Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations 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."

The only Officially Designated State Scenic Highway in San Luis Obispo County is Highway 1. The project site is not visible from Highway 1. In addition, Section 22.30.310 of the LUO requires that greenhouses are screened at least 50 percent from public roads.

Figure 10 -- Views of the Project Site from Interlake Road Looking Soth

Figure 11 -- Views of the Project Site From Lynch Canyon Road Looking West

Discussion

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

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. The project site is located in a semi-rural area accessed by a driveway off of Wendy Way which provides access to Interlake Road and Lynch Canyon Road, which would serve as the primary public vantages for viewing the project site.

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 (Caltrans 2019). Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and *no impacts would occur.*

(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?*

In assessing project impacts on visual resources, the following factors were considered:

- *The potential for, and frequency of, viewing by the general public.*

The aesthetic effects of a project are more likely to be significant if they are highly visible to large numbers of the public over an extended period of time. Changes to views that are seen by a limited number of people, or for only limited duration, may be found to be less than significant.

As discussed in the setting, Interlake Road carries about 132 vehicles during the afternoon peak hour, or about 2 vehicles per minute will pass by the on the roadway. Traffic speeds on Interlake Road in the vicinity of the project site are about 55 miles per hour which means that travelers would pass by the project site in about 19 seconds, assuming the length of the parcel visible from the roadway where cannabis activities are visible is about 1,840 feet. Thus, opportunities for the public to view the processing building and greenhouses are relatively high. As discussed in the setting, views of the buildings from Lynch Canyon Road are screened by the intervening vegetation (Figure 11). However, the hoop structures and security fencing will be visible to passing motorists. Lynch Canyon Road carries an afternoon peak hour volume of 59 vehicles, or about one vehicle per minute will pass by the project site. Assuming traffic speeds are about 45 miles per hour, vehicles will pass by the project site in about 11 seconds, assuming the outdoor cultivation area is visible for 1,300 feet. Therefore, the potential and frequency to view components of the project from public vantage points along Interlake Road and Lynch Canyon Road are relatively high.

- *The integrity and uniqueness of the existing scenic resource.*

The magnitude of change necessary to create a significant impact to visual resources is greater in a disturbed or non-unique environment than in a pristine or rare environment.

The visual character of the vicinity of the project site includes low-intensity agricultural operations, grazing and horse ranches; the hillsides west of the project site have been planted with about 40 acres of wine grapes. The project site is located in a valley framed by relatively steep mountains with dense oak woodlands on the upper slopes. Thus, the visual qualities of the areas where cannabis activities are proposed are not unique within the area north of Lake Nacimiento.

However, the 3.75 acre area where the outdoor cultivation area is proposed supports over 180 mature oak trees that will be removed to accommodate hoop structures. Although oak trees are common in the area and on the project site, the removal of 177 trees and the establishment of an outdoor cultivation area will significantly disrupt the visual integrity of the site when viewed from Lynch Canyon Road. The impact will be partly mitigated by locating the cultivation area about 900 feet north of Lynch Canyon Road.

Views from Interlake Road are expansive across the valley toward Tierra Redonda Mountain. There are few buildings and no active cultivation areas or other indications of intensive agricultural activities in the viewshed. Although these views are not unique to the area, the construction of the 59,822 square foot processing/manufacturing building and greenhouses will disrupt the integrity of the viewshed from Interlake Road.

- *The magnitude of the change.*

A project that is small in size, or will result in minimal physical changes to the environment, is less likely to cause a significant impact to scenic qualities, whereas a larger scale project may be more prominent. Aesthetic changes associated with an individual project may appear significant, but in the context of the entire region may be relatively minor. Changes to visual character of the landscape where the change is minor may be found to be less than significant.

As discussed above, the areas where cannabis activities are proposed are not developed and support non-native grasslands and oak trees, elements that are common to the area and the project site. However, these areas are readily visible from Interlake Road and Lynch Canyon Road and will be visible to a relatively large number of passing motorists. The proposed processing building and greenhouses and other development associated with cannabis activities will largely be inconsistent with the setting and visual character of the surrounding agricultural lands. Therefore, the magnitude of change is considered significant within the context of the larger visual landscape. The impact will be partially mitigated by the following factors:

- The perimeter of all cannabis use areas will be fenced with chain link security fencing with opaque slats that will be at least 6-feet high. As such, in compliance with LUO Section 22.30.310, the greenhouses and processing building would be more than 50% screened from any public roads.
- The outdoor cultivation area will be enclosed in hoop structures surrounded by perimeter fencing and located in the center portion of the project site, set back about 900 feet from Lynch Canyon Road. Accordingly, in compliance with LUO Section 22.40.050 D. 6, cannabis plants associated with cultivation will not be easily visible from offsite.

Notwithstanding these factors, the preceding discussion indicates that the project will have a potentially significant impact on scenic vistas, scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, and will not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Therefore, impacts would be *less than significant with mitigation.* Mitigation measures AES-1 through AES-4 are recommended which place limitations on building height, colors and materials, and that require landscaping around the proposed processing and greenhouse buildings to help screen views from Interlake Road.

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

Due to the remote nature of the project site and relative distance to the nearest urbanized area, the project is located in an area with low existing levels of light pollution (Darksitefinder.com 2019). The project will employ new exterior lighting for security and for operations.

The project includes mixed-light cannabis and nursery cultivation within proposed greenhouses which may include cultivation techniques such as light deprivation and artificial light simulation.

During this process, grow lights may be used in the evenings and nighttime to simulate artificial daylight. The proposed greenhouses would be constructed with materials with relatively high translucency to allow sunlight to be absorbed by the plants inside and will be equipped with black-out curtains to be deployed at night to prevent light from escaping. Without appropriate light shielding and prevention, nighttime lighting within these structures would have the potential to affect nighttime views in the area. Mitigation measure AES-1 would require that each greenhouse be equipped with blackout curtains and clarifies when the blackout system is to be engaged when the grow lights are on.

Therefore, upon implementation of AES-1, potential impacts associated with the creation of a new source of substantial light would be *less than significant with mitigation.*

Conclusion

The project is not located within view of a scenic vista and would not result in a substantial change to scenic resources in the area. With mitigation measures AES-2 through AES-6, the project would be consistent with policies and standards in the County LUO and COSE related to the protection of scenic resources. Measure AES-1 has been recommended to reduce potential impacts associated with lighting to less than significant. Upon implementation of identified mitigation measures, impacts to aesthetic resources would be less than significant.

Mitigation

AES-1 **Nighttime lighting.** Prior to issuance of construction permits, 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. 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

b. Any 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.

AES-2 **Aesthetics – Building Height.** Greenhouse buildings shall not exceed 25 feet in height above the average natural grade as defined by LUO Section 22.10.090. The proposed Processing Building shall not exceed 30 feet in height above the average natural grade. The Applicant shall clearly delineate these heights on applicable construction drawings.

AES-3 **Aesthetics – Landscape Plan.** To provide visual screening for buildings proposed for indoor cultivation, commercial nursery and processing when viewed from Interlake Road, the applicant shall prepare a Landscape Screening Plan. The Plan shall be consistent with Section 22.04.186 of the San Luis Obispo County Land Use Ordinance and shall include fast growing, evergreen vegetation that will screen, and help blend into the existing environment, the new buildings when viewed from Intrelake Road. Plant material selected shall perform well in the soils and climate for which it is planted. The Applicant shall maintain the screening for the life of the structures identified as requiring visual mitigation.

The landscape screening vegetation shall meet the following levels of screening success criteria:

a. At 3 years from planting, the vegetation shall screen at least 50% of the intended structures;

b. At 5 years from planting, the vegetation shall screen at least 80% of the intended structures.

c. At each milestone, the Applicant shall provide photos taken from key public viewing areas showing the amount of screening provided, and submit to the County for review. Should any performance milestone not be met, the Applicant shall retain a qualified expert (e.g., nurseryman/ landscaping contractor) to assess the conditions and to make recommendations to achieve the next milestone. The applicant will implement these recommendations.

d. The landscape plan shall consist of plant material that is either native to the immediate area, or is considered compatible (and non-invasive) with the nearby native vegetation, as determined by a landscape contractor or architect familiar with native plants.

e. The landscape plan shall consist of plant material that is considered 'Fire Resistant' as identified in the County's Approved Plant List. Plantings should be no closer than 30 feet from all habitable structures.

f. All landscaping plans shall contain a note, signed by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), certifying that the plant materials specified in the plan are consistent with Section 22.04.184 of the San Luis Obispo County Land Use Ordinance.

AES-4 **Landscape Plan Cost Estimate/ Bonding. Prior to issuance of construction permits**, the Applicant shall obtain a cost estimate for the required landscape screening plan to determine the costs of landscape installation and/or landscape maintenance for 5 years. The Cost Estimate shall be prepared by a qualified individual familiar with estimating costs to install and maintain the required landscaping (e.g., landscape contractor, etc.). The Applicant will work with the County to determine an acceptable financial mechanism to establish a means to assure funding for installation and maintenance of the required landscape plan. The County will release its interest or obligation in the financial mechanism once the measure has been completed to the satisfaction of the County.

AES-5 **Landscape Performance & Monitoring. Prior to final inspection of construction permits,** the approved landscape plan shall be implemented, and the applicant shall provide a letter to the San Luis Obispo County Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified professional 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. At the end of the 5 year monitoring period, the monitoring report shall be submitted to the San Luis Obispo County Department of Planning and Building for approval and shall be used as a determining factor in assessing the successful establishment of the planting as it relates to the bond posted by the applicant. If it is determined that the success criteria have not been met, then the applicant shall submit a supplemental landscape screening plan with additional recommendations to achieve the required screening. The plan shall include additional monitoring requirements (as recommended by the landscape architect) to ensure the required screening is achieved.

AES-6 **Exterior Colors & Material Palette.** To minimize visual impacts from the proposed development, exterior colors and materials shall be selected and applied to 1) minimize the structure's massing, and 2) reduce the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the prominent natural colors of the surrounding environment,

including vegetation, rock outcrops, etc. To achieve the goal of minimizing the mass and contrast between the new structures and surrounding environment, the following selection can include and not limited to; darker, non-reflective, earth tone colors on walls or chimneys, darker green, grey, slate blue, or brown colors for roof elements and/or usage of darker color selections within chroma / value of 6 or less described in the Munsell Book of Color.

AES-7 **Prior to issuance of construction permits,** the Applicant shall provide architectural elevations and a color board showing all exterior colors and finish materials that match the above requirements. These shall also be specified on applicable construction/ improvement drawings for County review and approval. Once County review is complete, Applicant shall adhere to the approved colors and materials during construction.

Sources

Provided in Exhibit A.

II. AGRICULTURE AND FORESTRY RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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:				
(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?	☐	☐	☒	☐
(b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐
(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))?	☐	☐	☐	☒
(d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
(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?	☐	☐	☒	☐

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 Land, and Water. Based on the FMMP, soils at the project site are within the Grazing Land designation (CDOC 2016).

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 of the project site are described in detail below. The acreage and corresponding farmland classifications are provided in Table 2:

San Ysidro sandy loam (2 - 9% slope). This gently sloping loamy claypan soil is considered moderately drained. The soil has high erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Hanford and Greenfield fine sandy loams (2 - 9% slope).

Hanford. This gently sloping, coarse loamy bottom soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: no severe limitations identified. The soil is considered Class IV without irrigation and Class II when irrigated.

Greenfield. This gently sloping, coarse loamy bottom soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: no severe limitations identified. The soil is considered Class IV without irrigation and Class II when irrigated.

Rincon clay loam (2 – 9% slopes). This component is on terraces on valleys, alluvial fans on valleys. The parent material consists of clayey alluvium derived from sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 2e.

Rincon clay loam (9 - 15 % slope). This moderately sloping, fine loamy bottom soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Mocho clay loam (2 - 9% slope). This component is on inset fans, alluvial fans, alluvial plains, valleys. The parent material consists of alluvium derived from sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 2e. This soil does not meet hydric criteria.

Shimmon loam (30 - 50 % slope). This steeply to very steeply sloping loamy soil is considered not well drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class VI without irrigation and the Class is not rated when irrigated.

Dibble clay loam (2 – 26% slopes). This component is on hillslopes on hills. The parent material consists of residuum weathered from sandstone and shale. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 3e.

Table 2 – Farmland Classifications of the COSE and Corresponding Acreages

Soil	COES Classification	Acres
Dibble clay loam (9-15%)	Not Prime	2.01
Hanford and Greenfield fine sandy loams (2 - 9% slope)	Not Prime	17.08
Mocho clay loam (2-9% slope)	Prime	2.59
Rincon clay loam (2-9% slope)	Prime	2.68
Rincon clay loam (9 - 15 % slope)	Not Prime	25.95
San Ysidro sandy loam (2 - 9% slope)	Not Prime	65.95
Shimmon loam (30 - 50 % slope)	Noe Prime	46.64
Total:		157.8

Source: Classifications based on Table SL-2 of the County General Plan's Conservation/Open Space Element

Table 3 – FMMP Farmland Classifications and Acreages of Soils On-Site

FMMP Classification	Acres	Acres Impacted
Grazing	140.12	4.61
Farmland of Local Potential	17.10	3.59
Total:	157.22	8.20

Source: Farmland Mapping and Monitoring Program, 2016

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 not located on or adjacent to a property under a Williamson Act contract.

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.

(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 areas of project disturbance on the project site are classified as Grazing Land and Farmland of Local Potential by the FMMP. The disturbance area does not contain land classified as Prime Farmland, or Farmland of Statewide Importance pursuant to the FMMP (California Department of Conservation [DOC] 2016). The County COSE designates two of the soil units onsite (Mocho clay loam, 2-9% slope and Rincon clay loam, 2-9% slope) as being Prime Farmland based only upon a rating of 80 to 100 or an "Excellent" rating in the California Storie Index. Neither of these soils are located in the area of disturbance

In order to be shown on FMMP's maps as Prime Farmland or Farmland of Statewide Importance, land must have been used for irrigated agricultural production at some time during the four years prior to FMMP designation, and the soil must meet the physical and chemical criteria for Prime Farmland or Farmland of Statewide Importance as determined by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS). Although two of the soils in the area of disturbance meets the physical and chemical criteria for Prime Farmland under the COSE, based on historical aerial photographs, it does appear that the project site has been used for irrigated agricultural production since at least 2013. Since none of the soils onsite meet both of these criteria, the project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP to non-agricultural use, and impacts would be *less than significant.*

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

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

The 157 acre parcel is governed by a Williamson Act contract. Accordingly, the project was referred to the Agricultural Preserve Review Committee (APRC) for review and comment. The APRC considered the project at their meeting of October 26, 2020 and determined that the project is not compatible with the active Williamson Act contract and not consistent with the County's Land Conservation Act Rules and Procedures. Accordingly, the APRC recommended that the applicant file a Notice of Nonrenewal to cancel the contract. The Notice was filed on September 9, 2020 (CON2020-00027).

The project was also referred to the Agriculture Department for review and comment. Their response (letter of October 29, 2020) includes recommended conditions of approval that address, among other things, conformance with NRCS best practices, pesticide management, and water conservation. In addition, the Agriculture Department has expressed concerns regarding the size of the processing building when compared with other similarly-sized cannabis operations. They recommend considering reducing the footprint of this structure to minimize impacts to important agricultural soils. In addition, the Agriculture Department has become aware of potential incompatibility issues between cannabis activities and traditional crop production. The proposed cannabis cultivation activities are located proximate to land under Williamson Act contract that

could support a variety of crops. These crops are known to use pesticides that cannabis is required to be tested for by California law to ensure there are no pesticide residues above the established tolerance levels. The establishment of the proposed project has the potential to cause traditional agricultural operations to cease, curtail or not expand their crop production activities near the proposed site because of the state regulations which have imposed pesticide residue thresholds for cannabis which are significantly lower than the residue thresholds allowed for traditional crops. To address these concerns, the Agriculture Department is recommending that the indoor cultivation and nursery greenhouses should be setback a minimum of 100 feet from the northern property line (currently shown at 84 feet) and that the project be conditioned to include a release of liability to neighboring properties engaged in the lawful use of pesticides.

Therefore, as conditioned, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract and *no impacts would occur.*

(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 as defined by the Public Resources Code; *no impacts would occur.*

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

A biological resources assessment (BRA) was prepared for the project site (Terra Verde Environmental Consultants, March 2019), which included field surveys and an assessment of potential project impacts to sensitive biological resources. More than one half of the areas surveyed support blue oak woodland at variable cover and composition. In low-lying areas of the site, this community forms an open savannah with intermittent canopy cover dominated by blue oak (Quercus douglasii), and occasional individuals of valley oak (Q. lobata) and coast live oak (Q. agrifolia). The understory in these areas consists primarily of annual grasses and forbs that are characteristic components of the adjacent grassland community. However, the blue oak woodland transitions to a more dense, closed-canopy community on the slopes around the southern edge of the site. In this area, valley oak and coast live are more common components of the canopy, along with foothill pine *(Pinus sabiniana)*. In addition, this area forms a wide transitional zone between blue oak woodland on the mid-slope, coast live/mixed oak woodland in the valley and canyon bottoms, and a mixed scrub/chaparral community at the higher elevations and on southern exposures.

The riparian corridors associated with two of the drainages that cross the project site support a mature coast live oak woodland, with valley oak and blue oak as a co-dominant species in the overstory.

Collectively, these resources do not meet the definition of "forest land" as prescribed in Public Resources Code Section 12220(g):

> *"Forest land" is land that can support 10-percent 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.*

Therefore, project impacts relating to the conversion of forest land to a non-forest use would be be *less than significant.*

(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 site is generally surrounded by low-intensity agricultural operations including 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.

As discussed in threshold b) above, cannabis cultivation activities are allowed uses within the property's Agriculture land use designation (LUO Section 22.06.030, 22.40.070). Based on the lack of existing agricultural operations on the property and overall compatibility with surrounding agricultural activities, the project would not involve other changes in the environment that would result in conversion of farmland to non-agricultural use or forest land to non-forest use; therefore, *potential impacts would be less than significant.*

Conclusion

The project would not result in potentially significant impacts associated with the conversion of farmland, forest land, or timber land to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. Potential impacts to agricultural resources would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

Sources

Provided in Exhibit A.

III. AIR QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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:					
(a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
(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?	☐	☒	☐	☐
(c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
(d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

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 (PM_{10}). 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.

The County is currently designated as non-attainment for ozone and PM_{10} under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO_X) as well as fugitive dust emissions (PM_{10}).

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. The APCD Handbook includes screening criteria to determine the significance of project impacts. According to the Handbook, a project with grading in excess of 4.0 acres and moving 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM_{10}).

The nearest sensitive receptors to the site are single-family residences located approximately 1,200 feet north of the proposed processing building.

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 (NOx), 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). Table 1-1 of the APCD's CEQA Handbook provides screening criteria based on the size of different types of projects that would normally exceed the operational thresholds of significance for greenhouse gases and ozone precursors. The list of project categories in Table 1-1 is not comprehensive and does not include cannabis-related activities. However, operational impacts are focused primarily on the indirect emissions associated with motor vehicle trips associated with development. For example, a project consisting of 99 single family residences generating 970 average daily vehicle trips would be expected to exceed the 25 lbs/day operational threshold for ozone precursors. A project consisting of 54 single family residences generating 529 average daily motor vehicle trips would be expected to exceed the threshold for greenhouse gas emissions.

The APCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 lbs/day threshold of significance for the emission of particulate matter (PM10). According to the APCD estimates, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM10 threshold.

The prevailing winds in the project vicinity are from the north and west during the daylight hours. The nearest offsite residences are upwind to the north and west.

Sensitive Receptors

Sensitive receptors are people with 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 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 an off-site single family residence located approximately 1,200 feet north of the project site.

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. Based on SLOAPCD's NOA Screening Map, the project site is not located in an area identified as having potential for soils containing NOA.

Developmental Burning

As of February 25, 2000, the APCD 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 must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application.

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 38 full-time regular employees and 30 seasonal employees. The project would likely draw from the local labor pool and would not require a significant number of 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 full time employees; the project would employ up to a maximum of 38 full time and 30 part time employees and could be a candidate for this program. 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.

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

(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?

The County is currently designated as non-attainment for ozone and PM_{10} under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO_X) as well as fugitive dust emissions (PM_{10}).

Construction Emissions

Based on the project description, the project will have an area of disturbance of about 8.2 acres and will involve 8,200 cy of cut and 13,050 cy of fill which will be balanced on site. This will result in the creation of construction dust, as well as short-term construction vehicle emissions. 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 4 below. As shown in Table 4, construction related emissions are expected to exceed the general thresholds triggering construction-related mitigation and are considered *less than significant with mitigation*.

Table 4 -- Estimated Construction-Related Emissions

Pollutant	Total Estimated Project Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO_x) (combined)	240 lbs. (1.2 tons) [1]	137 lbs./day	**Yes**
		2.5 tons/quarter	No
Diesel Particulate Matter (DPM)	10.41 lbs. (0.05 tons) [2]	7 lbs./day	**Yes**
		0.13 tons/quarter	No
Fugitive Particulate Matter (PM_{10})	6.150 tons[3]	2.5 tons/quarter	**Yes**

Notes:

1. Based on 21,250 cubic yards of material moved and 0.113 pounds of combined ROG and NOx emissions per cubic yard of material moved and 10 construction days.
2. Based 21,250 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved.
3. Based on 8.2 acres of disturbance and 0.75 tons of PM10 generated per acre of disturbance per month and 10 days of construction.

Mitigation measures AQ-1, AQ-2, AQ-3 have been identified to reduce project construction emissions of fugitive dust (PM10) and diesel particulates through minimization of disturbance area where possible, use of water trucks or sprinkler systems, regular watering of dirt stockpiles, and other measures and reduce operational emissions of PM10 through maintenance of the unpaved access road project-related vehicles would utilize to access the site.

Upon implementation of measures AQ-1, AQ-2 and AQ-3, the project's ROG and NOx, DPM, and PM10 emissions would be reduced to below the SLOAPCD's daily and quarterly emissions thresholds.

Operation-Related Emissions. According to the trip generation study prepared for the project (Central Transportation Consultants, 2019), the project is expected to generate up to 102 average daily motor vehicle trip during peak seasonal operations. As discussed above, a project that generates more than 99 average daily motor vehicle trips will likely generate emissions that exceed the threshold of significance for ozone precursors and greenhouse gas emissions. Accordingly, this is considered a *significant impact unless mitigated*.

LUO Section 22.40.050.D.4 states that Cannabis cultivation sites located on an unpaved road shall incorporate measures to mitigate the air pollution (i.e. dust) effects created by the use. Motor vehicle access to the project site is provided from Wendy Way, un-paved private roadway that

extends north from the project to Interlake Road which is a paved, county maintained roadway. The distance along the unpaved roadway from the project driveway to Interlake Road is about 1,350 feet (one-quarter mile). Therefore, the provisions of LUO 22.40.050.D.4 apply Mitigation measure AQ-4 is recommended to ensure dust suppression is applied to the unpaved roadway through the life of the project.

Overall, impacts related to exceedance of federal, state, or SLOAPCD ambient air quality standards due to operational activities would be *less than significant with mitigation*.

(c) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity to exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The nearest sensitive receptors to the site are single-family residences located approximately 1,200 feet north of the proposed processing building and greenhouses. Residences may be occupied by sensitive receptors who could be exposed to diesel particulates and fugitive dust from construction activities.

The project would result in temporary increases in air pollutant emissions, including emissions of fugitive dust (PM_{10}) and diesel-exhaust particulate matter (DPM) during project construction. These pollutants are known to be hazardous to health, particularly when exposed to a sensitive receptor. As discussed above, the project would require ground disturbance within 1,200 feet of a sensitive receptor and standard diesel fuel idling and dust control mitigation has been identified to reduce fugitive DPM and PM_{10} emissions during construction activities. Implementation of mitigation measures AQ-1, AQ-2 and AQ-3 would effectively reduce the concentrations of pollutant emissions in proximity to sensitive receptors; therefore, potential impacts would be *less than significant with mitigation.*

(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 onsite 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 outdoor cannabis cultivation as well as indoor cultivation and the processing and storage of cannabis grown on-site. These activities often produce potentially objectionable odors during the flowering, harvest, processing and storage phases of the proposed operations and could disperse through the air and be detected by surrounding receptors. Accordingly, Section 22.40.050 of the LUO requires the following:

All cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

With regard to the effects of cannabis odors on air quality, there are no standards for odors under either the federal or State Clean Air Acts. Accordingly, there are no objective standards through which the adverse effects of odors may be assessed. Although odors do affect “air quality”, they are

treated as a nuisance by the County and abated under the County's nuisance abatement procedures.

The precise adverse health effects of cannabis odors, if any, is unknown. However, a study published in the Journal of American Medicine in 1986 (Am J Med. 1986 Jan;80(1):18-22) concluded that odors are an important cause of the worsening of certain respiratory illnesses such as asthma. A person's expectations regarding the harmful effects of an odor may affect airway physiology in asthma sufferers (Journal of Psychosomatic Research Volume 77, Issue 4, October 2014, Pages 302-308). As discussed above, odors are not considered an air pollutant under federal or state laws air quality laws.

The Project incorporates the following features to address odors:

- All proposed outdoor cultivation, including open air areas and within hoop structures, will be located at least 300 feet from all property lines as required by LUO 22.40.50.D.3.
- The Operations Plan required by LUO Section 22.40.040.A.3. sets forth operating procedures to be followed to help ensure odors associated with cannabis related activities do not leave the project site.
- The project has been conditioned to operate in a manner that ensures odors associated with cannabis activities are contained on the project site.
- The project has been conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.
- As required by LUO Section 22.40.050 D. 8., all structures for indoor cannabis cultivation will be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite. Accordingly, the facility will employ air scrubbing technology on the greenhouses and an odor neutralizing spray. Carbon scrubbers, for example, have been demonstrated to be an effective odor abatement method for indoor cannabis facilities (County of Santa Barbara 2017) and work by pulling odors from the air into an exhaust system and absorbing any odors that pass through via activated/deactivated carbon (granular, pelletized, or powdered). Based on the location of the proposed outdoor cultivation areas and use of proposed odor control systems, the outdoor cultivation areas are not expected to result in detectable offsite cannabis nuisance odors, in accordance with LUO 22.40.050.D.8.

Construction could generate odors from heavy diesel machinery, equipment, and/or materials. The generation of odors during the construction period would be temporary, would be consistent with odors commonly associated with construction, and would dissipate within a short distance from the active work area. The project has been located and designed to prevent any long-term operational nuisance odor emissions from affecting surrounding properties. Therefore, potential impacts associated with other emissions, such as odors, would be *less than significant*.

Conclusion

The project would be consistent with the SLOAPCD's Clean Air Plan and thresholds but would likely exceed the threshold for operational emissions. The project would have the potential exceed the SLOAPCD's construction thresholds for DPM, and fugitive dust emissions and would be subject to standard mitigation

measures to reduce associated impacts to less than significant. The project could potentially expose sensitive receptors to substantial pollutant concentrations and would require mitigation to reduce DPM and PM_{10} emissions during construction activities. The project has been located and designed to prevent any long-term operational nuisance odor emissions from affecting surrounding properties. Therefore, potential impacts to air quality would be *less than significant with mitigation*.

Mitigation

AQ-1 **Construction Equipment Emissions Controls.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Maintain all construction equipment in proper tune according to manufacturer's specifications;
2. Fuel all off-road and portable diesel powered equipment with CARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
3. Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
4. Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
5. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
6. All on and off-road diesel equipment shall not idle for more than 5 minutes.
7. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
8. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
9. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
10. Electrify equipment when feasible;
11. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
12. Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-2 **Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment.** During all site disturbance and construction activities of all project phases:

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
2. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
3. Use of alternative fueled equipment is recommended whenever possible; and,
4. Signs that specify the no idling requirements must be posted and enforced at the construction site.

AQ-3 **Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder 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 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

AQ-4 **Ongoing and for the life of the project**, one or more of the following dust management strategies shall be implemented for project-related traffic using Wendy Way:

a. Limit the number of round trips using the roadway to three or fewer per day.

b. For the life of the project, maintain the unpaved road with a dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).

c. To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

AQ-5 **Prior to building permit issuance**, the applicant shall submit to the Department of Planning and Building for review and approval an employee ridesharing program. The purpose of the ridesharing program is to achieve a minimum overall employee ridership of 30% per shift which shall be maintained for the life of the project. Such a plan may include, but is not limited to, one or more of the following:

a. Incentives to encourage employee ridesharing/carpooling;
b. Provision of a Employee-provided vanpool with service to employee residences or designated park and ride lot;
c. An ongoing program for establishing employee carpools such as rideshare matching;
d. Such other programs or incentives to achieve the minimum employee ridership of 30%.

Initial Study – Environmental Checklist

Sources

Provided in Exhibit A.

IV. BIOLOGICAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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?	☐	☒	☐	☐
(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?	☐	☒	☐	☐
(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?	☐	☒	☐	☐
(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?	☐	☐	☒	☐
(e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
(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?	☐	☐	☐	☒

Setting

The project site is located on a 157-acre parcel located south of Interlake Road about 5 miles north of the unincorporated community of Oak Shores. The site is undeveloped, and supports a diverse assemblage of open grassland, oak woodland, riparian, and upland scrub/chaparral habitats (Figure 13). In addition, four unnamed USGS blue line drainages (Drainages 1, 2, 3, and 6 as shown on Figure 12) and four ephemeral drainages (Drainages 4, 5, 7, and 8 as shown on Figure 12) cross the site. A portion of Drainage 3 and the headwaters of Drainage 7 exhibit characteristics of in-channel wetlands. Drainages 2 through 8 all drain to Drainage 1, which flows east, eventually draining to Lake San Antonio.

Topography throughout the site varies from relatively flat to steeply-sloped in the southern portion of the site, with elevations ranging from approximately 350 to 475 meters (1,148 to 1,558 feet). The surrounding landscape consists of mostly undeveloped land with occasional rural residential and agricultural developments. Immediately adjacent parcels support a mix of open annual grassland, oak savannah, and oak woodland habitats.

A biological resources assessment (BRA) was prepared for the project site (Terra Verde Environmental Consultants, March 2019), which included field surveys and an assessment of potential project impacts to sensitive biological resources. The following is a summary of the findings and recommendations of that study.

Methodology

Prior to conducting field surveys, Terra Verde staff completed a desktop review of relevant literature and resources pertaining to sensitive resources known to occur in the project vicinity, which included the following:

- Aerial photographs (Google Earth, 1994-2017) and project site plans
- Tierra Redonda Mountain USGS 7.5-minute topographic quadrangle map (USGS, 2018)
- Online Soil Survey of San Luis Obispo County, California (Natural Resources Conservation Service [NRCS, 2018])
- Consortium of California Herbaria (CCH) online database of plant collections (CCH, 2018)
- California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) list of state- and federally-listed special-status species documented within the Tierra Redonda Mountain 7.5-minute quadrangle, and the surrounding 8 quadrangles (Adelaida, Bradley, Bryson, Flames Valley, Lime Mountain, Pebblestone Shut-in, Williams Hill, and Wunpost) (CDFW, 2018a)
- CNDDB map of special-status species that have been documented within a 2-mile radius of the project site (CDFW, 2018a) (see Appendix A of the BRA - Figure 3: 2-mile CNDDB Map)
- California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants for the Tierra Redonda Mountain 7.5-minute quadrangle and the surrounding 8 quadrangles (CNPS, 2018a)
- United States Fish and Wildlife Service (USFWS) Critical Habitat Portal (USFWS, 2018a)
- USFWS National Wetland Inventory map (NWI) (USFWS, 2018b)

Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations include 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, Regional Water Quality Control Boards, or California Department of Fish and Wildlife; and

b. Comply 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.

A list of regionally-occurring, special-status species was compiled based on records reported in the scientific database queries (see Appendix B of the BRA - List of Regionally-occurring Special-Status Species). This list was used to focus the field survey efforts and determine appropriate survey periods for special-status plant species with the potential to occur on the site.

Following the literature review and desktop analysis, Terra Verde biologist Sara Snyder and botanist Kristen Nelson completed three field surveys of the project area on November 13 and 27 and December 07, 2018. Surveys focused on the identification of sensitive habitats, suitable habitat for special-status botanical and wildlife species, and jurisdictional aquatic features. The survey area included the entire area of proposed development and an approximately 200-foot buffer on all sides where access was feasible, as well as a visual scan of the surrounding habitat features.

Surveys were pedestrian in nature and lasted approximately two to eight hours. All detected plant and wildlife species and their sign (e.g., tracks, scat, vocalizations, etc.) were documented during the surveys (provided in Appendix C of the BRA — List of Botanical and Wildlife Species Observed).

Habitats

The habitat on site consists of a diverse assemblage of open grassland, oak savannah/woodland, riparian woodland, and upland scrub/chaparral habitats. Seven soil types and four natural vegetation community were documented, in addition to ruderal/anthropogenic areas. In addition, a total of eight drainages and two potential wetlands were identified within the survey area.

Hydrologic Features

A total of eight jurisdictional drainage features were identified within the survey area, including four unnamed USGS blue line drainages and four ephemeral drainages. In addition, two potential wetland features were identified (see Table 5 - Summary of Jurisdictional Aquatic Features).

Table 5 -- Summary of Jurisdictional Aquatic Features

Feature ID	Feature Type	Feature Designation*	Agency Jurisdiction*
Drainage 1	USGS blue line; ephemeral	Waters of the state, Waters of the U.S.	CDFW, RWQCB, Corps
Drainage 2	USGS blue line; ephemeral	Waters of the state, Waters of the U.S.	CDFW, RWQCB, Corps
Drainage 3	USGS blue line; ephemeral	Waters of the state, Waters of the U.S.	CDFW, RWQCB, Corps
Drainage 4	Ephemeral swale/ channel bordering road edge	Waters of the state, Waters of the U.S. (in part)	CDFW, RWQCB, Corps (in part)
Drainage 5	Ephemeral swale/ channel bordering road edge	Waters of the state, Waters of the U.S. (in part)	CDFW, RWQCB, Corps (in part)
Drainage 6	USGS blue line; ephemeral	Waters of the state	CDFW, RWQCB
Drainage 7	Ephemeral swale/ channel	Waters of the state, Waters of the U.S.	CDFW, RWQCB, Corps
Drainage 8	Ephemeral swale/ channel	Waters of the state	CDFW, RWQCB
Wetland 1	In-channel feature associated with Drainage 3	N/A	CDFW, Corps, County
Wetland 2	In-channel feature associated with Drainage 7	N/A	CDFW, Corps, County

*A formal delineation of waters and wetlands was not completed; jurisdictional determinations are based on the field assessments completed by Terra Verde and are subject to concurrence from the relevant agencies. In particular, determinations regarding jurisdiction over potential wetland features are preliminary.

Vegetation Communities

Vegetation communities and land cover types were assessed, classified, and mapped based on vegetation composition, structure, and density, with consideration of known land management practices (Figure 13). The survey area totaled approximately 160 acres. A total of 111 vascular plant species were identified, of which 35 (32 percent) were non-native. Evidence of past anthropogenic disturbance associated with an old homestead was apparent on a portion of the site south of Lynch Canyon Road. This area is characterized by minimal or ruderal vegetative cover. In addition, 4 natural vegetation communities were identified and mapped on site: annual brome grassland, blue oak woodland, California buckwheat scrub/bigberry manzanita chaparral, and coast live/mixed oak woodland. These communities, as observed on site, are described in the following paragraphs.

Annual Brome Grassland (42.20 acres)

Nearly one quarter of the site supports annual grassland habitat, which intergrades with adjacent woodland and shrubland habitats. This community is dominated by non-native, annual, including ripgut grass *(Bromus diandrus)* and soft chess *(Bromus hordeaceus),* with red brome *(Bromus madritensis* subsp. *rubens),* wild oats *(Avena* sp.), and wall barley *(Hordeum murinum)* present throughout. However, most grasses were senesced at the time of the survey, and live cover was dominated by several forbs, including Heermann's tarweed

(Holocarpha heermannii), threeray tarweed *(Deinandra lobbii),* and slender woolly wild buckwheat *(Eriogonum gracile* var. *gracile)*. Low-lying areas mapped as potential wetlands supported a different composition and density of plants compared to the immediately adjacent grassland areas. In particular, these areas supported some cover of typical wetland-indicator species, including fringed willowherb *(Epilobium ciliatum* subsp. *ciliatum),* annual quaking grass *(Briza minor),* curly dock *(Rumex crispus),* and western vervain *(Verbena lasiostachys).* This transition in vegetation type and density was used to map the approximate edge of potential wetlands.

This species composition was used in determining the community classification, which most closely corresponds with the *Bromus (diandrus, hordeaceus) — Brachypodium distachyon* Semi-Natural Herbaceous Stands, annual brome grasslands, in the MCV classification system. Typically, annual brome grasslands occur in foothills, waste places, rangelands, and openings in woodlands at elevations below 2,200 m. This community may provide habitat for nesting birds, small mammals, and other wildlife.

Blue Oak Woodland (93.75 acres)

More than half of the survey area supports blue oak woodland at variable cover and composition. In low-lying areas of the site, this community forms an open savannah with intermittent canopy cover dominated by blue oak *(Quercus douglasii),* and occasional individuals of valley oak *(Q. lobata)* and coast live oak *(Q. agrifolia).* The understory in these areas consists primarily of annual grasses and forbs that are characteristic components of the adjacent grassland community. However, the blue oak woodland transitions to a more dense, closed-canopy community on the slopes around the southern edge of the site. In this area, valley oak and coast live are more common components of the canopy, along with foothill pine *(Pinus sabiniana)*. In addition, this area forms a wide transitional zone between blue oak woodland on the mid-slope, coast live/mixed oak woodland in the valley and canyon bottoms, and a mixed scrub/chaparral community at the higher elevations and on southern exposures.

This species composition was used in determining the community classification, which most closely corresponds with the *Quercus douglasii* Woodland Alliance, blue oak woodland, in the MCV classification system. The habitat observed on the slopes, where significant overlap between blue oak woodland and adjacent communities was observed, aligns closely with the *Quercus douglasii—Pinus sabiniana/Arctostaphylos [viscida]* Association of the blue oak woodland alliance. This community typically occurs in valley bottoms, foothills, and on rocky outcrops. The complexity, structure, and density of this community on site provides high suitability habitat for various common and special-status wildlife species.

California Buckwheat Scrub/Bigberry Manzanita Chaparral (14.37 acres)

As noted above, the upper slopes and southern exposures of the variably-sloped terrain bordering the southern edge of the survey area supports a complex transitional scrub-chaparral habitat. California buckwheat *(Eriogonum fasciculatum)* forms occasional monotypic stands, with bigberry manzanita *(Arctostaphylos glauca),* and buckbrush *(Ceanothus cuneatus)* occurring commonly. Foothill pine is present as an emergent tree, along with blue oak and scrub oak *(Quercus berberidifolia).* Around rocky outcrops, gaping keckiella *(Keckiella breviflora)* forms dense stands with woolly yerba santa *(Eriodictyon tomentosum).* Additional common shrubs include black sage *(Salvia mellifera),* chaparral whitethorn *(Ceanothus leucodermis),* chamise *(Adenostoma fasciculatum),* and southern honeysuckle *(Lonicera subspicata)*.

This species composition was used in determining the community classification, which is a transitional mosaic of the *Eriogonum fasciculatum* Shrubland Alliance, California buckwheat scrub and the *Arctostaphylos glauca* Shrubland Alliance, Bigberry manzanita chaparral, in the MCV classification system. These communities typically occur outcrops, ridges, middle and upper slopes and intermittently flooded alluvial

fans, channels, and washes. The complexity, structure, and density of this community on site provides high suitability habitat for various common and special-status wildlife species.

Coast Live Oak/Mixed Oak Woodland (10.72 acres)

The riparian corridors associated with Drainage 1 and the upper reaches of Drainage 6 support a mature coast live oak woodland, with valley oak and blue oak as a co-dominant species in the overstory. In Drainage 1, the understory of this community is open and herbaceous, dominated by annual forbs and grasses of the adjacent annual grassland. However, the upper reaches of Drainage 6 support an intermittent stream and a more robust understory dominated by dogwood *(Cornus* sp.) and poison oak *(Toxicodendron diyersilobum).*

This species composition was used in determining the community classification, which most closely corresponds with the *Quercus agrifolia* Woodland Alliance, Coast live oak woodland, in the MCV classification system. This community typically occurs in alluvial terraces, canyon bottoms, stream banks, slopes, and flats and may provide suitable habitat for various common and sensitive wildlife species.

Ruderal/Anthropogenic (8.29 acres)

This land cover classification was mapped in an area that coincides with areas supporting minimal vegetation cover, consisting of mostly ruderal or weedy species surrounding an old homestead. At the time of surveys, vegetation in this area was dominated by sparse cover of senesced annual grasses, yellow star-thistle *(Centaurea solstitialis),* and Mediterranean hoary mustard *(Hirschfeldia incana)* as well as several ornamental trees that remained from past orchard and agricultural operations. Several old structures were also observed, as well as dilapidated infrastructure. In the upper reaches of Drainage 6, a water tank and broken water pipes were observed within and adjacent to the stream channel. In addition, evidence of recent disturbance associated with a well installation was observed in two locations — one near the southwestern corner of the site and one in the open fields just west of the terminus of Wendy Way. The observed disturbances consisted of a small area of disturbed soil and likely bentonite clay that had been washed onto the ground. Areas of ruderal vegetation observed on site do not correspond to a natural vegetation community but may provide marginally suitable habitat for wildlife foraging and cover.

Wildlife

The terrestrial habitat observed within and adjacent to the survey area provides suitable habitat for a variety of common and special-status wildlife species. In particular, the woodland and scrub/chaparral habitats provide suitable nesting opportunity for a variety of nesting raptor and other bird species. Grassland habitat observed within and adjacent to the survey areas may also provide suitable nesting habitat for ground nesting birds and transient foraging in the area.

All invertebrate and vertebrate species observed, including those detected by indirect sign (i.e., tracks, scat, skeletal remains, dens, burrows, or vocalizations), were documented during field surveys. Wildlife observed on site included black-tailed deer *(Odocoileus hemionus columbianus),* California ground squirrel *(Otospermophilus beecheyi),* Botta's pocket gopher *(Thomomys bottae),* Coast Range fence lizard *(Sceloporus occidentalis),* and several avian species, including sharp-shinned hawk *(Accipiter striatus),* a sensitive species listed on CDFW's Watch List. Several small mammal burrows showed sign of foraging activity by American badger *(Taxidea taxus),* a CDFW-listed California Species of Special Concern (CSC). An unoccupied raptor nest and scattered woodrat middens were observed in Drainage 1 and on the hillside throughout the woodland and scrub/chaparral habitats along southern edge of the site.

Special-status Plant Species

Based on this evaluation and a review of the relevant literature, it was determined that 30 special-status plant species have potential to occur on the project site, unless their absence can be confirmed through appropriately timed surveys. In addition to species listed on the federal and California Endangered Species Acts, special-status botanical species include those that are assigned a California Rare Plant Rank (CRPR) by the California Native Plant Society (CNPS, 2018b). Additionally, individual oak trees *(Quercus* spp.) and oak woodlands are considered a sensitive resource by the State of California and the County of San Luis Obispo.

Field surveys were completed outside the typical blooming period for most regionally-occurring special-status botanical species. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. The following paragraphs provide a description of the special-status plant species that have the potential to occur on site.

Hoover's Bent Grass (Agrostis hooveri), CRPR 16.2

Hoover's bent grass is a perennial grass that is endemic to the coastal ranges of San Luis Obispo County. This species occurs in dry, sandy soils in association with open chaparral and oak woodland communities. It has been documented at elevations under 600 meters. The typical blooming period is from April to August (Jepson Flora Project, 2018). Documented threats to this species include development, vegetation clearing, and competition from nonnative plants. According to CNDDB records (2018), the nearest documented occurrence is approximately 11.5 miles southeast of the project site. Suitable habitat for this species is present in the chaparral and woodland habitats on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Douglas' Fiddleneck (Amsinckia douglasiana), CRPR 4.2

Douglas' fiddleneck is an annual herb that is endemic to the coastal ranges of central California. This species typically occurs in sedimentary shale soils or in association with various grassland and woodland communities. It has been documented at elevations ranging from 100 to 1,600 meters and may tolerate moderate levels of disturbance. The typical blooming period is from March to June (Jepson Flora Project, 2018). Documented threats to this species include agriculture. According to CCH records (2018), the nearest documented occurrence is approximately 4.7 miles east of the project site. Marginally suitable habitat for this species is present in the open grasslands and along the edges of woodland habitat on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Indian Valley Spineflower (Aristocapsa insignis), CRPR 1B.2

Indian Valley spinef lower is an annual herb that is known from limited occurrences scattered throughout the Inner South Coast Ranges between San Benito and San Luis Obispo Counties; however, it is believed to have been extirpated from Monterey County. This species typically occurs in sandy soils in association with woodland communities. It has been documented at elevations ranging from 300 to 600 meters. The typical blooming period is from May to June (Jepson Flora Project, 2018). Documented threats to this species include development. According to CNDDB records (2018), the nearest documented occurrence is approximately 1.25 miles southwest of the project site. Marginally suitable habitat for this species is present in openings of oak woodland habitat on site, and absence could not be confirmed during the late fall

surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Salinas Milk-vetch (Astragalus macrodon), CRPR 4.3

Salinas milk-vetch is a perennial herb that is endemic to the Inner South Coast Ranges of California. This species typically occurs in eroded shale or sandstone soils or serpentine alluvium in association with various vegetation communities including grassland, chaparral, and woodland. It has been documented at elevations ranging from 200 to 1,550 meters and may tolerate some disturbance. The typical blooming period is from April to June (Jepson Flora Project, 2018). Threats to this species are not well documented. According to CCH records (2018), the nearest documented occurrence is approximately 19 miles east of the project site. An unidentifiable species of *Astragalus* was documented in the open grassland habitat north of Lynch Canyon Road. Suitable habitat for this species is present in the open grasslands on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Late-flowered Mariposa-lily (Calochortus fimbriatus), CRPR 1B.3

Late-flowered mariposa-lily is a perennial herb that is known to occur in two discontinuous regions of the Outer South Coast Ranges of Monterey and San Luis Obispo Counties and the western Transverse Ranges of Santa Barbara County. This species typically occurs in dry openings of coastal woodland and chaparral communities. It has been documented at elevations below 900 meters. The typical blooming period is from July to August (Jepson Flora Project, 2018). Documented threats to this species include grazing, development, road maintenance, and fire suppression. According to CNDDB records (2018), the nearest documented occurrence is approximately 8.3 miles southwest of the project site. Marginally suitable habitat for this species is present in openings of woodland and chaparral communities on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

La Panza Mariposa Lily (Calochortus simulans), CRPR 18.3

La Panza mariposa lily is a perennial herb that is endemic to the Outer South Coast Ranges of San Luis Obispo and northern Santa Barbara County. This species typically occurs in sandy, often granitic soil in association with grassland, woodland, chaparral, and coniferous forest habitats. It has been documented occurring at elevations below 1,100 meters. The typical blooming period is from May to July (Jepson Flora Project, 2018). According to CNDDB records (2018), the nearest documented occurrence of this species is approximately 2.25 miles southwest of the project site. Marginally suitable habitat for this species is present in the open grasslands on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Dwarf Calycadenia (Calycadenia yillosa), CRPR 1B.1

Dwarf calycadenia is an annual herb that is known to occur along the length of the Outer South Coast Ranges, from northern Monterey County to central Santa Barbara County. This species typically occurs in association with grassland and openings in foothill woodland on dry, rocky hills and ridges at elevations ranging from 250 to 850 m. The typical blooming period is from May to September (Jepson Flora Project, 2018). According to CNDDB records (2018), there are two documented occurrences of this species within 1.5 miles southeast and southwest of the project site. Marginally suitable habitat for this species is present in

the open grasslands and along the edges of woodland habitat on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

San Luis Obispo Owl's-clover (Castilleja dens/flora subsp. obispoensis), CRPR 1B.2

San Luis Obispo owl's clover is an annual herb that is endemic to San Luis Obispo County. Specifically, it is known to occur mostly in coastal areas along the Outer South Coast Ranges from just south of Ragged Point to Avila Beach, with several populations occurring in the Irish Hills of San Luis Obispo County. This species typically occurs in coastal grasslands at elevations below 400 meters and may be somewhat tolerant of disturbance. The typical blooming period is from March to June (Jepson Flora Project, 2018). According to records CNDDB (2018), the nearest documented occurrence of this species is located approximately 7.9 miles southeast of the project site. Marginally suitable habitat for this species is present in the open grasslands on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Lemmon's Jewelflower (Caulanthus lemmonii), CRPR 16.2

Lemmon's jewelflower is an annual herb that is endemic to California. It is known to occur throughout the Inner and Outer South Coast Ranges and along the western foothills of the San Joaquin Valley, with some populations extending east along the Transverse Ranges and into the northwest corner of the Mojave Desert. This species typically occurs in grassland, chaparral, and scrub communities at elevations ranging from 80 to 1,100 m. The typical blooming period is from March to May (Jepson Flora Project, 2018). According to CNDDB records (2018), the nearest documented occurrence of this species is approximately 1.2 miles north of the site. Marginally suitable habitat for this species is present in the open grasslands on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Santa Lucia Purple Amole (Chlorogalum purpureum var. purpureum), Federal Threatened / CRPR 16.1

Santa Lucia purple amole is a perennial herb that is endemic to the eastern side of the Santa Lucia Range of southern Monterey and northern San Luis Obispo Counties. This species occurs in grassy openings of woodland at elevations between around 300 meters. The typical blooming period is from May to June (Jepson Flora Project, 2018). Documented threats to this species include habitat fragmentation, habitat conversion, non-native plants, foot traffic, vehicles, and military activities. Known occurrences of this species are located approximately 7.5 miles east of the project site. Marginally suitable habitat for this species is present in the open grasslands and along the edges of woodland habitat on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Jolon Clarkia (Clarkia jolonensis), CRPR 16.2

Jolon clarkia is an annual herb that is endemic to the Outer South Coast Ranges of Monterey County. This species typically occurs in association with dry woodlands, as well as chaparral, coastal scrub, and riparian woodland habitats at elevations around 500 meters. The typical blooming period is from April to June (Jepson Flora Project, 2018). Documented threats to this species include foot traffic and non-native plants. According to CNDDB records (2018), the nearest documented occurrence of this species is located

approximately 5.7 miles northwest of the project site. Marginally suitable habitat for this species is present in the open grasslands and along the edges of woodland habitat on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Lewis' Clarkia (Clarkia Jewish), CRPR 4.3

Lewis' clarkia is an annual herb that is known to occur along the immediate coast and coastal mountains of central California, from Salinas south through the Big Sur area. This species occurs in association with coastal scrub, chaparral, and various woodland communities. It is known to occur at elevations under 300 meters. The typical blooming period is from May to June (Jepson Flora Project, 2018). Documented threats to this species include competition from non-native plants. According to CCH records (2018), the nearest documented occurrence of this species is located approximately 14 miles northwest of the project site. Marginally suitable habitat for this species is present in the open grasslands and along the edges of oak woodland habitat on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Monkey-flower Savory (Clinopodium mimuloides), CRPR 4.2

Monkey-flower savory is a perennial herb that is endemic to California. It is known from several populations along the central and southern coast, including the outer South Coast Ranges, the western Transverse Ranges, and into the San Gabriel Mountains. This species typically occurs along stream banks and other moist places in association with chaparral and woodland communities at elevations ranging from 400 to 1,800 m. The typical blooming period is from June through October (Jepson Flora Project, 2018). Known threats to this species are not well documented and may include development. According to CCH records (2018), the nearest documented occurrence is approximately 10 miles east of the site. Marginally suitable habitat for this species is present in association with drainages and woodland habitat on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Rattan's Cryptantha (Cryptantha rattanii), CRPR 4.3

Rattan's cryptantha is an annual herb that is endemic to the Inner and Outer South Coast Ranges of California. The known range is concentrated at the northern end of the South Coast Ranges, with limited occurrences occurring as far south as Lompoc and the western Transverse Ranges of Santa Barbara County. This species occurs on rocky to gravelly slopes in association with grassland, coastal scrub, chaparral, and foothill woodland communities. It is known to occur at elevations between 150 and 780 meters. The typical blooming period is from April to July (Jepson Flora Project, 2018). Potential threats to this species are not well documented. According to CCH records (2018), the nearest documented occurrence of this species is located approximately 20 miles northwest of the project site. Marginally suitable habitat for this species is present in the open grasslands and along the edges of oak woodland habitat on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Umbrella Larkspur (Delphinium umbraculorum), CRPR 113.3

Umbrella larkspur is a perennial herb that is known to occur throughout the Outer South Coast Ranges and western Transverse Ranges from northern Monterey to Santa Barbara County. This species occurs in association moist oak woodland and chaparral communities and is known to occur at elevations between 400 and 1,600 meters. The typical blooming period is from April to June (Jepson Flora Project, 2018). Documented threats to this species include grazing. According to CNDDB records (2018), the nearest documented occurrence of this species is located approximately 9.2 miles south of the project site. Suitable habitat for this species is present in association with woodland habitat on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Yellow-flowered Eriastrum (Eriastrum luteum), CRPR 1B.2

Yellow-flowered eriastrum is an annual herb that is endemic to a portion of the Inner and Outer South Coast Ranges of Monterey and San Luis Obispo Counties. This species typically occurs in rocky or gravelly soils on drying slopes in association with chaparral, broadleaf forest, and woodland communities. It is known to occur at elevations below 1,000 meters. The typical blooming period is from May to June (Jepson Flora Project, 2018). Documented threats to this species include grazing, vehicles, and possibly development. According to CNDDB records (2018), two occurrences have been documented within 0.75 mile east and 2.5 miles southwest of the project site. Marginally suitable habitat for this species is present on dry slopes at the edges of chaparral and woodland habitats on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Elegant Wild Buckwheat (Eriogonum elegans), CRPR 4.3

Elegant wild buckwheat is an annual herb that occurs in coastal mountains from the San Francisco Bay Area south through the Inner and Outer South Coast Ranges and into the western Transverse Range. This species typically occurs in sandy or gravelly soil in association with woodland and grassland habitats. This species is known to occur at elevations between 200 and 1,200 meters. The typical blooming period is from May to November (Jepson Flora Project, 2018). Threats to this species are not well documented, but it may be tolerant of disturbed areas along roadsides and washes. According to CCH records (2018), the nearest documented occurrence of this species is located approximately 6.7 miles east of the project site. Although marginally suitable habitat for this species is present on site, it was not observed during appropriately timed surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Santa Lucia Monkeyflower (Erythranthe hardhamiae), CRPR 16.1

Santa Lucia monkeyflower is an annual herb that is known from fewer than 10 localities in the Outer South Coast Ranges of southern Monterey County. This species occurs in openings of chaparral and is known to occur at elevations between 300 and 500 meters. The typical blooming period is from March to May (Jepson Flora Project, 2018). Documented threats to this species include development, grazing, road maintenance, and competition from nonnative species. According to CNDDB records (2018), the nearest documented occurrence of this species is located within 0.5 mile east of the project site. Suitable habitat for this species is present in along the edges and in openings of chaparral habitat on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in

February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

San Benito Poppy (Eschscholzia hypecoides), CRPR 4.3

San Benito poppy is an annual herb that is known occur throughout the Inner and Outer South Coast Ranges, with some occurrences extending into the adjacent portions of the Sacramento and San Joaquin Valleys. This species occurs in grassy openings of woodland and chaparral habitats at elevations between 200 and 1,600 meters. The typical blooming period is from March to June (Jepson Flora Project, 2018). Threats to this species are not well documented. According to CCH records (2018), the nearest documented occurrence of this species is located approximately 6.8 miles east of the project site. Marginally suitable habitat for this species is present in the open grasslands and along the edges of oak woodland habitat on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Ojai Fritillary (Fritillaria ojaiensis), CRPR 16.2

Ojai fritillary is a perennial herb that is known to occur in the Outer South Coast Ranges and the western Transverse Ranges. It typically occurs on rocky slopes and in river basins associated with broadleaf forest, chaparral, woodland, and coniferous forest communities. This species is known to occur at elevations between 300 and 500 meters. The typical blooming period is from February to May (Jepson Flora Project, 2018). Documented threats to this species include road maintenance and recreational activities. According to CNDDB records (2018), the nearest documented occurrence of this species is located approximately 8.9 miles southwest of the project site. Marginally suitable habitat for this species is present in association with drainages and woodland habitat on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Santa Lucia Dwarf Rush (Juncus luciensis), CRPR 1B.2

Santa Lucia dwarf rush is an annual herb that is known from several populations along the central and southern coast, as well as areas in the northeast portion of the state from Lake Tahoe to the Modoc Plateau. This species typically occurs in a variety of seasonally and perennially wet habitats, including seeps, meadows, vernal pools, along streams, and in roadside ditches. It is known to occur at elevations ranging from 300 to 1,900 meters. The typical blooming period for this species may span from April through August (Jepson Flora Project, 2018). Threats to this species may include development and grazing. According to CNDDB records (2018), the nearest documented occurrence of this species is approximately 1.3 miles east of the project site. Marginally suitable habitat for this species is present in the low-lying portions of the open grasslands and along ephemeral drainages on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Pale-yellow Layia (Layia heterotricha), CRPR 13.1

Pale-yellow layia is an annual herb that is known from several populations along the Inner South Coast Ranges, as well as the eastern and western foothills of the southern San Joaquin Valley and the western Transverse Range. This species typically occurs in clayey, sandy, and sometimes alkaline soil in a variety of open habitats including woodland, scrub, and grassland. It is known to occur at elevations ranging from 200 to 1,800 meters. The typical blooming period for this species may span from April through June (Jepson Flora Project, 2018).

Documented threats to this species include agriculture, competition from non-native plants, and potentially road maintenance and wind energy development. According to CNDDB records (2018), the nearest documented occurrence of this species is approximately 2.1 miles east of the project site. Marginally suitable habitat for this species is present in the open grasslands and along the edges of oak woodland habitat on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Abbott's Bush-mallow (Malacothamnus abbottii), CRPR 1B.1

Abbott's bush-mallow is a shrub up to 1.5 meters tall that is endemic to a small area of the Inner and Outer South Coast Ranges of southern Monterey and northern San Luis Obispo Counties. This species occurs in sandy soils along streambanks in association with chaparral and scrub communities. It is known to occur at elevations below 400 meters. The typical blooming period for this species may span from May to July (Jepson Flora Project, 2018). Documented threats to this species include housing and energy development, grazing, and road construction. According to CNDDB records (2018), several occurrences of this species are located within 5.0 miles of the project site, with the nearest occurrence approximately 3.5 miles east. No bush-mallows were identified during surveys. However, suitable habitat for this species is present on site and undetected occurrences may be present in areas of dense chaparral and woodland habitat near the southern property boundary. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Indian Valley Bush-mallow (Malacothamnus aboriginum), CRPR 1B.2

Indian Valley bush-mallow is a shrub up to 3 meters tall that is known to occur in the Inner and Outer South Coast Ranges, as well as the western foothills of the San Joaquin Valley and the around the San Francisco Bay Area. This species occurs on open, rocky slopes in granitic soils associated with woodland and chaparral communities. It is known to occur at elevations ranging from 150 to 700 meters, and it is known to occur in abundance following fire. The typical blooming period for this species may span from May to July (Jepson Flora Project, 2018). Documented threats to this species include grazing, vehicles, and road maintenance. According to CNDDB records (2018), the nearest documented occurrence of this species is approximately 18 miles northeast of the project site. No bush-mallows were identified during surveys. However, suitable habitat for this species is present on site and undetected occurrences may be present in areas of dense chaparral and woodland habitat near the southern property boundary. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Jones' Bush-mallow (Malacothamnus jonesii), CRPR 4.3

Jones' bush-mallow a shrub up to 3 meters tall that is known from disjunct populations in the Inner North Coast Ranges and Outer South Coast Ranges. This species occurs in open chaparral and woodland habitat. It is known to occur at elevations ranging from 250 to 830 meters. The typical blooming period for this species may span from May to July (Jepson Flora Project, 2018). Potential threats to this species are not well documented. According to CCH records (2018), the nearest documented occurrence of this species is approximately 1.9 miles east of the project site. No bush-mallows were identified during surveys. However, suitable habitat for this species is present on site and undetected occurrences may be present in areas of dense chaparral and woodland habitat near the southern property boundary. As a result, a spring botanical

survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Carmel Valley Bush-mallow (Malacothamnus palmeri var. involucratus), CRPR 16.2

Carmel Valley bush-mallow is a shrub up to 2.5 meters tall that is known from several disjunct populations along the immediate coast and the Inner South Coast Ranges of Monterey and San Luis Obispo Counties. This taxon typically occurs in valleys in association with chaparral, woodland, and scrub communities. It is known to occur at elevations ranging from 30 to 800 meters. The typical blooming period for this species may span from May to July (Jepson Flora Project, 2018). Documented threats to this species include development. According to CNDDB records (2018), the nearest documented occurrence of this species is approximately 9.5 miles north of the project site. No bush-mallows were identified during surveys. However, suitable habitat for this species is present on site and undetected occurrences may be present in areas of dense chaparral and woodland habitat near the southern property boundary. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Santa Lucia Bush-mallow (Malacothamnus palmed var. paimeri), CRPR 18.2

Santa Lucia bush-mallow is a shrub up to 2.5 meters tall that is known from several disjunct populations along the immediate coast and the Inner South Coast Ranges of Monterey and San Luis Obispo Counties. This taxon typically occurs in association with chaparral communities of interior valleys and foothills. It is known to occur at elevations ranging 30 to 800 meters. The typical blooming period for this species may span from May to July (Jepson Flora Project, 2018). Documented threats to this species include altered fire regimes. According to CNDDB records (2018), the nearest documented occurrence of this species is approximately 11.5 miles south of the project site. No bush-mallows were identified during surveys. However, suitable habitat for this species is present on site and undetected occurrences may be present in areas of dense chaparral and woodland habitat near the southern property boundary. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

California Spinef lower (Mucronea californica), CRPR 3.2

California spineflower is an annual herb that is known to occur along the immediate coast and coastal ranges from northern Monterey to San Diego County. This species occurs in sandy soils in association with chaparral, woodland, scrub, grassland, and dune habitats. It is known to occur at elevations below 1,000 meters. The typical blooming period for this species may span from March to August (Jepson Flora Project, 2018). Documented threats to this species include aggregate mining, vehicles, flood control, development, and possible competition from non-native plants. According to CCH records (2018), the nearest documented occurrence of this species is approximately 1.1 miles southwest of the project site. Marginally suitable habitat for this species is present in the open grasslands and along the edges of oak woodland chaparral habitats on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Hooked Popcornflower (Plagiobothrys uncinatus), CRPR 1B.2

Hooked popcornflower is an annual herb that is known from several populations along the Inner South Coast Ranges on Monterey and San Luis Obispo Counties. This species typically occurs in rocky or sandy soil in association with chaparral, woodland, and grassland habitats. It is known to occur at elevations ranging from 300 to 600 meters. The typical blooming period for this species may span from April through May

(Jepson Flora Project, 2018). Potential threats to this species are not well documented. According to CNDDB records (2018), the nearest documented occurrence of this species is approximately 7.3 miles east of the project site. Suitable habitat for this species is present within chaparral and woodland habitats on site, and absence could not be confirmed during the late fall surveys. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Mason's Neststraw (Stylociine masonii), CRPR 1B.1

Mason's neststraw is an annual herb that is only known from a few populations in the Inner South Coast Ranges, the San Joaquin Valley, and the southern Sierra Nevada foothills. This species occurs in the open, loose sand of washes and flats at elevations ranging from 100 to 1,200 meters. The typical blooming period for this species is from March to June (Jepson Flora Project, 2018). Documented threats to this species include development and habitat disturbance. According to CNDDB (2018), the nearest documented occurrence of this species is approximately 4.4 miles north of the project site. Marginally suitable habitat for this species is present in the low-lying portions of the open grasslands and along ephemeral drainages at on site. As a result, a spring botanical survey was conducted by Terra Verde in February, 2020. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site.

Native Oak Trees (Quercus spp.), Protected under California Environmental Quality Act (CEQA) (Senate Bill 1334/Kuehl Bill and California Public Resources Code 21083.4)

Impacts to or removal of mature oak trees (i.e., greater than six inches in diameter at breast height [DBH]) or oak woodland habitat is evaluated under CEQA. As a CEQA Lead Agency, the County of San Luis Obispo currently applies a 4:1 mitigation ratio for removed trees and a 2:1 mitigation ratio for impacted trees. Mature coast live, valley, and blue oak trees are present in association with open savannah, dense woodland, and riparian habitat on site. Based on the current development plans, it is expected that oak trees will be removed and impacted as a result of the proposed development. Impacts to oak trees may include trimming, compaction or excavation within the critical root zone (typically defined as 1.5 times the distance from the trunk to the drip line), and placement of year-round or summer watering within the critical root zone. Impacted and removed trees may require mitigation in the form of on-site plantings or off-site protection of existing oak woodland.

Special-status Wildlife Species

The following section includes a description of the special-status wildlife species with potential to occur within the survey area.

Sensitive Mammal Species

American Badger *(Taxidea taxus),* State Status - CSC

American badger is a non-migratory species that occurs throughout most of California. It occurs **in** open and arid habitats including grasslands, meadows, savannahs, open-canopy desert scrub, and open chaparral. This species requires friable soils in areas with low to moderate slopes. American badger is known to occur in nearly every region of California except for the North Coast region which includes Del Norte, Humboldt, Mendocino, Sonoma, and Mann counties. This species occurs at elevations that below 3,600 meters. American badger typically breeds from May through September, but it may not breed every year.

According to CNDDB records (2018), several occurrences have been documented within 8.5 miles of the project area. Open fields within and surrounding the project site is considered suitable habitat for American

badger. Sign of this species was observed in some forage excavations in the open grassland at the northern end of the site, on the proposed Lot 4. California ground squirrel burrows, which provide suitable prey opportunity for American badger, were observed within the survey area. As such, avoidance, minimization, and mitigation measures are recommended.

Hoary Bat *(Lasiurus cinereus),* State Status - Special Animal

Hoary bat is a widespread nocturnal species found throughout California. This species migrates between summer and winter ranges; breeding in inland northern and central California and wintering along the coast and in southern California. Hoary bat prefers edge habitats, utilizing open areas and edges for feeding and medium to large trees with dense foliage for roosting. This species occurs at elevations that range from sea level up to 4,125 meters. Hoary bat give birth in mid-May through early July (CDFW, 2018c).

According to CNDDB records (2018), this species has been documented within 10 miles of the project area. The large oak trees on and around the project site may provide roosting habitat for hoary bats. As such, avoidance, minimization, and mitigation measures are recommended.

Monterey Dusky-footed *Woodrat (Neotoma macrotis luciana),* State Status - CSC

Monterey dusky-footed woodrat is a mostly nocturnal species that occurs along Coastal California between Monterey Bay and Morro Bay. This species occurs in a variety of habitats but prefers areas with dense vegetative cover. This species builds and occupies middens, which are made from sticks, bark and leaves, at the base of trees, in understory shrubs and on tree limbs. Threats to this species includes loss of habitat due to development and agriculture (CDFW, 2018c).

According to CNDDB records (2018), a few occurrences have been documented within 10 - 11 miles of the project area. Middens were observed in Drainage 1 (proposed Lot 4) and throughout the woodland and scrub/chaparral habitat along the southern site boundary (proposed Lots 1 and 2). As such, avoidance, minimization, and mitigation measures are recommended.

Pallid Bat *(Antrozous pallidus),* State Status — CSC

Pallid bat is common at low elevations throughout California and occurs in a variety of habitats including grasslands, shrublands, woodlands, and mixed conifer forest. This species is most common in open, dry habitats with rocky areas for roosting, but may occasionally have day roosts in hollow trees and buildings. Night roosts generally occur in more open areas such as porches and open buildings (Zeiner et al., 1988-1990a).

According to CNDDB records (CDFW, 2018), there is a single documented occurrence of this species approximately 12 miles east of the site. Suitable roosting habitat is present in the cavities of oak trees throughout the site, as well as within the dilapidated structures around the old homestead. As such, avoidance, minimization, and mitigation measures are recommended.

Townsend's Big-eared Bat *(Corynorhinus townsendii),* State Status —CSC

Townsend's big-eared bat is found throughout California in all habitats but subalpine and alpine and is most abundant in mesic habitats. This species requires cave, mines, tunnels, buildings or other human-made structures for roosting. Townsend's big-eared bat feeds primarily on small moths as well as beetles and a variety of soft-bodied insects. It feed along habitat edges or gleans from brush or trees. Townsend's big-eared bat hibernate from October to April. Females give birth from May to June. Threats to this species include human disturbances resulting in abandonment of roosting site as this species if extremely sensitive to disturbances (CDFW 2018c).

According to CNDDB records (2018), Townsend's big-eared bat has been documented within 3.7 miles of the project area. Dilapidated structures on site could provide roosting habitat, though no bats were observed during field surveys. This species may also forage through the survey area. As such, avoidance, minimization, and mitigation measures are recommended.

Sensitive Amphibian Species

California Red-legged Frog *(CRLF; Rana draytonii),* Federal Status — Threatened, State Status

— CSC

CRLF require permanent or semi-permanent bodies of water such as lakes, streams, and ponds with plant cover for foraging and breeding. Reproduction occurs in aquatic habitats from late November to early April. Egg masses are laid in the water following breeding, often on emergent vegetation. Once hatched, tadpoles consume algae off the water surface or off rocks and plants. Following metamorphosis, juvenile frogs may remain in the breeding ponds or disperse into uplands with no regard for topography. CRLF have been documented dispersing over two miles from aquatic habitat. Dispersing frogs may seek refuge in small mammal burrows or soil fractures. This species is known to occur from Mendocino County to Northern Baja California and eastward through the Northern Sacramento Valley and Sierra Nevada foothills. It is known to occur at elevations from 0 to 1,525 meters (Zeiner, et at., 1988-1990).

According to CNDDB (2018) records, the nearest documented occurrences of this species are located approximately 10.75 miles south of the project site. No potential breeding habitat (i.e., deep pools with emergent vegetation and overhanging cover) was identified within the survey area. However, a review of aerial imagery indicates that one potentially suitable pond is present on an adjacent property approximately 350 feet from the project site. Ephemeral drainages identified on site may provide dispersal corridors for this species and suitable upland habitat is present for this species. As such, avoidance, minimization, and mitigation measures are recommended.

Western Spadefoot Toad *(Spea hammondii),* State Status - CSC

Western spadefoot toad generally inhabits lowlands, sandy washes, and river flood plains but also may be found in woodlands, grasslands, and chaparral where soils are sandy and loose. This species will occupy small mammal burrows where it may remain buried until the rainy season when it emerges to breed in ephemeral or seasonal pools. Seasonal pools and other breeding locations must stay inundated for at least 30 days for larvae to survive. Threats to this species include loss, degradation, and fragmentation of breeding and upland habitats (Nafis, 2018).

According to CNDDB (2018) records, the nearest documented occurrence is located approximately 8.25 miles east of the project site. The potential wetland areas identified at on site may provide suitable breeding opportunity for western spadefoot toad, but it is unknown whether these areas remain inundated for a sufficient length of time to support breeding. Suitable upland refugium (i.e., small mammal burrows) was also present throughout the open grasslands on site. As such, avoidance, minimization, and mitigation measures are recommended.

Sensitive Reptile Species

Coast Horned Lizard *(Phrynosoma blainvillii),* State Status - CSC

Coast horned lizard occurs in a wide variety of habitats with open areas and patches of loose soil, including grasslands, coniferous forests, woodlands, and chaparral. This species feeds primarily on ants but will also feed on a variety of other small invertebrates. Threats to this species include loss of habitat due to

development and agriculture, and displacement of native ants due to the spread of nonnative ants (Nafis, 2018).

According to CNDDB (2018) records, the nearest documented occurrence is located approximately 9.4 miles of the project site. Ant hills were observed throughout the grasslands on site, providing suitable forage opportunity for this species. As such, avoidance, minimization, and mitigation measures are recommended.

Northern California Legless Lizard *(Annie/la pulchra),* State Status - CSC

Northern California legless lizard occurs in sparsely vegetated areas such as beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. This species prefers moist warm loose soil, can be found in leaf litter and will seek refuge under surface objects such as rocks, boards, and logs. Threats to this species include loss of habitat due to development, agriculture, sand mining, off-road vehicle recreation and invasive plants (Nafis, 2018).

According to CNDDB (2018) records, the nearest documented occurrence is located approximately 2.5 miles southwest of the project site. Leaf litter and fallen branches in the understory of oak woodland habitat associated with drainages and along the sloped terrain on the southern site boundary may provide suitable habitat for this species. As such, avoidance, minimization, and mitigation measures are recommended.

San Joaquin Coachwhip *(Masticophis flagellum ruddocki),* State Status - CSC

San Joaquin coachwhip occurs in dry, treeless areas such as grasslands and saltbush scrub. This species will seek refuge under surface objects such as rocks, as well as under shrubs or in rodent burrows. The range of this species is known to extend from the Sacramento Valley, south to Kern County and west to the Inner South Coast Ranges. Suitable habitat areas generally occur at elevations ranging from 20 to 900 meters. Due to this species tendency to bask on roadways and scavenge on roadkill, vehicle strikes are a common threat (Nafis, 2018).

According to CNDDB (2018) records, the nearest documented occurrence is located approximately 9 miles east of the project site. Within the survey area, open fields with small mammal burrows provide suitable habitat and forage opportunity for this species. As such, avoidance, minimization, and mitigation measures are recommended.

Sensitive Avian Species

Bald Eagle *(Haliaeetus leucocephalus),* State Status — Fully Protected

Bald eagle is designated by CDFW as a Fully Protected species (i.e., no permitted take or possession at any time), and is also protected under the federal Bald and Golden Eagle Protection Act (USFWS, 2018c). Bald eagles typically occur near lakes, reservoirs and rivers throughout the year and feed on a variety of small mammals, fish, waterfowl and carrion. Breeding habitats consist of mountain and foothill forests and woodlands near lakes, reservoirs and rivers. The typical nesting period for bald eagles is from January 1 through September 15. This species is threatened by loss of forage and nesting habitat, secondary pesticide and lead poisoning, and collision with man-made structures (CDFW, 2018b).

According to CNDDB (2018) records, a historic nest is located on the hillside in the southern portion of the site. This nest site was not located during surveys. This territory was last documented as active in 1997. There is potential for nesting to occur on the hillside in the southern portion of the site, as well as in the project vicinity. As such, avoidance, minimization, and mitigation measures are recommended.

California Horned Lark *(Eremophila alpestris actia),* State Status — Watch List

California horned lark inhabits open country, grasslands, and agricultural areas. Nests are typically in shallow depressions made of roots, grass, and hair, and they typically breed between March and August. According to CNDDB (2018) records, the nearest documented occurrence is located approximately 13.5 miles northeast of the project site. Suitable nesting habitat is present in the open grasslands throughout the site and, as such, avoidance, minimization, and mitigation measures are recommended.

Golden Eagle *(Aquila chrysaetos),* State Status — Fully Protected

Golden eagle is designated by CDFW as a Fully Protected species (i.e., no permitted take or possession at any time), and is also protected under the federal Bald and Golden Eagle Protection Act (USFWS, 2018c). Golden eagles typically occur in open and semi-open habitats, most commonly in mountainous areas where large trees for nesting and open hunting grounds with prey are abundant. Golden eagles primarily feed on small mammals, and will nest in trees, on cliffs, or other steep escarpments (Cornell, 2015). The typical nesting period for golden eagles is from January 1 through September 15. This species is threatened by loss of forage and nesting habitat, secondary pesticide poisoning, and collisions with man-made structures.

According to CNDDB (2018) records, the nearest documented occurrence is located within 7.7 miles of the project site. Suitable foraging habitat containing California ground squirrels was identified in the survey area. In addition, oak woodland habitat on site and in the vicinity may provide suitable nesting habitat. As such, avoidance, minimization, and mitigation measures are recommended.

Sharp-shinned Hawk *(Accipiter striatus),* State Status — Watch List

Sharp-shinned hawks is a common migrant and winter resident throughout California and generally prefer, but are not restricted to, riparian habitats. This species breeds in ponderosa pine, black oak, riparian deciduous, mixed conifer and Jeffery pine habitats. Sharp-shinned hawks feed mostly on small birds but will also take small mammals, insects, reptiles and amphibians (Zeiner, et al., 1988-1990).

There are no CNDDB records for this species within ten miles of the project site; however, this species was observed during the site survey on December 07, 2018. This individual is likely a winter migrant that will not breed on the site.

Western Burrowing Owl *(Athene cunicularia),* State Status — CSC

Burrowing owls generally inhabit open grasslands, prairies, and fields with short-stature vegetation, but may also occupy agricultural and developed areas (Shuford et al., 2008). This species typically uses the burrows of ground squirrels and other small mammals to take shelter underground throughout the year. Burrowing owls are typically nocturnal, but they can be seen roosting outside of burrow entrances during the day. Both breeding and wintering populations of burrowing owls are known to occur in the project region, but they more commonly inhabit coastal areas during the non-breeding season.

According to CNDDB (2018) records, burrowing owl has been documented approximately 9.25 miles east of the project site. Suitable habitat is present for this species on site, including small mammal burrows of sufficient size to be utilized by burrowing owls. As such, avoidance, minimization, and mitigation measures are recommended.

Migratory Nesting Birds

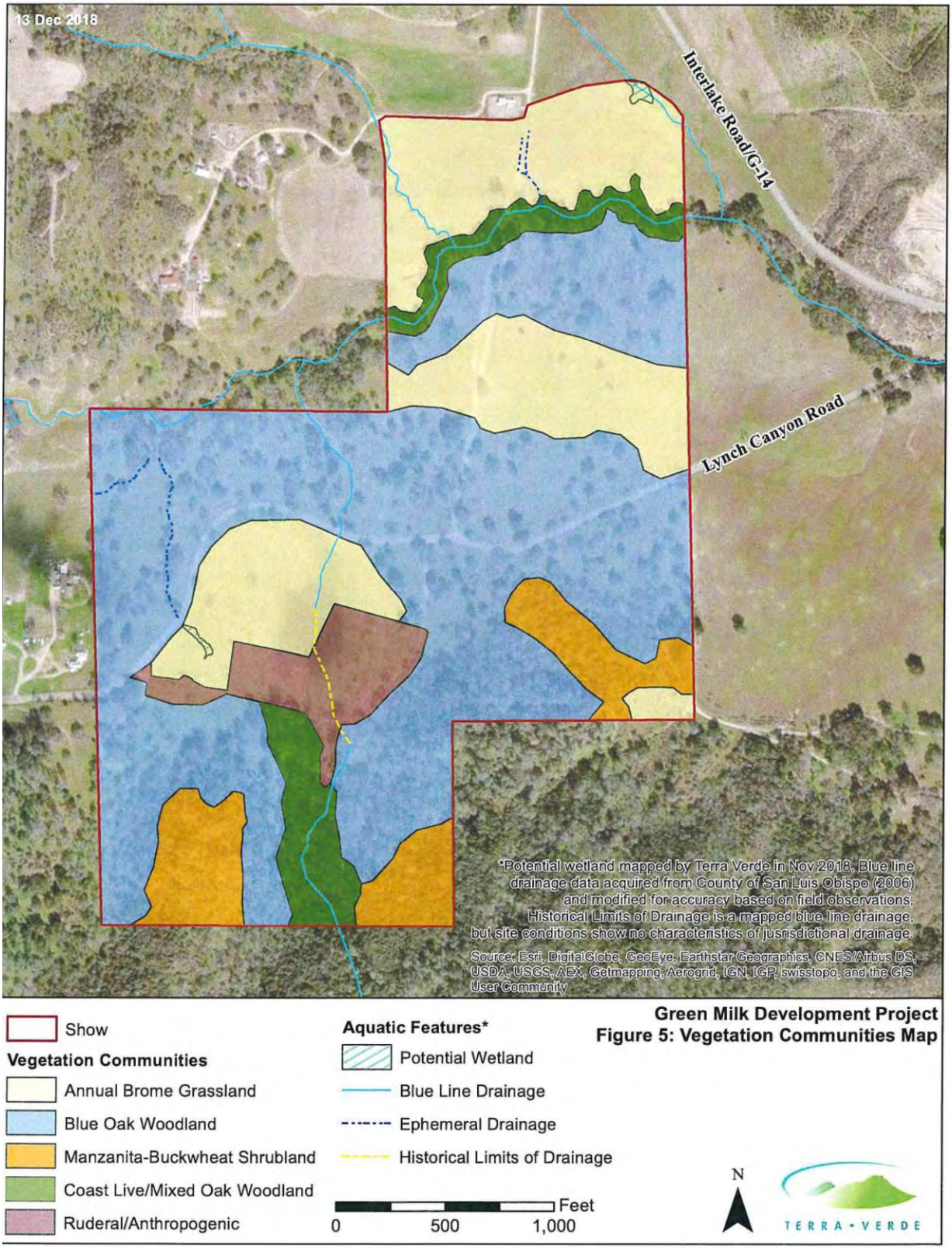
In addition to those species protected by the state or federal government, all native avian species are protected by state and federal legislature, most notably the Migratory Bird Treaty Act (MBTA) and the CDFW Fish and Game code. Collectively, these and other international regulations make it unlawful to collect, sell,

pursue, hunt, or kill native migratory birds, their eggs, nests, or any parts thereof. The laws were adopted to eliminate the commercial market for migratory bird feathers and parts, especially those of raptors and other birds of prey.

Avian species can be expected to occur within the project site during all seasons and throughout construction of the proposed project. The potential for encounter and to disrupt these species is highest during their nesting season (generally February 1 through September 15, as early as January for raptors) when nests are likely to be active, and eggs and young are present. A raptor nest was observed in an oak tree in Drainage 1. Potential cavity nests were also observed in the large oak trees throughout the site. The diverse oak woodland, riparian, and scrub/chaparral habitats on site present potential nesting for a variety of bird species including raptors and cavity nesting birds. Recommended avoidance, minimization, and mitigation measures for the protection of migratory nesting birds are provided below.

Figure 12 -- Biological Survey Area and Drainages

Figure 13 -- Habitats of the Project Site



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

As discussed in the setting, the BRA prepared for the project identified a number of special-status plant species with the potential to occur on the project site. However, the fall field surveys could not determine presence or absence in all cases because the surveys occurred outside the spring flowering season. As a result, Terra Verde conducted a spring botanical survey of the project site beginning in in February of 2020. Terra Verde completed a total of five field surveys which covered the entire 160-acre parcel associated with the originally proposed development. Surveys completed in May 2019 were timed to occur during the typical blooming and/or fruiting period for regionally occurring special status botanical species, and focused on the proposed development area, plus an approximate 100-foot buffer. The survey on May 22, 2019 focused on identification of a late-blooming species of spineflower (*Chorizanthe*), which was not yet flowering and identifiable to species during the May 10 survey.

Surveys were completed on foot using standard survey protocols for the detection and mapping of special status species populations. During each survey, all detected plant and wildlife species and their sign (e.g., tracks, scat, vocalizations, etc.) were documented. All botanical species encountered were identified to the lowest taxonomic level necessary to confirm listing status (provided in Attachment C of the spring survey – List of Botanical Species Observed). Botanical species identifications and taxonomic nomenclature followed *The Jepson Manual: Vascular Plants of California*, 2nd edition (Baldwin et al. 2012) as well as taxonomic updates included in the Jepson eFlora (Jepson Flora Project 2020).

A total of 221 unique taxa were documented within the overall survey area, including 67 nonnative and 154 native taxa. No special-status botanical species were identified, and no unknown or unidentifiable plants were observed on site. The habitat documented within the overall survey area consists of a diverse assemblage of open grassland, oak savannah/woodland, riparian woodland, and upland scrub/chaparral habitats, most of which is largely undisturbed. However, the proposed development area has been concentrated mostly within annual grassland habitat, as well as an area of regenerating blue oak (*Quercus douglasii*) woodland, with dense growth of many young trees.

No special-status botanical species were documented on site during appropriately-timed spring surveys. Accordingly, project impacts to special status plant species are considered *less than significant*.

Special Status Wildlife

American Badger

Direct impacts to American badger may occur during construction as a result of vehicle strikes or during excavation activities, if there are occupied dens on-site or adjacent. Increased short- and long-term anthropogenic activity on the project site also has the potential to indirectly impact this species by removal of habitat, increased light-pollution, and potential primary and secondary exposure to agricultural chemicals including rodenticides.

Monterey Dusky-footed Woodrat

Direct impacts to Monterey dusky-footed woodrat may occur during construction as a result of crushing and trampling by vehicles and equipment if areas where middens/houses are present are developed. Indirect impacts to this species could include removal of habitat, increased light-pollution, and potential primary and secondary exposure to agricultural chemicals including rodenticides.

Special-status Bats

Direct and indirect impacts to special-status bat species may occur if roosts are present in the oak trees or dilapidated structures present on site. As noted above, it is expected that oak trees will be removed; it is further expected that dilapidated structures will be removed as part of the proposed development. As such, direct and indirect impacts may occur as a result of roosting deterrent or removal of habitat and potential primary and secondary exposure to agricultural chemicals.

Special-status Amphibians and Reptiles

If CRLF are utilizing the drainages in the vicinity of the project alignment, juveniles and adults may disperse through the project site, particularly during the rainy season. In addition, the proposed pond may attract dispersing and migrating CRLF to the site. If individual CRLF, coast horned lizards, or northern California legless lizards are present on-site during construction, they could be crushed or trampled by vehicles and equipment. In addition, there is potential for CRLF, western spadefoot toad, and San Joaquin coachwhip to use small mammal burrows for refuge and cover. As such, excavation or crushing of any burrows during construction may result in direct impacts to these species. Direct impacts to San Joaquin coachwhip may also occur as a result of vehicle strikes if this species is basking on roadways.

Special Status Crustaceans – Vernal Pool Habitat

A comprehensive mapping of vernal pool habitat was conducted by Robert F. Holland, Ph. D for the California Central Coast to inform U.S. Fish and Wildlife Service designation of critical habitat (CDFW 2014). As part of this effort, vernal pool habitat was mapped within the southeast corner of the property. This vernal pool habitat was identified using aerial photos from 1994 and checked against 10-meter resolution satellite imagery from 2000 (CDFW 2014). Finally, a 25 percent subsample of the mapped vernal pool habitat were assessed by a field visit to ground truth the aerial assessment. A field visit was not made to the habitat mapped to the property to verify the results of the aerial assessment (CDFW 2014).

Terra Verde conducted multiple fields surveys on the property that included habitat assessment, vegetation mapping, and jurisdictional delineation. The topography in the southeast corner of the property was observed to be slightly hummocky; however, no ponded water or evidence of ponded water was observed within this area. Soils present on site were observed to be well drained and highly erodible. Of the seven soil units that are present on site, six are classified as well drained and one as moderately well drained (Terra Verde 2019). In addition, botanical species observed in this area during the focused botanical survey in May were not indicative of vernal pools being present.

As a result of these surveys, no vernal pool habitat was documented on the property during multiple field surveys. As such, no impacts to vernal pool habitat or species reliant on vernal pool habitat will occur as a result of the project.

Special-status Insects

In 2018, a petition to list four species of bumblebee as endangered was received by the California Fish and Game Commission, and the California Department of Fish and Wildlife (CDFW) was tasked with evaluating available scientific information to determine if listing was warranted. The four bumble bee species are: Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*). CDFW's Evaluation Report was completed in April 2019 and it was determined that, based on information in the petition, the four species are warranted for listing as endangered under the California Endangered Species Act (CESA). The Fish and Game Commission accepted the petition for consideration at their June 2019 meeting, and CDFW is now completing additional analysis to determine if the species will meet the listing criteria. During the approximately one-year review period, the four bumble bee species are identified as candidate species as defined by Section 2068 of the Fish and Game Code, and thereby are afforded all legal protections under CESA consistent with listing as endangered. CDFWs final evaluation report is expected in late December, 2020.

The BRA prepared for the project did not assess the potential for bumblebees to occur on the project site. However, the project site does contain marginal grassland habitat and is within the historic range of the Crotch bumblebee. Therefore, pre-construction surveys are recommended to ensure potential impacts to bumblebees are avoided.

Mitigation measures BIO-1 through BIO-17 have been identified below to avoid and reduce potential project impacts to these species; therefore, potential impacts associated with substantial adverse effects to special status species would be *less than signification 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?

As discussed in the setting, above, the project site supports a total of eight jurisdictional drainage features within the survey area, including four unnamed USGS blue line drainages and four ephemeral drainages. In addition, two potential wetland features were identified.

Drainage 1 is a mapped USGS blue line drainage that flows east across the northern portion of the site. This feature has a clearly defined bed and bank, including evidence of OHWM. As such, it is assumed this drainage would be considered waters of the state under the jurisdiction of CDFW and RWQCB, and waters of the U.S. under the jurisdiction of the Corps. The proposed cannabis cultivation development has been designed to avoid impacts to this drainage. However, the proposed water line to be constructed from Well No. 1 (Figure 7) to the proposed indoor facilities will cross Drainage No. 1. The pipe will be installed using directional boring within the road right-of-way and is not expected to adversely impact potentially jurisdictional wetland or riparian resources.

Drainage 2 is a mapped USGS blue line drainage that flows southeast across the open grassland along the northwestern boundary of the site. This feature has a clearly defined bed and bank, including evidence of OHWM. As such, it is assumed this drainage would be considered waters of the state under the jurisdiction of CDFW and RWQCB, and waters of the U.S. under the jurisdiction of the Corps. However, the proposed development has been designed to avoid impacts to this drainage.

Drainage 3 is a mapped USGS blue line drainage that flows southeast across the open grassland along the northeastern boundary of the site. This feature has a clearly defined bed and bank, including evidence of OHWM. As such, it is assumed this drainage would be considered waters of the state under the jurisdiction of CDFW and RWQCB, and waters of the U.S. under the jurisdiction of the Corps. However, the proposed development has been designed to avoid impacts to this drainage.

Drainages 4 and 5 are ephemeral swales that flow south along either edge of Wendy Way, north of Drainage 1. The northern approximately 115 feet of Drainage 4 and 110 feet of Drainage 5 coincide with a gently-sloped topographic low point, equivalent to a swale. However, the lower 40 feet of Drainage 4 and 365 feet of Drainage 5 have a clearly defined bed and bank, including evidence of OHWM. As such, it is assumed that both drainages would be considered waters of the state under the jurisdiction of CDFW and RWQCB, and the lower portion of both would also be considered waters of the U.S. under the jurisdiction of the Corps. The proposed development has been designed to avoid direct impacts to these drainages; however, the edge of new development may be located within 50 feet of the limits of these drainages. As such, recommendations for the avoidance and protection of jurisdictional aquatic features have been recommended below.

Drainage 6 is a mapped USGS blue line drainage that flows north across most of the site, along the boundary between the proposed Lots 1 and 2, and across the middle of Lot 3. The upper reaches of this drainage have a clearly defined bed and bank, including evidence of OHWM, and supported flowing water at the time of the survey. However, as this drainage flows north out of the canyon, the channel becomes undefined in the area surrounding the old homestead. As a result of past land manipulations, including agricultural/orchard operations, approximately 700 linear feet of the historic channel are no longer detectable (i.e., upland, topographically convex/flat area). Just south of Lynch Canyon Road, the channel is apparent again as a gently-sloped topographic low point, equivalent to a swale. This swale connects to a culvert under Lynch Canyon Road and continues north until it exits the subject property, eventually connecting with Drainage 1 on the adjacent parcel. It is assumed that the upper limits of this drainage would be considered waters of the state under the jurisdiction of CDFW and RWQCB, and waters of the U.S. under the jurisdiction of the Corps. The northern section of Drainage 1 that coincides with a swale may be considered waters of the state under the jurisdiction of the CDFW and RWQCB, but it lacks any characteristics for waters of the U.S. (i.e., OHWM). The section of overland flow that connects the upper and lower portions of the historical channel are assumed to be non-jurisdictional. The proposed indoor and outdoor cannabis facilities have been designed to avoid impacts to this drainage. However, the proposed water line to be constructed from Well No. 1 (Figure 7) to the proposed indoor facilities will cross Drainage No. 6. The pipe will be installed using directional boring within the road right-of-way and is could adversely impact potentially jurisdictional wetland or riparian resources.

Drainage 7 is an ephemeral drainage that flows north across the open grassland along the western boundary of the site. This feature has a clearly defined bed and bank, including evidence of OHWM. As such, it is assumed this drainage would be considered waters of the state under the jurisdiction of CDFW and RWQCB, and waters of the U.S. under the jurisdiction of the Corps. The proposed development has been designed to avoid impacts to this drainage. The proposed indoor and outdoor cannabis facilities have been designed to avoid impacts to this drainage. However, the proposed water line to be constructed from Well No. 1 (Figure 7) to the proposed indoor facilities will cross Drainage No. 6. The pipe will be installed using directional boring within the road right-of-way and is could adversely impact potentially jurisdictional wetland or riparian resources.

Drainage 8 is an ephemeral drainage that flows northeast across the open grassland along the western boundary of the site. Immediately upstream of the property line, this drainage has been dammed by an earthen berm, which limits downstream flows. On the subject property, this feature currently coincides with a topographic low point, equivalent to a swale. As such, this drainage may be considered waters of the state under the jurisdiction of the CDFW and RWQCB, but it lacks any characteristics for waters of the U.S. (i.e., OHWM). The proposed development has been designed to avoid impacts to this drainage.

Based on the Biological Resources Assessment Report prepared for the project, no special-status plant communities or USFWS-designated critical habitat occur within the area of disturbance or the immediate project vicinity. However, the project could adversely impact or riparian or wetland habitats. Recommendations for the avoidance and protection of jurisdictional aquatic features have been included. Therefore, potential impacts to riparian habitat or other sensitive natural communities would be *less than significant with mitigation.*

(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?

As discussed in the setting, above, the project site supports two potential wetland features. Wetland 1 is an in-channel feature associated with Drainage 3, in a portion of the channel that is wide and flat along the northern site boundary. This wetland was identified and mapped using historical aerial imagery as well as field observations of topography, vegetation, and flow patterns. However, the current mapped limits of this feature are approximate, as a formal wetland delineation has not been completed. The proposed project will not impact this feature.

Wetland 2 an in-channel feature at the headwaters of Drainage 7, east of Lynch Canyon Road. Down slope, this feature drains to an ephemeral drainage on the adjacent parcel. This wetland was identified and mapped using historical aerial imagery as well as field observations of topography, vegetation, and flow patterns. However, the current mapped limits of this feature are approximate, as a formal wetland delineation has not been completed. The edge of the new development may be placed within 50 feet of the mapped edge of this feature. As such, recommendations for the avoidance and protection of jurisdictional aquatic features have been included below.

In addition, the project will be conditioned to provide a drainage and erosion control plan to avoid indirect impacts to on-site and offsite water features. This drainage and erosion control plan would be subject to County Public Works review and approval in accordance with standard County construction and stormwater control requirements. Therefore, potential impacts to state or federally protected wetlands would be *less than significant with mitigation.*

(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?

Wildlife Corridors

Maintaining connectivity between areas of suitable habitat is critical for the survival and reproduction of plants and wildlife. Intact habitats benefit plants by ensuring proper dispersal of pollen and seeds, which sustains or grows the population and contributes to the genetic health of the species. Wildlife need contiguous habitats for the acquisition of food, access to mates and suitable habitat that supports reproduction, migration, and rest, and for the successful dispersal of young. The project site is located in a rural area of northern San Luis Obispo County,

within the Santa Lucia Range between Lake San Antonio and Lake Nacimiento. Large tracts of undeveloped land are present in the surrounding landscape. However, existing barriers to migration, particularly for wildlife, include public and private roadways, rural residences and patches of agricultural operations in the region, which typically correlates with a high frequency of land manipulation, wildlife-exclusion fences, and pest management activities.

Project activities are proposed to be concentrated in the northeast corner of the property, leaving the majority of the property undeveloped and in its existing state (see Attachment D - Updated Site Plans, dated 02-19-2020). This area is vegetated in open grassland and blue oak woodland habitat and is situated between Interlake Road/G14 and Lynch Canyon Road. Due to the concentrated nature of the proposed development within the northeast corner of the property, the proposed development may create a localized barrier to the movement of larger terrestrial mammals in this area; however, it would not create a barrier to landscape level movement patterns necessary to maintain genetically healthy wildlife populations. In addition, the majority of the property will remain undeveloped, maintaining a large area of intact habitat adjacent to similarly intact habitat on adjacent properties; therefore, maintaining landscape level movement patterns for wildlife. Furthermore, the project is not expected to create new barriers to aquatic migration.

Migratory Nesting Birds and Sensitive Avian Species
Bald Eagle (Haliaeetus leucocephalus), State Status — Fully Protected
According to CNDDB (2018) records, a historic nest is located on the hillside in the southern portion of the site. This nest site was not located during surveys. This territory was last documented as active in 1997. There is potential for nesting to occur on the hillside in the southern portion of the site, as well as in the project vicinity. As such, avoidance, minimization, and mitigation measures are recommended.

California Horned Lark (Eremophila alpestris actia), State Status — Watch List

California horned lark inhabits open country, grasslands, and agricultural areas. Nests are typically in shallow depressions made of roots, grass, and hair, and they typically breed between March and August. According to CNDDB (2018) records, the nearest documented occurrence is located approximately 13.5 miles northeast of the project site. Suitable nesting habitat is present in the open grasslands throughout the site and, as such, avoidance, minimization, and mitigation measures are recommended.

Golden Eagle (Aquila chrysaetos), State Status — Fully Protected

According to CNDDB (2018) records, the nearest documented occurrence is located within 7.7 miles of the project site. Suitable foraging habitat containing California ground squirrels was identified in the survey area. In addition, oak woodland habitat on site and in the vicinity may provide suitable nesting habitat. As such, avoidance, minimization, and mitigation measures are recommended.

Sharp-shinned Hawk (Accipiter striatus), State Status — Watch List

There are no CNDDB records for this species within ten miles of the project site; however, this species was observed during the site survey on December 07, 2018. This individual is likely a winter migrant that will not breed on the site.

Western Burrowing Owl (Athene cunicularia), State Status — CSC

According to CNDDB (2018) records, burrowing owl has been documented approximately 9.25 miles east of the project site. Suitable habitat is present for this species on site, including small mammal burrows of sufficient size to be utilized by burrowing owls. As such, avoidance, minimization, and mitigation measures are recommended.

Migratory Nesting Birds

In addition to those species protected by the state or federal government, all native avian species are protected by state and federal legislature, most notably the Migratory Bird Treaty Act (MBTA) and the CDFW Fish and Game code. Collectively, these and other international regulations make it unlawful to collect, sell, pursue, hunt, or kill native migratory birds, their eggs, nests, or any parts thereof. The laws were adopted to eliminate the commercial market for migratory bird feathers and parts, especially those of raptors and other birds of prey.

Avian species can be expected to occur within the project site during all seasons and throughout construction of the proposed project. The potential for encounter and to disrupt these species is highest during their nesting season (generally February 1 through September 15, as early as January for raptors) when nests are likely to be active, and eggs and young are present. A raptor nest was observed in an oak tree in Drainage 1. Potential cavity nests were also observed in the large oak trees throughout the site. The diverse oak woodland, riparian, and scrub/chaparral habitats on site present potential nesting for a variety of bird species including raptors and cavity nesting birds. As such, avoidance, minimization, and mitigation measures are recommended.

With the recommended mitigation measures impacts related to interference with the movement 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?

Impacts to, or removal of, mature oak trees (i.e., greater than six inches in diameter at breast height [DBH]) or oak woodland habitat is evaluated under CEQA. As a CEQA Lead Agency, the County of San Luis Obispo currently applies a 4:1 mitigation ratio for removed trees and a 2:1 mitigation ratio for impacted trees. Mature coast live, valley, and blue oak trees are present on the project site in association with open savannah, dense woodland, and riparian habitat. Based on the current development plans, it is expected that oak trees will be removed and impacted as a result of the proposed development. Impacts to oak trees will include tree removal and may include trimming, compaction or excavation within the critical root zone (typically defined as 1.5 times the distance from the trunk to the drip line), and placement of year-round or summer watering within the critical root zone. Impacted and removed trees may require mitigation in the form of on-site plantings or off-site protection of existing oak woodland.

In addition, LUO Section 22.58.040 sets forth regulations that govern the clear-cutting of oak trees. Clear cutting is defined as the removal of contiguous trees that occupy an area of one acre or more within an Oak Woodland from a Site or portion of a Site for any reason, including the harvesting of wood, or to enable the conversion of land to other land uses. "Oak Woodland" means a grouping of trees over one acre in area growing in a contiguous pattern and on a site of sufficiently uniform quality that is distinguishable as a unit, including any Stand within 500 feet; where the dominant trees are one or more of 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). Under Section 22.58.040, the clear-cutting of less than one acre requires approval of a Minor Use Permit and subject to the preparation of an Oak Woodland Management Plan as defined by LUO Section 22.58.060.

An oak tree inventory and impact assessment was prepared by Terra Verde Environmental Consultants in March, 2020. Project activities that could adversely impact oak trees include:

- Development of two wells and two water lines;
- Hoop structure placement for outdoor cannabis cultivation;
- Construction of the processing building, greenhouses and supporting facilities.

Potential impacts to oak with a trunk diameter of 5 inches or more at breast height (DBH) are illustrated in Figure 14 and summarized in Table 6.

Initial Study – Environmental Checklist

Figure 14 -- Potential Oak Tree Impacts

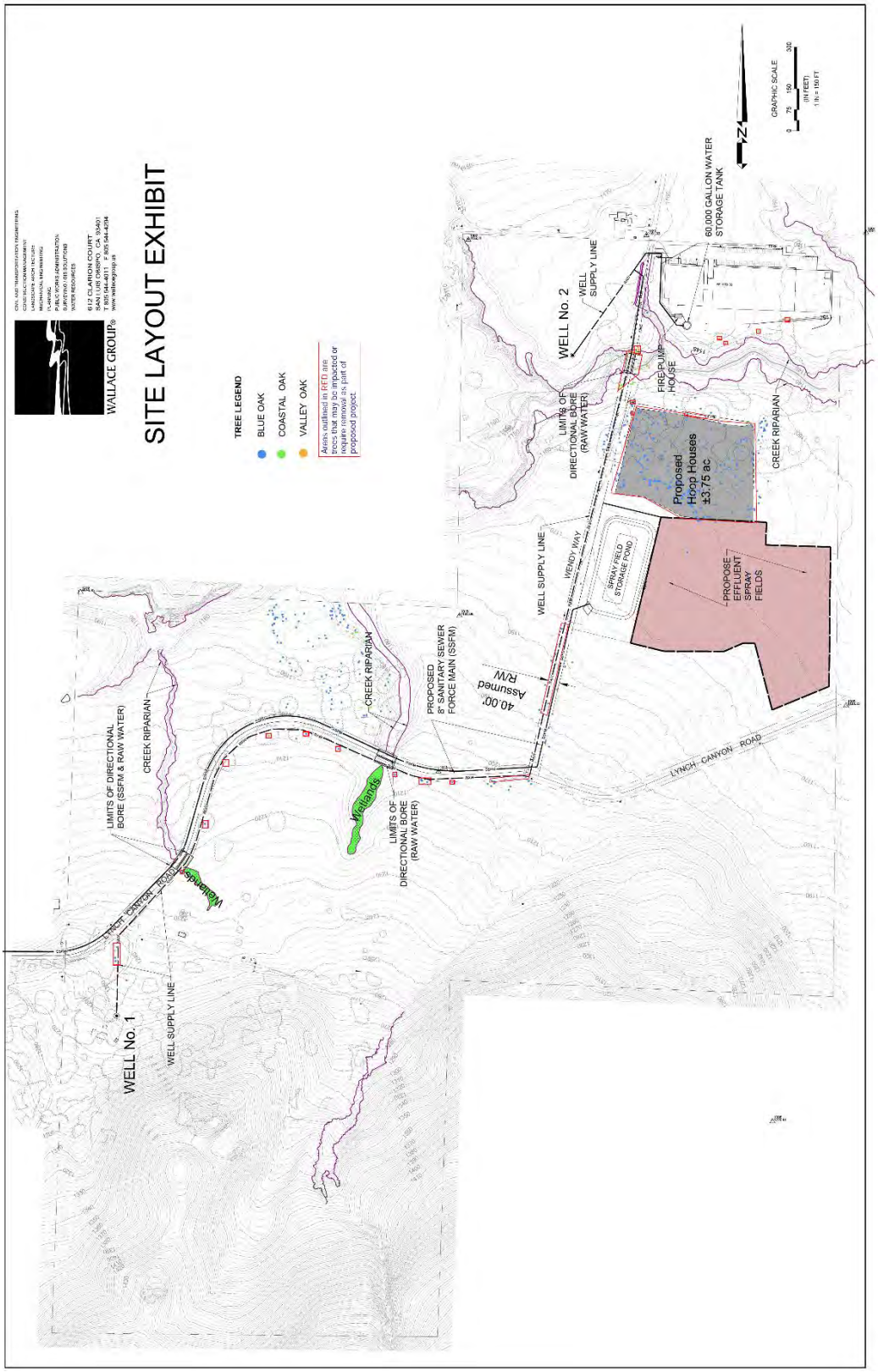


Table 6 -- Oak Tree Impacts

Project Component	Blue Oak		Coast live Oak		Valley Oak	
	Removal	Impacted	Removal	Impacted	Removal	Impacted
Wells and Water Lines	4	22	1	4	3	1
Hoop Structures for Outdoor Cultivation	177	7	0	0	0	0
Buildings and Support Facilities	0	0	0	1	2	0
Totals:	181	29	1	5	5	1

Source: terra Verse Environmental Consultants, March 2020

As shown in Table 6, the project could result in the removal of a total of 187 oak trees and could result in impacts to 28 oak trees. It should be noted that the number of trees potentially impacted is an estimate based on initial design of project facilities. The final number of replacement trees will be determined based on the plans submitted for building permit approval

Based on the initial analysis the following oak tree replacement may be necessary based on the replacement ratios of 4:1 for oak trees removed and 2:1 for oak trees impacted (root structure or limbs):

Table 7 -- Oak Tree Mitigation Requirements

Tree Type	Replacement Trees for Oak Tree Removal Based On A Replacement Ratio of 4:1	Replacement Trees for Oak Tree Impacts Based On A Replacement Ratio of 2:1	Total Replacement Trees Required
Blue Oak	724	58	782
Coast Live Oak	4	10	14
Velley Oak	20	2	22
Total:	**748**	**70**	**818**

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. Therefore, the project would not conflict with the provisions of an adopted plan and impacts would be *less than significant.*

Conclusion

Upon implementation of mitigation measures BIO-1 through BIO-17 to reduce potential impacts to special-status plants, special-status wildlife, and native oak trees, potential impacts to biological resources would be *less than significant*.

Mitigation

BIO-1 **Environmental Awareness Training –** Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BIO-2 **Site Maintenance and General Operations** - The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- Any temporary construction lighting shall avoid nighttime illumination of suitable habitat features (i.e. drainages, riparian corridor, sensitive species habitat). Temporary construction lighting shall be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages.

Federal and State Waters and Wetlands.

- If construction occurs during or immediately following rain, temporary site stabilization methods will be used to prevent inadvertent erosion and sedimentation into adjacent aquatic habitat. An erosion and sediment control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into the aquatic habitats during construction. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e. non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard BMPs. BMPs shall be installed and maintained for the duration of construction or until the site has been stabilized.

- If project design changes resulting in drainage crossings or other direct impacts to mapped aquatic resources, all applicable agency permits with jurisdiction over the project area (i.e. CDFW, RWQCB, and/or Corps) should be obtained, as needed, prior to construction. All additional mitigation measures required by these agencies would be implemented as necessary throughout the project.

BIO-3 **Pre-construction survey for American badgers.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

- If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.

- If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

BIO-4 **Pre-construction survey for Special-status Reptiles and Amphibians**. A qualified biologist shall conduct a pre-construction survey for western spadefoot immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal including tree removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring shall be repeated. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species.

BIO-5: **Pre-construction survey for Monterey Dusky-footed Woodrat.** A qualified biologist shall complete a pre-construction survey for woodrat middens within 30 days prior to the start of initial project activities. If woodrat middens/houses are discovered, an exclusion buffer of 50 feet shall be established around the midden. If a woodrat midden cannot be avoided, it will be carefully deconstructed by hand, allowing the woodrat to escape before it is removed.

BIO-6 **Pre-construction surveys for Crotch Bumblebee (CBB).** The following actions shall be undertaken to avoid and minimize potential impacts to CBB:

a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB within suitable habitat (i.e. small mammal burrows, thatched/bunched grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.)) on the project site. Survey(s) shall be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.

b. CBB Take Avoidance - If the survey(s) establish the presence of CBB within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the Department of Panning and Building in consultation with CDFW. The Management Plan shall include at least the following:

    i. Avoidance measures to include a minimum 50-feet no-disturbance buffer to avoid take and potentially significant impacts.

    ii. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department of Planning and Building, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).

c. In the event CBB is denied listing under the CESA, this measure shall not be required.

BIO-7 **Bat Roost Avoidance**. A qualified biologist shall conduct a survey before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. If no active roosts are found, no further action shall be required. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing surveys.

If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost shall be fully avoided and not removed or otherwise impacted by project activities during the maternity season. A minimum 100-foot ESA avoidance buffer shall be demarcated by highly visible orange construction fencing around active maternity roosts. No construction equipment, vehicles, or personnel shall enter the ESA without clear permission from the qualified biologist. ESA fencing shall be maintained in good condition for the duration of the maternity season. The roost shall be removed only after the maternity season has ended, and shall be removed under the direction of a qualified biologist.

If active non-maternity bat roosts (e.g., day roosts, hibernacula) are found in trees scheduled to be removed, the individuals shall be safely evicted (e.g., through installation of one-way doors) under the direction of a qualified bat biologist in consultation with the CDFW. In situations requiring one-way doors, a minimum of one week shall pass after doors are installed to allow all bats to leave the roost. Temperatures need to be sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in coastal California. Eviction shall be scheduled to allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.

BIO-8 **Pre-construction Survey for Burrowing Owl (BUOW). Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, If work is planned to occur within 150 meters (approximately 492 feet) of BUOW habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied BUOW burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1 – Aug 15	656 feet	1,640 feet	1,640 feet
Nesting Sites	Aug 16 – Oct 15	656 feet	656 feet	1,640 feet
Any Occupied Burrow	Oct 16 – Mar 31	164 feet	328 feet	1,640 feet

Each exclusion zone shall encircle the burrow and have a radius as specified in the table above. All foot and vehicle traffic, as well as all project 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, or it has been determined by a qualified biologist that the burrow is no longer in use.

If two weeks lapse between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the BUOW survey shall be repeated.

BIO-9 **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-10 **Site Restoration Following End of Operations**. Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

BIO-11 **Native Trees – Avoidance Measures**. To avoid impacts to individual native (oak) trees, the following aspects will be integrated into the project design:

a. Locate all structures, and construction activities, outside of the tree dripline, and where possible outside of the tree's root zone;

b. Consider siting driveway location outside of the tree dripline(s); where this is not possible, trimming to about 15 vertical feet of any encroaching limbs should be done before any construction activities begin to avoid these limbs being irreparably ripped/broken by large vehicles.

c. When located in "high" or 'very high" fire severity zones, make all efforts to locate development at least 30 feet, preferably 100 feet, from existing trees to avoid trimming or removing trees as a part of a fuel modification program to protect structures from wildland fires;

d. Locate all non-native landscaping that requires summer watering and leach lines outside the trees' dripline and root zone;

e. Before siting structure location, consider where utility lines will be located to avoid trenching within the tree dripline/canopy;

f. When the site requires substantial grading near oaks, consider surface drainage aspects (oaks rely on surface water) to retain similar drainage characteristics to oak's root zones.

BIO-12 **Native Trees (Oaks) – Minimizing Impacts**. At the time of building permit application and during construction, the following measures shall be completed to minimize native tree (oak) impacts:

a. Grading and/or construction plans shall provide a 'Native Tree (Oak) Inventory' and show locations of all native trees within 25 feet of the proposed project limits (including ancillary elements, such as trenching); For each of the trees shown, they shall be marked with one of the following 1) to be removed, 2) to be impacted, or 3) to remain intact/protected. This should be noted as the "Native Tree Impact Plan".

b. For trees identified as 'impacted' or 'to remain protected' they shall be marked in the field as such and protected to the extent possible. Protective measures shall be visible to work crews and be able to remain in good working order for the duration of the construction work. Waterproof signage at protective edge is recommended (e.g., "TREE PROTECTION AREA – STAY OUT"). Grading, trenching, compaction of soil, construction material/equipment storage, or placement of fill shall not occur within these protected areas.

c. To minimize impacts from tree trimming, the following approach shall be used:

   i. Removal of larger lower branches shall be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs" (due to wind), 2) reduce number of large limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, creates greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree.

   ii. If trimming is unavoidable, no more than 10% of the oak canopy shall be removed.

   iii. If trimming is done, either a skilled certified arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used. Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.

d. Smaller native trees (smaller than 5 inches in diameter at four feet six inches above the ground) within the project area are considered to be of high importance, and where possible, will be protected.

BIO-13 **Native Tree (Oaks) – Replacement/Planting**. The project proposes to 1) impact up to 28 oak trees, and 2) remove up to 187 oak trees. These are considered individual oak trees with replacement planting to be conducted on-site. Accordingly, a "Tree Replacement Plan" (Plan) shall be prepared to address the following replacement elements.

a. Per the 'Native (oak) Tree Inventory' specified in the previous measure (BIO-12), the applicant will be replacing "in-kind" trees at the following ratios:

   1. For each tree identified as impacted, two (2) seedlings will be planted (56 total).

   2. For each tree identified for removal, four (4) seedlings will be planted (748 total).

b. The Applicant may propose portions of the existing Oak Woodland as an open space use. Guarantees of open space preservation (at 2:1 ratio of the lost oak woodlands) may be in the form of agreements, easements, contracts or other appropriate instrument, provided that such guarantees are not to grant public access, unless desired by the property owner.

c. Alternatively, the applicant shall coordinate with the County Planning and Building Department to determine the appropriate fee and submit payment to the California Wildlife Conservation Board's Oak Woodlands Conservation Program to mitigate for up to 50% of oak trees impacted by the project that have not mitigated through on-site replacement plantings (as described above). Contribution to the Oak Woodlands Conservation Fund shall be paid prior to issuance of grading or construction permits or initiation of site disturbance activities, whichever occurs first.

d. Existing volunteer in-kind seedlings on the subject property may be substituted for up to 25% of the required replacement trees when the following criteria can be met for each seedling. These would be clearly marked in the field and on the Plan:

   1. It is considered in excellent health with evidence of vigorous growth;
   2. It is less than two feet tall and can be easily caged or tubed;
   3. It is not located within the construction boundaries;
   4. It is outside remaining (oak) tree canopy dripline but within 20 feet;
   5. It will be caged from browsing animals (caging securely staked to the ground); deer fencing would be installed in areas with known deer populations;
   6. A three foot radius around the seedling is hand-weeded, and heavily mulched (no less than 3" deep) or a 6x6-foot weed mat is installed after initial weeding at the base of the seedling trunk;
   7. It's future root zone is not near any area that will be receiving supplemental moisture during the summer;
   8. It is no closer than 10 feet from any other seedling being protected/ planted (with an overall average of 20 foot spacing).

   All of these measures should be completed prior to commencement of any grubbing or grading activities on the site and the area fenced for protection from construction equipment. Should the seedling die or be determined in poor health during follow-up monitoring, the Plan should note that a replacement seedling would be planted or protected, and the above measures would be applied.

e. Protection of newly planted trees is needed and shall include the following measures on the Plan:

   1. An above-ground shelter (e.g., tube, wire caging) will be provided for each tree, and will be of sturdy material that will provide protection from browsing animals for no less than five years for oak trees, unless determined successfully established by monitor;

2. Caging to protect roots from burrowing animals will be installed when the tree is planted, and be made of material that will last no less than five years for oak trees.

   Each shelter should include the following, unless manufacture instructions recommend a more successful approach:

3. Shelter will be secured with stake that will last at least five years; metal stake will be used if grazing could occur on site;

4. Height of shelter will be no less than three (3) feet;

5. Base of shelter will be buried into the ground;

6. Top of shelter will be securely covered with plastic netting, or better, and last for no less than five years;

7. If required planting is located in areas frequented by deer, tube/caging heights will be increased to at least four feet or planting(s) will be protected with deer fencing.

f. Replanting should be completed in the late fall or winter month's (October to January). If planting cannot occur during these optimal months, a 'landscape irrigation plan' shall be prepared and installed. It should show how plants will be watered on a regular basis. If planting occurs outside of optimal months, a thorough watering will be completed at the time of planting. Planting stock shall be from deep one-gallon containers. Replant areas will be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil will be carefully removed during initial grading and stockpiled for spreading over graded areas to be replanted (setting aside enough for 6-12" layer for entire tree replant area). Planting hole depths should exceed container depths sufficiently to avoid roots from turning upwards. Soil returned around containers will be compacted sufficiently to eliminate air pockets.

g. Average tree planting densities should be no greater than one tree every 20 feet and shall average no more than four planted trees per 2,000 sq. ft. This average planting density, and respective area needed, will be reflected on the Plan.

h. Location of newly planted trees will adhere to the following, whenever possible:

   1. on the north side of and at the canopy/dripline edge of existing mature native trees;

   2. on north-facing slopes;

   3. close to drainage swales/gullies (except when riparian habitat present);

   4. where topsoil is present;

   5. at least 25 feet away from continuously wet areas (e.g. lawns, leach lines, seeps, etc.);

   6. random and clustered planting patterns to create natural appearance;

   7. planting locations away from known animal populations (e.g., squirrels, gophers).

i. The following planting and maintenance measures will be shown on the Plan and implemented to improve successful establishment:

1. Providing and maintaining protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents, etc.);

2. Regular mulching and weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant; herbicides should be avoided;

3. Adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period;

4. Avoidance of planting between April and September unless irrigation system with timer is provided, where trees are watered 1-gallon every four weeks (may vary for certain species);

5. Applying standard planting procedures (e.g., planting nutrient tablets, initial deep watering, etc.).

6. When planting with, or near, other landscaping, all landscape vegetation within the eventual mature oak tree root zone (25-foot radius of planted oak) will need to have similar water requirements as the (oak) (including no summer watering once established).

j. The 'Tree Replacement Plan' shall include success criteria and adaptive management provisions to ensure that at five years from planting there is no net loss of trees when compared to those removed/ impacted and that those replanted trees are alive and in a vigorous and healthy condition.

k. When there are over 500 replacement trees, acorns may be specified for use, as long as they are collected from on-site or the immediately surrounding area, and propagated at a local nursery to establish seedling stock. A qualified botanist or nurseryman should be consulted to determine the number of acorns needed to establish one successful seedling to determine the overall number of acorns to collect and propagate. This amount would not be less than four acorns per tree removed.

BIO-14 **Monitoring**. To guarantee the success of the newly planted trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than seven years. The first report shall be submitted to the County one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established (for oak woodlands, no less than seven years). Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Director.

BIO-15 **Cost Estimate**. A cost estimate for the required planting plan shall be prepared by a qualified individual (e.g., landscape contractor), which shall include the costs to install and maintain the required new trees for a period of seven years. Once the cost estimated is approved, a financial mechanism acceptable to the County (e.g. performance bond, CD, cash, etc.), equal to the cost estimate (plus administrative costs), shall be posted by the applicant to cover tree planting/ maintenance **prior to final inspection/occupancy of individual lot construction permits**. The bond will be released upon successful establishment of the required trees.

BIO-16 **Grading and Drainage Plans**. The limits of grading shall be shown on final improvement/construction plans prior to site disturbance. All new construction, site disturbance, and vegetation removal shall be located within the delineated construction boundaries. The storage of equipment and materials, and temporary stockpiling of soil shall be located within designated areas only, and outside of oak woodland habitat and drainages. Construction/improvement plans shall include grading and drainage, as well as erosion and sedimentation control plans.

BIO-17 **Jurisdictional Waters**. Prior to and during any site preparation and/or construction activities associated with the proposed project, the County shall ensure compliance with the following measures to avoid and/or minimize project impacts to potentially jurisdictional waters:

a. Prior to disturbance within jurisdictional areas, the County shall obtain a Section 404 Permit from the USACE, a Section 401 Water Quality Certification from the RWQCB, and a Section 1602 Streambed Alteration Agreement from the CDFW for project-related impacts that will occur in areas under the jurisdiction of these regulatory agencies.

b. Prior to initiation of any site preparation and/or construction activities, a Storm Water Pollution Prevention Plan for the project will be prepared. Provisions of this plan shall be implemented during and after construction, as necessary, to avoid and minimize erosion and stormwater pollution in and near the work area.

c. Prior to any ground-disturbing activities, the County shall ensure jurisdictional waters are delineated with flagging or exclusionary fencing and construction activities will minimize impacts to jurisdictional waters. Since impacts to jurisdictional waters are anticipated to be temporary, these areas will be restored at a 1:1 ratio to approximate their pre-construction condition.

d. During construction, erosion control measures shall be implemented. Silt fencing, fiber rolls, and barriers shall be installed as needed between the project site and jurisdictional waters to be avoided. At a minimum, erosion controls shall be maintained by the contractor on a daily basis throughout the construction period.

e. During construction, the cleaning and refueling of equipment and vehicles shall occur only within designated staging areas and at least 100 feet from jurisdictional waters.

f. Stream contours shall be restored as close as possible to their original condition.

Sources

Provided in Exhibit A.

V. CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☒	☐
(b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☒	☐	☐
(c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

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.

In the event of an accidental discovery or recognition of any human remains, Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations 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?

An Archaeological Surface Survey Report was prepared for the project site (Albion Environmental, Inc., October 2018) and included a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System. Based on the results of the field survey and literature searches, project site does not contain, nor is it located near, any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. 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 *impacts would be less than significant.*

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

An Archaeological Surface Survey Report was prepared for the project (Albion Environmental, Inc., October 2018)) and included a Phase I Archaeological surface survey and a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System. The records search identified one previous archaeological survey of the project site and one cultural resource, CA-SLO-2820/H located in an area of the site to the south and west of the areas proposed for cannabis activities. At the time of the cultural resources survey, two areas of the project site were being considered for the location of cannabis activities: a northern location where the project is currently proposed (referred to as the Northern Site) and another location south of Lunch Canyon Road (referred to as the Southern Site). A full-coverage pedestrian survey was performed for both areas by Albion in June 2018 and produced positive results.

Ground visibility was very poor at both locations; however, cultural materials were observed at both the Northern and Southern Sites. At the Northern Site where cannabis activities are currently proposed, one Franciscan chert flake was observed within the Project Area. At the Southern Site, shell midden, lithic debitage, built environment resources, and historic-era refuse was observed and appears to be associated with CA-SLO-2820/H.

Based on the positive survey results, Albion recommended the Northern Site be subjected to a small-scale subsurface study to confirm the presence or absence of an archaeological deposit. Albion conducted a small-scale subsurface study within the proposed building footprints at the Northern Site to determine if any intact subsurface cultural deposits are located within the Project Area that would require further evaluation. However, the subsurface investigation did not produce any cultural materials. Furthermore, the small-scale subsurface study at the Northern Site failed to produce any anthropogenic soils or archaeological deposits. Therefore, the archaeologists concluded that potentially significant cultural materials are not located within the Project Area. This determination was based on two criteria: 1) identification of intact soil strata, lacking evidence of re-deposition or disturbance; and, 2) no artifacts observed on the surface or recovered in the eleven excavation units. Based on this information, it is the judgement of the archaeologists that the proposed cannabis facilities will not adversely affect cultural resources.

However, due to the sensitivity of the site and the presence of artifacts in the area of disturbance, development of the project site has the potential to impact previously undiscovered cultural

resources. Accordingly mitigation measures are recommended to require monitoring by a qualified archaeologist during all ground disturbing activities.

In the unlikely event that resources are uncovered during grading activities, implementation of LUO 22.10.040 (Archaeological Resources) would be required. This section requires that in the event archaeological resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department must 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 state and federal law. This protocol would ensure 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 related to a substantial adverse change in the significance of archaeological resources would be *less than significant with mitigation*.

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

Based on existing conditions and results of the archaeological surface survey conducted onsite, buried human remains are not expected to be present in the area proposed for cannabis activities. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and LUO 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 Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and County LUO, 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

No historical resources are known or expected to occur within or adjacent to the areas proposed for cannabis activities. Adherence with County LUO standards and State Health and Safety Code procedures would reduce potential impacts. However, evidence of cultural resources were found in the areas proposed for cannabis related activities. Accordingly, mitigation measures are recommended that require monitoring by a qualified archaeologist during all ground disturbing activities. With mitigation, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant with mitigation*.

Mitigation

CR-1 **Monitoring Plan.** The applicant will submit a monitoring plan, prepared by a subsurface-qualified archaeologist that provides details on how the archaeologist will monitor grading and excavation activities during construction and the process to follow should resources be encountered. The applicant will retain a qualified archaeologist and Native American to implement the monitoring plan during construction and verify to the County that construction work adhered to the plan. The monitoring plan shall include provisions consistent with State law and LUO requirements in the event human remains are encountered during any part of the development.

CR-2 **Construction Monitoring**. The applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American monitor to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be

determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals.

CR-3 **Excavation and Screening**. Whenever possible, excavation shall be conducted by hand under monitoring. In limited areas where controlled excavation is needed for deeper foundation posts, small mechanical auger or similar can be used under monitoring in order to reduce the overall site disturbance associated with the grading. Approximately 11 five-gallon samples (1% equivalent) of the excavated dirt shall be screened through a 1/8 inch screen. All backdirt should be retained on the project property (currently planned to fill the existing open swale area behind the house).

CR-4 **Minimizing Impacts.** Three potential outcomes are anticipated from the monitoring:

a. No Deposits Are Discovered: If no artifacts or archaeological features are encountered during the initial backdirt screening, the results will be considered negative. Negative results would support a conclusion that no archeological resources with substantial subsurface deposits exist within the construction areas and no further archeological screening within the project area will be recommended. The construction will proceed with just monitoring during ground disturbing activities.

b. Disturbed Deposit: Monitoring and backdirt screening may reveal substantial artifact deposits or features present in a disturbed condition. Disturbed deposits may consist of displaced prehistoric features and/or artifact deposits that contain significant quantities of intrusive debris that are less than 50 years old or fall within visibly disrupted soil strata. Though these deposits may not contribute to the site eligibility on the CRHR register, documenting such found deposits may add to the knowledge of the nearby identified site overall Depending on the nature of found deposits, the archeologist shall consult with the County and Native American Representatives to determine the best course of action, ranging from continued monitoring and/or project redesign.

c. Intact Deposit: Substantial artifact deposits or features that are not significantly disturbed may be present and revealed during excavation. Substantial, undisturbed deposits will have in situ archeological features or a relatively dense concentration of artifacts that lack intrusive modern debris that lie within apparently intact soil strata. The presence of an intact deposit would necessitate project redesign to entirely avoid impacts to identified resources.

   If construction cannot avoid identified archaeological resources, the archaeologist shall propose adequate measures to reduce impacts to a less than significant level. Project redesigns could include, but not limited to

   i. Moving foundation elements, designing spanning foundations, reducing proposed excavation volumes, and altering proposed utility lines and connection alignments.

   ii. Foundation design may need to be altered to minimize site disturbance. “Side-by-side” comparisons of disturbance and calculations of volume of cultural materials affected will be submitted to show the revised foundation design will result in the least disturbance.

   iii. If the project will impact intact cultural resources, incorporation of fill shall be considered. Only sufficient fill shall be placed over the site so as to allow native soils to remain undisturbed (e.g. 18 inches for residential footings, 6-8 inches for driveway construction). Clean, sterile fill, consisting of a layer of other conspicuous

material (e.g. fill of a noticeable different color and texture than native soil) should be placed over the native soil prior to placement of any other clean fill material. The intent is that native soils shall not be disturbed or compacted within the cultural resource areas. It is recognized that there are limitations to the placement of fill due to factors such as topography, drainage, or soil characteristics.

iv. If avoidance of cultural resources is not possible, the applicant will provide the County a detailed research design for a Phase III Data Recovery Plan, with the intent of obtaining detailed information regarding the archaeological site before it is significantly altered. This plan will be implemented before any construction activities can resume within the archaeologically sensitive area(s). Incorporation of soil capping/ fill and Phase III Data Recovery may be a feasible combination as an alternative mitigation.

v. If human remains are encountered, the archaeologist must conform to the provisions of State law. The archaeologist and Native American representatives must meet with the property owner and any pertinent design professionals, as well as representatives from County Planning and Building, to plan for and execute the recommended treatment.

The applicant shall execute a Non-Disturbance of Native American burial site agreement to prevent future disturbance to the site(s) identified.

CR-5 **Revised Construction Drawings (as applicable).** If cultural resources are identified on site, the applicant shall submit revised construction drawings to the County incorporating the revised design and/or mitigation measures approved by the Environmental Coordinator to avoid significant impacts or reduce to a less than significant level.

CR-6 **Final Completion Report.** The consulting archaeologist shall submit a Completion Report to the Environmental Coordinator summarizing the following:

a. Completion and compliance of construction activities per the Monitoring Plan and any applicable mitigation measures agreed by the County, archeologist and Native American Representatives throughout the project. If the analysis included in the Phase III program is not complete by the time of final inspection, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

b. Documentation of all cultural materials disturbed by construction activities that may add to the knowledge of the identified site nearby, including but not limited to items such as debitage (stone flakes), chipped stone tools, groundstone tools, bone and shell tools, and shell beads, and faunal bone and shell. Any materials collected shall be properly conserved, cataloged, analyzed, evaluated, and curated along with associated documentation in a professional manner consistent with current archaeological standards.

c. An artifact curation agreement and accession number obtained from the San Luis Obispo Archaeological Society (SLOCAS). A report must be prepared that conforms to professional standards and includes field methods, results and photographs, artifact analysis and interpretation, updated site maps, and an updated Department of Parks and Recreation (DPR) 523 form for the identified site nearby. This report will need to be provided to the County for review and approval before occupancy permits are issued, and the final report submitted to

both SLOCAS and the Central Coast information Center of the California Archaeological Site Inventory.

Sources

Provided in Exhibit A.

VI. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(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?		☒	☐	☐

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 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 (NHSTA), on behalf of the Department of Transportation, 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 (CO_2) 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 Department of Transportation Secretary Elaine Chao announced that EPA intends 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 2nd 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, the California Air Resources Board (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 a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent 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 trucks will emit 34 percent fewer global warming gases and 75 percent 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 the 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 oxides of nitrogen (NO_x) and particulate matter (PM) from off-road diesel vehicles operating within California through the implementation of standards including, but not limited to, limits on idling, reporting and labeling of off-road vehicles, limitations on use of old engines, and performance requirements.

Energy Use in Cannabis Operations

The California Department of Food and Agriculture (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 (California Code of Regulations [CCR] Section 8305).

The California Department of Food and Agriculture (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 (California Code of Regulations [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 (CO_2) 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?*

Construction Activities

During construction activities, 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. Based on the size and scope of proposed earthwork and building construction, the project would have the potential to result in adverse environmental impacts through its use of diesel fuel for construction equipment. Mitigation measures AQ-1 through AQ-4 have been identified to reduce potentially significant air quality impacts associated with use of diesel fuel equipment and would require the project contractor to avoid wasteful, inefficient, or unnecessary consumption of energy resources, such as idling. Upon implementation of these measures, potentially significant environmental impacts associated with consumption of energy resources during construction would be reduced and project construction activities would not result in a conflict with a state or local plan for renewable energy or energy efficiency. Therefore, project construction impacts associated with energy use would be *less than significant with mitigation.*

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. Cooking appliances are not proposed as a part of the project, and all proposed space heating units would run on electricity. Accordingly, this assessment of impacts is based on electricity use. There are no occupied buildings or accessory structures on the project site; therefore, existing energy demand is minimal.

The project's operational electricity needs would be met by a connection to PG&E infrastructure.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards. The project's use of the existing former winery building for processing, draying, and nursery and non-storefront dispensary would be subject to the CBC 2019 Building Energy Efficiency Standards and would rely on power generated by PG&E. Compliance with current building codes will ensure this portion of the project would not be wasteful, inefficient, or unnecessary.

U-occupancy structures, such as greenhouses used for indoor 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 typical commercial building utilizes 21.25 kWh per square foot (kWh/sf) annually (13.63 kWh from electricity and 7.62 kWh from natural gas). Therefore, a project that generates more than 25.5 kWh per square foot per year of energy demand is considered to have energy use that is wasteful, inefficient and unnecessary.

To determine whether a project has the potential to exceed this threshold, the County applies energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018 which contains energy demand factors for different types of cannabis related activities. For mixed-light indoor cultivation (in a greenhouse), the form assumes an energy demand of 110 kWh/sf of building floor area annually. For indoor cultivation, the form assumes an energy demand of 200 kWh/sf/

The proposed project includes construction of a 40,572 square foot greenhouse for both indoor mixed-light cannabis cultivation and cannabis nursery. In addition, a 760 sq.ft. portion of the processing building will be used for indoor cultivation. The project application materials provide an estimate of total electricity demand associated with the project of 4,109,844 kWhr per year. However, 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 and indoor nursery would be somewhat higher, approximately 4,614,920 kWh per year (kWh/year; see Table 8 below).

Table 8 -- Estimated Operational Energy Use

Project Component	Size (sf)	Rate (kWh/year-sf)	Projected Energy (kWh/year)
Typical Commercial Building of Comparable Size	41,332	21.25	878,305
Mixed-Light Cultivation In Greenhouses (includes indoor cultivation and commercial nursery).	40,572	110	4,462,920
Indoor Cultivation Within Processing Building	760	200	152,000
Total For Project:			4,614,920
Percent In Excess of Generic Commercial Building			**425%**

Sources:

1. Itron, Inc. March 2006. Average energy demand of commercial businesses. Includes 13.63 kWh from electricity and 7.62 kWh from natural gas.

2. Santa Barbara County Cannabis Energy Conservation Plan Electricity Use Calculation Form 2018.

Based on the demand factors derived from the California Energy Commission Report, a typical non-cannabis commercial building uses approximately 21.25 kWh/year/sf, which would be equivalent to 878,305 kWh/year for a 41,332-square-foot building. Based on the energy consumption rates above, the proposed project's indoor cultivation activities would use 425% more energy than a typical 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.

Mitigation Measures ENG-1 and ENG-2 are recommended which would reduce the project's individual and cumulative impacts associated with wasteful and inefficient energy use to a less than significant level through the preparation and implementation of an Energy Conservation Plan which would identify measures to be incorporated into the project to reduce or offset project energy demand that exceeds the demand associated with a typical commercial building of comparable floor area. ENG-1 requires the applicant to implement one or more of the measures identified in the Energy Conservation Plan until the project's energy demand is reduced and/or offset to within 20% of the energy use of a typical (non-cannabis) commercial building of the same size (1,053,966 kWh/year). This may be accomplished by enrollment in one of PG&E's renewable energy programs such as Solar Choice and Regional Renewable Choice. Under the Solar Choice Program, a customer may purchase electricity from a pool of solar generating projects within the PG&E service area. A customer may enroll by phone or by way of the internet. As of the date of this MND, there are a total of six dedicated solar generation facilities in this program with a combined generating capacity of 50.25 megawatts, plus one additional 1.5 MW facility under development.

Under the Regional Renewable Program a customer may purchase up to 100% of energy demand from a specific renewable energy provider within the PG&E service area. As of the date of this MND, there are five renewable energy providers within the PG&E service area. As with the Solar Choice Program, a customer may enroll by phone or by the internet.

The applicant may also choose to pursue other strategies identified in the Energy Conservation Plan such as the retrofit of existing structures with energy saving features, sourcing project energy from other renewable/sustainable energy sources, or other strategies or programs that effectively reduce or offset energy use and/or increase the project utilization of sustainable, GHG-free energy sources.

Therefore, upon implementation of identified mitigation measures, project impacts associated with energy use would be reduced to a *less than significant level and would be less than cumulatively considerable*.

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 38 full time and 30 seasonal employees. All vehicles used by employees and deliveries during operation would be subject to applicable state and federal fuel economy standards and State-mandated smog inspections.

All vehicles used by employees and deliveries during operation would be subject to applicable state and federal fuel economy standards and State-mandated smog inspections. Based on adherence to applicable state and federal vehicle 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 would be considered wasteful, inefficient and unnecessary. Potential impacts related to energy would be less than significant with implementation of mitigation measures ENG-1 and ENG-2.

Mitigation

Implement mitigation measures AQ-1 through AQ-5, plus the following:

ENG-1 **Energy Reduction and Offset Requirements.** Prior to issuance of building permits for the project, 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 (square feet). 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. In this case, the estimated reduction or offset would be at least: 4,614,920 kWhr/yr – 1,053,966 kWh/year = 3,560,954 kWhr/yr; and the amount of energy not otherwise reduced or offset must not exceed 1,053,966 kWhr/yr. 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:

- Participating in an annual energy audit.
- Upgrading and maintaining efficient heating/cooling/dehumidification systems.
- Implement energy efficient lighting, specifically LED over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
- Implementing automated lighting systems.

- Utilizing natural light when possible.
- Utilizing an efficient circulation system.
- Ensuring that energy use is below or in-line with industry benchmarks.
- Implementing phase-out plans for the replacement of inefficient equipment.
- 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 **Energy Requirements Monitoring and Compliance.** At time of 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 (e.g., providing a currently PG&E energy statement showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

Sources

Provided in Exhibit A.

Initial Study – Environmental Checklist

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(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.	☐	☐	☒	☐
(ii) Strong seismic ground shaking?	☐	☐	☒	☐
(iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
(iv) Landslides?	☐	☐	☒	☐
(b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
(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?	☐	☐	☒	☐
(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?	☐	☐	☒	☐
(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?	☐	☐	☒	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

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 County Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the County. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code. The nearest potentially capable fault line is located approximately 6 miles to the southwest of the project site based on the County Land Use View mapping tool.

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and/or their occupants with potential hazards to life and property. The project site is not located within the LUO Geologic Study Area (GSA) combining designation. Based on the Safety Element, the project site is located in an area with low to moderate landslide risk potential and low to moderate liquefaction potential.

The project site is underlain by marine and nonmarine (continental) sedimentary rocks (Pleistocene) - Older alluvium, lake, playa, and terrace deposits. This type of underlying geologic material is considered to have low to high paleontological sensitivity with sensitivity increasing with depth past surface soils, approximately 3 to 5 feet (County of Monterey 2014, SWCA Environmental Consultants 2019).

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, and the nearest potentially capable fault line is located approximately 5 miles to the eest of the project site based on the County Land Use View mapping tool. All proposed structures would follow the regulations set forth in the

CBC and thereby would be compliant with applicable seismic standards. Therefore, potential impacts related to the rupture of a known earthquake fault would be *less than significant*.

(a-ii) Strong seismic ground shaking?

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Seismic groundshaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. 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 very low 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 portion of the project site where cannabis activities are proposed has relatively flat to gently rolling topography and, based on the Safety Element Landslide Hazards Map, proposed components are 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 approximately 8.2 acres of site disturbance and would require 8,200 cubic yards (CY) of cut and 13,050 cy of fill. During site preparation and grading/leveling activities, there would be a potential for erosion to occur. A sedimentation and erosion control plan will be required to minimize the potential for soil erosion, which would be subject to the review and approval of the County Building Division in accordance with 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 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.*

(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 areas proposed for cannabis-related buildings is underlain by the following soil units: San Ysidro sand loam, 2 to 9% slopes, Mocho clay loam, 2 to 9% slopes, and Hanford and Greenfield soils, 2 to 9% slopes. Arbuckle-Positas complex, 50-75% slopes, and Arbuckle-San Ysidro complex, 2 to 9 percent slopes. None fo these complexes have high shrink-swell potential (USDA 2020). All new construction will be required to comply with applicable CBC standards designed to reduce potential risks associated with expansive soils. Therefore, potential impacts associated with expansive soil 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 project will include the construction of a new septic system under the proposed parking area adjacent to the processing and greenhouse buildings. A percolation test conducted on the project site in 2018 (Earth Systems, Inc.) revealed a percolation rate of 24 to 120 minutes per inch. Accordingly, the proposed septic system will need to be designed to accommodate the slow rate of percolation. The project will be conditioned to demonstrate compliance with County and RWQCB standards for wastewater disposal prior to occupancy. Compliance with state and county standards will ensure that the project would not adversely affect wastewater systems, change the quality of surface or groundwater, or violate waste discharge requirements.

Therefore, potential impacts associated with having soils incapable of adequately supporting the use of 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 does not contain any unique rock outcroppings or other unique geologic features. The project site is underlain by marine and nonmarine (continental) sedimentary rocks (Pleistocene) - Older alluvium, lake, playa, and terrace deposits. This type of underlying geologic material is considered to have low to high paleontological sensitivity with sensitivity increasing with depth past surface soils, approximately 3 to 5 feet (County of Monterey 2014, SWCA Environmental Consultants 2019).

Based on the project description, the project will not require excavations, cut or fill, or extensive grading that would impact previously undiscovered paleontological resources. Potential impacts to paleontological resources would be *less than significant.*

Conclusion

Potential impacts to paleontological resources would be less than significant.

Mitigation

None are required.

Sources

Provided in Exhibit A.

VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(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?	☐	☒	☐	☐

Setting

Greenhouse gasses (GHGs) are any gases that absorb infrared radiation in the atmosphere. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), 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). Carbon dioxide (CO_2) 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 California Air Resources Board (CARB), transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

In October 2008, the CARB published the *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 extended the state's GHG reduction goals and require CARB to regulate sources of GHGs to meet the following goals:

- Reduce GHG emissions to 1990 levels by 2020;
- Reduce GHG emissions to 40% below 1990 levels by 2030;
- Reduce GHG emissions to 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.

When assessing the significance of potential impacts for CEQA compliance, an individual project's GHG emissions will generally not result in direct significant impacts 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. Accordingly, in March 2012, the SLOAPCD approved thresholds for GHG impacts which were incorporated into their 2012 CEQA Air Quality Handbook. The Handbook recommended applying a 1,150 $MTCO_2e$ per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a 'gap analysis' and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with AB32 and the 2008 Climate Change Scoping Plan which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch") that determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the Handbook are AB 32 based, and project horizons are now beyond 2020, the SLOAPCD no longer recommends the use of these thresholds in CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency:

- Consistency with a Qualified Climate Action Plan: CAPs conforming to CEQA Guidelines § 15183 and 15183.5 would be qualified and eligible for project streamlining under CEQA.

  The County of San Luis Obispo EnergyWise (EWP), adopted in 2011, serves as the County's GHG reduction strategy. The GHG-reducing policy provisions contained in the EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. Therefore, the EWP is not considered a qualified GHG reduction strategy for assessing the significance of GHG emissions generated by projects with a horizon year beyond 2020.

- No-net Increase: The 2017 Scoping Plan states that no-net increase in GHG emissions relative to baseline conditions "*is an appropriate overall objective for new development*" consistent with the Court's direction provided by the Newhall Ranch case. Although a desirable goal, the application of this threshold may not be appropriate for a small project where it can be clearly shown that it will not generate significant GHG emissions (ie, di minimus: too trivial or minor to merit consideration).

- Lead Agency Adopted Defensible GHG CEQA Thresholds: Under this approach, a lead agency may establish SB 32-based local operational thresholds. As discussed above, SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030. According to the *California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators* published by the California Air Resources Board, emissions of GHG statewide in 2017 were 424 million $MMTCO_2e$, which was 7 million MTCO2e *below* the 2020 GHG target of 431 $MMTCO_2e$ established by AB 32. At the local level, an update of the County's EnergyWise Plan prepared in 2016 revealed that overall GHG emissions in San Luis Obispo County decreased by approximately seven percent between 2006 and 2013, or about one-half of the year 2020 target of reducing greenhouse gas emissions by 15%

relative to the 2006 baseline[1]. Therefore, application of the 1,150 $MTCO_2e$ Bright Line Threshold in San Luis Obispo County, together with other local and State-wide efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB32 for the year 2020. It should be noted that the 1,150 $MTCO_2e$ per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 $MTCO_2e$ per year would result in impacts that are less than significant and less than cumulatively considerable impact and would be consistent with state and local GHG reduction goals.

Since SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030, the application of an interim "bright line" SB32-based working threshold that is 40 percent below the 1,150 $MMTCO_2e$ Bright Line threshold (1,150 x 0.6 = 690 $MMTCO_2e$) would be expected to produce comparable GHG reductions "in the spirit of" the targets established by SB32. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, emissions estimated to be less than 690 $MMTCO_2e$ per year GHG are considered *de minimus* (too trivial or minor to merit consideration), and will have a less than significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals.

Discussion

(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The California Energy Emissions Model (CalEEMod) was utilized to estimate the project's projected annual carbon dioxide equivalent emissions in metric tons (MTCO2e; Table 9). The estimated emissions were then compared with the interim threshold of 690 MMTCO2e per year to determine significance.

Table 9 – Existing and Projected Operational GHG Emissions

Project Component	Quantity	Emissions Rate (Annual $MTCO_2e$/sf)		Estimated Projected Annual CO_2 Emissions (MT/year) Without Mitigation[2]
		Construction[1]	Operation	
Existing demand				n/a
Mixed-Light Cultivation Greenhouses (Indoor cultivation and nursery greenhouses)	40,572 sq.ft.	0.0022	0.036[3]	1,549.0
Indoor Cultivation	760 sq.ft.	0.0022	0.062[4]	48.7
Outdoor Cultivation	3 acres	--	0.0000199	2.60
Net Change (Increase)				**1,601.2**

Sources: County of San Luis Obispo Department of Planning and Building, 2020, CalEEMOD version 2016.3.2

[1] AB32 and SB32 require GHG emissions to be reduced to 1990 levels by the year 2020. The EnergyWise Plan assumes that the County's 1990 GHG emissions were about 15% below the levels identified in the 2006 baseline inventory.

Notes:

1. Total construction related GHG emissions divided by the floor area of a typical indoor cannabis cultivation building (22,000 sq.ft.). Assumes 34 total construction days including site preparation, grading and building construction, 13 vehicle miles travelled per construction day for workers and 1,000 cubic yards of cut and fill.
2. CalEEMOD CalEEMOD version 2016.3.2
3. Total operational emissions based on an energy use factor of 110 kWhr/sq.ft./year and energy provided by Pacific Gas and Electric Co.
4. Total operational emissions based on an energy use factor of 200 kWhr/sq.ft./year and energy provided by Pacific Gas and Electric Co.

Table 10 provides an estimate of GHG emissions that accounts for the reduction/offset of estimated energy demand associated with mitigation measure ENG-1 in Section VI. Energy. This measure requires the project to reduce or offset estimated energy demand to within 20% of the demand associated with a typical commercial building of comparable floor area, which in this case is about 1,1053,966 kWhr/year.

Table 10 – Existing and Projected Operational GHG Emissions With Mitigation

Project Component	Quantity	Emissions Rate (Annual $MTCO_2e/sf$)		Estimated Projected Annual CO_2 Emissions (MT/year) Without Mitigation[2]
		Construction[1]	Operation	
Baseline GHG Emissions				**0.00**
Mixed-Light Cultivation Greenhouses (Indoor cultivation and nursery greenhouses)	45,572 sq.ft.	0.0022	0.0116[3]	559.8
Indoor Cultivation	760 sq.ft.	0.0022	0.0116[4]	10.48
Outdoor Cultivation	3 acres	--	0.0000199	2.60
Net Change (Increase)				**572.8**

Sources: County of San Luis Obispo Department of Planning and Building, 2020, CalEEMOD version 2016.3.2

Notes:

1. Total construction related GHG emissions divided by the floor area of a typical indoor cannabis cultivation building (22,000 sq.ft.). Assumes 34 total construction days including site preparation, grading and building construction, 13 vehicle miles travelled per construction day for workers and 5 acres of grading.
2. CalEEMOD version 2016.3.2
3. Total operational emissions based on an energy demand of 1,053,966 kWhr/year (See Section VI. Energy) and energy provided by Pacific Gas and Electric Co. Emission factor derived from CalEEMOD and includes emissions associated with energy use, vehicle miles traveled and water use.

As shown by Table 10, implementation of the energy reduction measures required by ENG-1 and ENG-2 will result in a corresponding reduction of project-related GHG emissions that are estimated to fall below the working threshold of 690 $MTCO_2e$. As discussed above, GHG emissions that are less than the 690 $MMTCO_2e$ per year interim threshold are considered *de minimus* (too trivial or minor to

merit consideration), and will have a less than significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals. Therefore, potential impacts associated with GHG emissions would be *less than significant and less than cumulatively considerable with mitigation*.

(b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Energy inefficiency contributes to higher GHG emissions ~~and would~~ which in turn may conflict with state and local plans for energy efficiency.

2011 EnergyWise Plan (EWP). As discussed above, the County of San Luis Obispo EnergyWise plan (EWP), adopted in 2011, serves as the County's GHG reduction strategy. The GHG-reducing policy provisions contained in the EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. The policy provisions are divided into community-wide measures and measures aimed at reducing GHG emissions associated with County operations. The GHG reduction measures contained in the EWP are generally programmatic and intended to be implemented at the community level. Measure No. 7. encourages energy efficient new development and provides incentives for new development to exceed Cal Green energy efficiency standards. The following is a summary of project consistency with the relevant supporting actions identified in Measure No. 7 for promoting energy efficiency in new development.

Supporting Action	**Project Consistency**
Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.	Mitigation measure ENG-1 requires the project to incorporate strategies to reduce the wasteful, inefficient and unnecessary use of energy.
Encourage new projects to provide ample daylight within the structure through the use of lighting shelves, exterior fins, skylights, atriums, courtyards, or other features to enhance natural light penetration.	The greenhouse buildings associated with the project are designed to allow the use of natural sunlight for cultivation.
Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index (SRI) of 10 for high-slope roofs and 64 for low-slope roofs (CALGreen 5.1 Planning and Design).	
Minimize heat gain from surface parking lots.	Parking for proposed cannabis activities is not paved except for one parking space designed for ADA access.
Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities and in some of the communities north of the Cuesta Grade.	All roadways will contain an all-weather aggregate surface.

San Luis Obispo County 2019 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The 2019 RTP, which was adopted by the SLOCOG Board in June 2019, includes the region's Sustainable Communities' Strategy and outlines how the region will meet or exceed its GHG reduction targets by creating more compact, walkable, bike-friendly, transit-oriented communities, preserving important habitat and agricultural areas, and promoting a variety of transportation

demand management and system management tools and techniques to maximize the efficiency of the transportation network. The RTP and SCS provide guidance for the development and management of transportation systems county-wide to help achieve, among other objectives, GHG reduction goals. The RTP/SCS recommend strategies for community planning such as encouraging mixed-use, infill development that facilitate the use of modes of travel other than motor vehicles. The project consists of a commercial enterprise located in a predominantly agricultural area. As discussed in Section III. Air Quality, 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 38 full-time regular employees and 30 seasonal employees. The project would likely draw from the local labor pool and would not require a significant number of employees and therefore would not significantly affect the local area's jobs/housing balance.

California Air Resources Board (CARB) 2017 Scoping Plan. Pursuant to AB 32, the California Air Resources Board (CARB or Board) prepared and adopted the initial Scoping Plan to "*identify and make recommendations on direct emissions reductions measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and non-monetary incentives*" in order to achieve the 2020 goal, and to achieve "*the maximum technologically feasible and cost-effective GHG emissions reductions*" by 2020 and maintain and continue reductions beyond 2020. AB 32 requires CARB to update the Scoping Plan at least every five years.

The 2017 Climate Change Scoping Plan recommends strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05. These strategies include the following:

- Implement SB350 which is aimed at Reduce GHG emissions in the electricity sector;
- 2030 Low Carbon Fuel Standard (LCFS) -- Transition to cleaner/less-polluting fuels that have a lower carbon footprint.
- 2030 Mobile Source Strategy (Cleaner Technology and Fuels [CTF] Scenario) -- Reduce GHGs and other pollutants from the transportation sector through transition to zero-emission and low-emission vehicles, cleaner transit systems and reduction of vehicle miles traveled.
- Implement 59VariousSB 1383 which is aimed at reducing Short-Lived Climate Pollutants to reduce highly potent GHGs.
- Implement the 2030.2030 California Sustainable Freight Action Plan aimed at improving freight efficiency, transition to zero emission technologies, and increase competitiveness of California's freight system.
- Implement the.2030 Post-2020 Cap-and-Trade Program which is aimed at reducing GHGs across the largest GHG emissions sources.

The strategies described in the 2017 Scoping Plan are programmatic and intended to be implemented state-wide and industry-wide. They are therefore not applicable at the level of an individual project. However, as discussed in Section XVII. Transportation, the project is not expected to generate a significant increase in construction-related or operational traffic trips or Vehicle Miles Traveled (VMT) which is consistent with Scoping Plan strategies for reducing vehicle miles traveled. Overall, the project is consistent with adopted plans and policies aimed at reducing GHG emissions.

Initial Study – Environmental Checklist

Conclusion

With mitigation, potential impacts related to GHG emissions would be *less than significant and less than cumulatively considerable* and consistent with plans adopted to reduce GHG emissions.

Mitigation

Implement measures ENG-1 and ENG-2.

Sources

Provided in Exhibit A.

IX. HAZARDS AND HAZARDOUS MATERIALS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
(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?	☐	☒	☐	☐
(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
(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?	☐	☐	☐	☒
(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?	☐	☐	☐	☒
(f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

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 material contamination and is not on a site listed on the Cortese List (State Water Resources Control Board [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 0-5 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?*

Construction activities may involve the use of oils, fuels, and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by DTSC (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations. In addition, compliance with best management practices (BMPs) for the use and storage of hazardous materials would also address impacts. These BMPs may include, but are not limited to, the following:

- Determining whether a product constitutes a hazardous material in accordance with federal and state regulations;
- Properly characterizing the physical properties, reactivity, fire and explosion hazards of the various materials;
- Using storage containers that are appropriate for the quantity and characteristics of the materials;
- Properly labeling of containers and maintaining a complete and up to date inventory;
- Ongoing inspection and maintenance of containers in good condition;
- Proper storage of incompatible, ignitable and/or reactive wastes;

Project operations would involve the intermittent use of small amounts of hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous. In accordance with LUO Section 22.40.050.C.3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan which are included in the project description at the beginning of this Initial Study. In addition, all approved cannabis cultivation operations employing the use of pesticides must obtain the appropriate pesticide use permitting from the Department of Agriculture / Weights and Measures. Accordingly, pesticide and fertilizer usage will be conducted according to the County of San Luis Obispo Department of Agriculture by obtaining an Operator Identification Number and complying with all application, reporting, and use requirements. Fertilizers and pesticides will be stored in separate, locked seatrain storage containers within the securely fenced area.

The project includes non-volatile manufacturing of cannabis products. The manufacturing process will include extraction of cannabinoid rich oil using carbon dioxide and ethanol. The oils will be mixed with ethanol and frozen for at least 12 hours. The freezing will cause waxes, impurities and other particulates to form and these will be removed with a filtering process. The filtered oil/ethanol mixture will be processed to separate the oil from the ethanol creating a distilled product that then be processed a second time to insure the quality of the product.

The project will be conditioned to comply with all applicable fire protection standards as determined by CAL FIRE, including, but not limited to, preparation of a fire safety plan. Compliance with the Uniform Fire Code and the recommendations of CalFIRE will ensure that potential impacts associated with hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials 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?

Oils, gasoline, lubricants, fuels, and other potentially hazardous substances would be used and temporarily stored onsite during construction activities. A spill or leak of these materials under accident conditions during construction activities could create a potentially significant hazard to the surrounding environment. Mitigation measures HAZ-1 and HAZ-2 have been recommended to reduce potential impacts associated with upset or accident conditions during project construction.

Proposed outdoor and indoor cultivation activities would include the use, and storage of pesticides and fertilizers on-site. These materials are not considered highly toxic or hazardous, but could result in a hazard if upset or spilled under accident conditions. Storage, 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 would therefore not have the potential to create a significant hazard through upset or accident conditions.

Through required compliance with these standards, potential operational hazards associated with the use of ethanol onsite would be effectively minimized. Therefore, potential impacts associated with hazards to the public or the environment through reasonably foreseeable upset or accident conditions would be *less than significant with mitigation.*

(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 15 miles east 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 sites compiled pursuant to CGC Section 65962.5; 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 Paso Robles Airport located approximately 21 miles southeast of the site. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or 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 required to be designed to accommodate emergency vehicle access. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, impacts would be *less than significant.*

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

The project is located in a High Fire Hazard Severity Zone. The project will be conditioned to implement building and site improvements in accordance with the Fire Code, as detailed in the referral response letter, including, but not limited to implementation of a fire safety plan. Therefore, potential impacts associated with exposure of people or structures to significant risk involving wildland fires would be *less than significant.*

Conclusion

The project includes the use of potentially hazardous materials during construction and operation. Mitigation measures have been identified below to reduce potential impacts associated with routine transport, use, and disposal of these materials, as well as potential hazards associated with upset and accident conditions and wildland fire risk. Upon implementation of measures HAZ-1 and HAZ-2, potential impacts associated with hazards and hazardous materials would be *less than significant with mitigation.*

Mitigation

HAZ-1 **Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

HAZ-2 **Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

Sources

Provided in Exhibit A.

X. HYDROLOGY AND WATER QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
(b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
(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;	☐	☐	☒	☐
	(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
	(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	☐	☐	☒	☐
	(iv) Impede or redirect flood flows?	☐	☐	☒	☐
(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

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.

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 will involve 8,200 cubic yards (CY) of cut and 13,050 cy of fill over an area of about 8.2 acres. Accordingly, a sedimentation and erosion control plan will be required to minimize the

potential for soil erosion, which will be subject to the review and approval of the County Building Division in accordance with 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 is located outside of a stormwater management area (MS4) and proposes a disturbance area greater than 1.0 acre, therefore, the project will be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) by a qualified SWPPP developer in order to demonstrate compliance with the Federal Clean Water Act which prohibits certain discharges of stormwater containing pollutants.

All potentially hazardous materials proposed to be used onsite would be stored, refilled, and dispensed on-site in full compliance with applicable County Department of Environmental Health standards. All pesticides would be registered and regulated by federal and state government codes, with the County Agricultural Commissioner being the primary local regulator. By maintaining a minimum setback 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 would be served by two new groundwater wells. A single 60,000-gallon water tank would be installed on the property for storage. Based on the Water Demand Analysis prepared for the project (Table 11), the project would result in approximately 5.88 acre-feet of water demand per year including domestic water use for up to 38 employees (0.35 AFY) and 0.12 AFY associated with oak tree mitigation planting. Water demand for manufacturing operations is negligible based on data received from project consultant Canna Management Inc. Water use is limited to cleaning of equipment used for nonvolatile extraction and other equipment such as mechanical trimming machines. Typical water requirements for cleaning are approximately 5 gallons per week to accomplish equipment cleaning/maintenance.

While a consensus of water demand values for cannabis cultivation has not yet been established by published analyses, the Central Coast Regional Water Quality Control Board (RWQCB) applies an application rate of 0.03 gal/sf canopy/day for outdoor cannabis cultivation and a rate of 0.1 gallons per square foot of canopy for indoor cultivation. These values were in turn derived from the *Santa Cruz County Draft Environmental Impact Report (EIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program (August 2017)*.

Table 11 -- Project Estimated Water Demand

Use	Quantity	Demand Factor	Gross Demand In Gallons per Year	Gross Demand In Acre-Feet Per Year
Outdoor Cultivation	130,680 sq.ft.	0.03 gal/sq.ft./day x 150 days	705,672	2.17
Indoor Cultivation	22,000 sq.ft.	0.1 gal/sf/day x 270 days	594,000	1.82
Indoor Nursery	17,388 sq.ft.	0.1 gal/sf/day x 270 days	469,476	1.44
Domestic Water Use	38 employees	Weekdays: 10 gal./day/capita x 260 days	98,800	0.32
		Weekends: 10 gal./day/capita x 105 days	10,500	0.03
Manufacturing	--	5 gallons/week/ x 52 weeks	260	0.0008
Oak Tree Mitigation	818 trees	818 trees January to April 818 x 1 gallon/tree/week for 13 weeks	10,634	0.03
	818 trees	818 trees May to December 818 x 1 gallon/tree/week for 35 weeks	28,630	0.09
Total:			**1,917,972**	**5.88**

Source: Wallace Group, January, 2021

The project is located not with a groundwater basin designated by the Department of Water Resources and has not been assigned a Level of Severity by the Resource Management System (RMS). Under the RMS, a groundwater basin that has not been assigned a Level of Severity is not in a state of overdraft and is presumed to be capable of meeting water demand over at least the next 15 years. The project site is not subject to a water use offset requirement. Therefore, impacts related to available surface or ground water would be *less than significant.*

In addition, water use is required to be metered and these data will be provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity (5.88 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount. In addition, the project will be conditioned to apply Best Management Practices for water conservation to maintain water use at or below the water analysis projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

- The use of drip irrigation systems and mulch to conserve water and soil moisture;
- Ongoing monitoring and maintenance of the water supply system;
- Installation of float valves on tanks to prevent tanks from overflowing;
- Installation of rainwater catchment systems to reduce demand on groundwater.

The conditions of approval will also require the project to participate in the County's ongoing cannabis monitoring program to ensure compliance with all conditions of approval and other relevant regulations.

(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 result in approximately 8.2 acres of site disturbance and will require 8,200 cubic yards (CY) of cut and 13,050 cy of fill. A sedimentation and erosion control must prepared to minimize the potential for soil erosion, which would be subject to the review and approval of the County Building Division in accordance with 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.

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 result in an increase in impervious surface area on the project property as a result of the installation of hoop structures with plastic covers, construction of a 40,576-square-foot greenhouse building, construction of a new 19,250 sq.ft, processing building, and associated flatwork.

The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. The preliminary grading, drainage, and erosion control plan prepared for the project also identifies measures such as hydroseeding of all disturbed surfaces and installation of fiber rolls throughout the site to slow runoff and capture sediment. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in flooding on- or off-site would be *less than significant.*

(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 be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in exceedance of the capacity of existing or planned drainage systems or provide substantial additional sources of polluted runoff 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 is located not with a groundwater basin designated by the Department of Water Resources. Therefore a groundwater management plan has not been prepared. As discussed in the setting, the project is required to comply with relevant permitting of the RWQCB. Therefore, potential impacts associated with conflict or obstruction of a water quality control plan or sustainable groundwater management plan would be *less than significant.*

Conclusion

Compliance with existing regulations and/or required plans would adequately reduce potential impacts associated with hydrology and water quality to be less than significant.

Mitigation

None are required.

Sources

Provided in Exhibit A.

XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Physically divide an established community?	☐	☐	☒	☐
(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?	☐	☒	☐	☐

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 project site is currently undeveloped.

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 Lake Nacimiento Sub Planning Area of the North County Planning Area.

The southern portion of the project site is a designated Sensitive Resource Area (SRA) associated with Tierra Redonda Mountain (Figure 4). The SRA combining designation is applied to areas where planning area standards have been identified to provide specific guidance for the protection of biological, cultural, scenic, historic and other sensitive resources. The SRA combining designation for Tierra Redonda SRA recognizes the unique and sensitive biological resources associated with the mountain. All of the proposed cannabis activities will be located outside the SRA combining designation area associated with the project site.

Initial Study – Environmental Checklist

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 *impacts would be less than significant.*

(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 project would be consistent with the property's land use designation and the guidelines and policies for development within the applicable area plan, inland LUO, and the COSE. The project was found to be consistent with standards and policies set forth in the County of San Luis Obispo General Plan, the North County Area Plan, the SLOAPCD Clean Air Plan, and other land use policies for this area. The project would be required to be consistent with standards set forth by County Fire/CAL FIRE and the County Public Works Department.

The project would be required to implement measures to mitigate potential impacts associated with aesthetic resources, air quality, biological resources, energy, hazards and hazardous materials, and noise; therefore, with mitigation, the project would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating environmental effects and impacts would be *less than significant with mitigation.*

Conclusion

The project would be consistent with local and regional land use designations, plans, and policies and would not divide an established community. Potential impacts related to land use and planning would be *less than significant with mitigation* measures associated with aesthetic resources, air quality, biological resources, energy, hazards and hazardous materials, hydrology and water quality, noise, and transportation.

Mitigation

Implement mitigation measures AES-1, AQ-1 through AQ-5, BIO-1 through BIO-17, ENG-1 through ENG-2, , HAZ-1 through HAZ-2.

Sources

Provided in Exhibit A.

XII. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(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?	☐	☐	☐	☒
(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?	☐	☐	☐	☒

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;
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 County 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.

Initial Study – Environmental Checklist

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 California Geological Survey (CGS) Information Warehouse for Mineral Land Classification, the project site is not located within an area that has been evaluated for mineral resources and is not in close proximity to an active mine (CGS 2015). In addition, based on Chapter 6 of the County of San Luis Obispo General Plan Conservation and Open Space Element – Mineral Resources, the project site is not located within an extractive resource area or an energy and extractive resource area. 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, impacts 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, *impacts would be less than significant.*

Conclusion

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

Mitigation

None necessary.

Sources

Provided in Exhibit A.

XIII. NOISE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
(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?	☐	☐	☒	☐
(b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
(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?	☐	☐	☐	☒

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 polices 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.

Table 12 -- 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.

The existing ambient noise environment is characterized by marginal traffic on River Road and connecting roadways, as well as agricultural equipment from surrounding properties. The nearest existing noise-sensitive land use is a rural residence located approximately 600 feet to the south of the project area.

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?

Construction Impacts. The County LUO noise standards are subject to a range of exceptions, including noise sources associated with construction, provided such activities do not take place before 7 a.m. or after 9 p.m. on weekdays, or before 8 a.m. or after 5 p.m. on Saturday or Sunday. Noise associated with agricultural land uses (as listed in Section 22.06.030), traffic on public roadways, railroad line operations, and aircraft in flight are also exempt.

Project construction would result in a temporary increase in noise levels associated with construction activities, equipment, and vehicle trips. Construction noise would be variable, temporary, and limited in nature and duration. The County LUO requires that construction activities be conducted during daytime hours to be able to utilize County construction noise exception standards and that construction equipment be equipped with appropriate mufflers recommended by the manufacturer. Compliance with these standards would ensure short-term construction noise would be less than significant.

Operational Impacts. The project proposes the use of an HVAC and odor management systems that would be permanent sources of stationary noise. According to the application materials, noise associated with the use of wall- or roof-mounted HVAC and odor mitigation equipment associated with the proposed greenhouse would be expected to generate noise levels of approximately 56-70 dBA at distance of 5 feet from the source. All noise generating equipment will be located entirely within buildings located in the northeast portion of the project site. Noise attenuates (diminishes) at

a rate of 6 dB per doubling of distance (OSHA Technical Manual, Section III, Chapter 5). As proposed, the greenhouse building will be located at least 84 feet from the northern property line, and approximately 175 feet from the eastern property line, which would result in HVAC noise generation of approximately 45 dBA and 39 dBA, respectively. Therefore, operational noise will be below than County standards and impacts would be *less than significant*.

Based on the limited nature of construction activities, and the consistency of the proposed use with existing and surrounding uses, impacts associated with the generation of a substantial temporary or permanent increase in ambient noise levels would be *less than significant.*

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

The project does not propose 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 Paso Robles Airport located approximately 21 miles to the southeast. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impact would occur*.

Conclusion

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per LUO standards. Operational noise levels will be less than the standards set forth in the LUO and are considered less than significant. No other potentially significant impacts were identified, and no mitigation measures are necessary.

Mitigation

None are required.

Sources

Provided in Exhibit A.

XIV. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(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)?	☐	☐	☒	☐
(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐

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.

The project site is currently developed with a single-family residence, which would not be impacted by implementation of the project.

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 38 full-time employees and up to 30 additional part-time/temporary employees during harvest times. Workers would likely be sourced from the local labor pool and would not require new or additional housing as a result of the proposed project. The project would not generate a substantial number of new employment opportunities that would encourage population growth in the area. The project does not include the extension or establishment of roads, utilities, or other infrastructure that would induce development and population growth in new areas. In addition, the project would be subject to inclusionary housing fees to offset any potential increased need for housing in the area.

Therefore, the project would not directly or indirectly induce substantial growth and impacts 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, impacts would be *less than significant.*

Conclusion

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

Mitigation

None necessary.

Sources

Provided in Exhibit A.

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?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

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 #34, located approximately 5 miles south of the project site in the community of Oak Shores. Based on the referral response letter received from CAL FIRE regarding the proposed project, emergency personnel would be able to reach the site within 0 - 5 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 10 miles south 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 San Miguel Joint Union School District.

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 the 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 improvements to the existing access road 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. Additional information regarding fire related hazard impacts is discussed in Section IX, Hazards and Hazardous Materials.

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.*

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 are necessary.

Sources

Provided in Exhibit A.

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?	☐	☐	☒	☐
(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?	☐	☐	☒	☐

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 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 38 full-time employees and up to 30 additional part-time/temporary employees during harvest times. Workers would likely be sourced from the local labor pool and would not result in increased demand on existing or planned recreational facilities in the county. The project is not proposed in a location that

would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not result in substantial growth within the area and would not substantially increase demand on any proximate existing neighborhood or regional park or other recreational facilities. Payment of standard development impact fees would ensure any incremental increase in use of existing parks and recreational facilities would be reduced to *less than significant.*

(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, impacts would be *less than significant.*

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.

Sources

Provided in Exhibit A.

XVII. TRANSPORTATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
(b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
(c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
(d)	Result in inadequate emergency access?	☐	☐	☒	☐

Setting

The County Department of Public Works maintains updated traffic count data for all County-maintained roadways. In addition, Traffic Circulation Studies have been conducted within several community areas using traffic models to reasonably simulate current traffic flow patterns and forecast future travel demands and traffic flow patterns. These community Traffic Circulation Studies include the South County Circulation Study, Los Osos Circulation Study, Templeton Circulation Study, San Miguel Circulation Study, Avila Circulation Study, and North Coast Circulation Study. The California Department of Transportation (Caltrans) maintains annual traffic data on state highways and interchanges within the county.

The County has established Level of Service (LOS) "C" or better for rural roadways. The project site currently is undeveloped and generates a very low volume of traffic. The project site takes access from Interlake Road and Lynch Canyon Road which are rural collectors that provide the primary vehicular access to ranches and vineyards in the area. Traffic counts taken on Interlake River Road in 2018 west of Lake Nacimiento Road revealed an afternoon peak hour volume of 132 and 1,309 average daily trips. Counts taken on Lynch Canyon Road in 2014 west of Interlake Drive revealed an afternoon peak hour volume of 59 and 409 average daily trips. Based on the North County Area Plan, no roads within the general vicinity have been identified as having congestion concerns or needing improvements (County of San Luis Obispo 2014). No privately maintained roads are used to access the project site; access from River Road is via a 0.1-mile all-weather driveway. A project referral package was sent to the County Public Works Department and no traffic-related concerns were identified.

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. Also in December, 2018, the Office of Planning and Research (OPR) published a Technical Advisory On the Evaluation of Transportation Impacts In CEQA to assist local governments in implementing the new VMT requirements. The 2018 Technical Advisory states that a development project that generates less than 110 average daily trips (ADT) will not have a project-specific or cumulatively considerable impact with respect to vehicle miles travelled.

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 serving of the project site.

Discussion

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

The project does not propose the substantial temporary or long-term alteration of any proximate transportation facilities. As described in the project's traffic study prepared by Central Coast Transportation Consulting (2019), the proposed project is estimated to generate a total of 16 PM peak hour trips on a typical weekday (see Table 13).

Table 12 -- Project Trip Generation

Project Component	Area	Trip Rate[1]	Total Average Daily Trips
Indoor Cultivation, Including Nursery	40,572 sq.ft.	0.27 trips per 1,000 sq.ft.	11
Outdoor Cultivation (Typical)	3.75 Acres	2 trips per acre	8
Outdoor Cultivation (Seasonal)	3.75 acres	Trips based on expected daily trips	4
Processing Building	19,250 sq.ft.	3.8 trips per 1,000 sq.ft.	73
Office	830 sq.ft.	7 trips per 1,000 sq.ft.	6
Total Average Daily Trips – Typical Operations			**98**
PM Peak Hour Trips			**16**
Total Average Daily Trips – Seasonal Operations			**102**
PM Peak Hour Trips			**18**

Notes:

1. Department of Public Works.

The project would not noticeably impact traffic operation, would not reduce levels of service on nearby roads, conflict with adopted policies, plans or programs for transportation, and would not

cause congestion on the local circulatory network. Since the project would not generate foot or bicycle traffic, or generate public transit demand, and since no public transit facilities, pedestrian or bicycle facilities exist in the area, the project would have no impact on levels of service/conditions for these facilities.

Marginal increases in traffic can be accommodated by existing local streets and the project would not result in any long-term changes in traffic or circulation or reduce the Level of Service below LOS "C". The project does not propose uses that would interfere or conflict with applicable policies related to circulation, transit, roadway, bicycle, or pedestrian systems or facilities. The project would be consistent with the County Framework for Planning (Inland) and consistent with the projected level of growth and development identified in the 2019 RTP. Therefore, potential impacts would be less than significant.

No significant traffic impacts were identified, and no mitigation measures above what are already required by existing regulations are necessary.

(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. 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 project is not expected to generate a significant increase in construction-related or operational traffic trips or VMT because:

- According to the trip generation study prepared for the project by Central Coast Transportation Consulting (2019), the proposed project is estimated to generate a total of 16 PM peak hour trips on a typical weekday.
- The project would be subject to standard development impact fees to offset the relative impacts on surrounding roadways. 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 traffic study prepared for the project by Central Coast Transportation Consulting (2019), includes accident data for Interlake Road between Wendy Way and Nacimiento Lake Drive. For the period of 2015 through 2017 there were a total of 6 collisions and a collision rate of 0.88 which is below the collision rate for County roads of 1.15. The project would not change roadway design and does not include geometric design features that would create new hazards or an incompatible use. Therefore, impacts would be *less than significant*.

(d) Result in inadequate emergency access?

The project would not result in road closures during short-term construction activities or long-term operations. Individual access to adjacent properties would be maintained during construction activities and throughout the project area. Project implementation would not affect long-term access through the project area and sufficient alternative access exists to accommodate regional trips. Therefore, the project would not adversely affect existing emergency access and impacts would be *less than significant*.

Initial Study – Environmental Checklist

Conclusion

The project would not alter existing transportation facilities or result in the generation of substantial additional trips or vehicle miles traveled. Payment of standard development fees and compliance with existing regulations would ensure potential impacts were reduced to less than significant.

Mitigation

None are required.

Sources

Provided in Exhibit A.

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	☐	☐	☒	☐
(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.	☐	☐	☒	☐

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:

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: Salinan Tribe of Monterey and San Luis Obispo Counties, Xolon Salinan, tityu tityu yak tiłhini Northern Chumash, and Northern Chumash Tribal Council.

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 California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1. Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department 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 state and federal law. Therefore, impacts related to a substantial adverse change in the significance of tribal cultural resources would be *less than significant.*

(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.*

As discussed in Section V. Cultural Resources, the Phase I survey of the project site revealed evidence of cultural resources in the areas of disturbance. Impacts associated with potential inadvertent discovery would be minimized through implementation of mitigation measures that requires monitoring during ground disturbing activities by a qualified archaeologist. Compliance with the recommended mitigation measures, as well as compliance with existing standards and regulations (LUO 22.10.040), would reduce potential impacts to *less than significant*.

Initial Study – Environmental Checklist

Conclusion

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 with mitigation.*

Mitigation

Implement mitigation measure CR-1 through CR-6.

Sources

Provided in Exhibit A.

XIX. UTILITIES AND SERVICE SYSTEMS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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?	☐	☐	☒	☐
(b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
(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?	☐	☐	☐	☒
(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?	☐	☐	☒	☐
(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

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. The project would be served by two new wells for water and a new septic system and leach field for wastewater disposal. The project's energy needs would be provided by PG&E.

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. The project's solid waste needs would be served by Mid-State Solid Waste and Recycling and the Chicago Grade Landfill.

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 would not result in a substantial increase in demand on water, wastewater, or stormwater collection, treatment, or disposal facilities. The project, with incorporation of the recommended mitigation measures, would not result in a substantial increase in energy demand, natural gas, or telecommunications; no new or expanded facilities would be required. No utility relocations are proposed. Therefore, impacts would be *less than significant*.

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

As discussed in Section X, Hydrology and Water Quality, the project cultivation irrigation activities would result in approximately 5.88 acre-feet of water demand per year, served by two new groundwater wells. The project is not located within a designated groundwater basin and is not in a state of overdraft; a water use offset is not required. Therefore, impacts related to water supplies 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?*

The nearest landfill to the site is the Chicago Grade Landfill, located approximately 15 miles to the southeast. The landfill has a remaining capacity of approximately four million cubic yards as of 2019. The incremental amount of greenwaste generated by the project that is not recycled/reused would be within the service capacity of the landfill. Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. Local landfills have adequate permit capacity to serve the project and the project does not propose to generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential 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 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 with mitigation.*

Mitigation

None are required.

Sources

Provided in Exhibit A.

XX. WILDFIRE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
(a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(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?	☐	☐	☒	☐
(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?	☐	☐	☒	☐
(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?	☐	☐	☒	☐

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 and a "High" fire hazard severity zone, and, based on CAL FIRE's referral response letter, it would take approximately 0 - 5 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;
- 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.

Based on the County's Land Use View tool and Dam and Levee Failure Plan, the project is not located within an area that would be inundated in the event of failure of the Lake Nacimiento or Lake San Antonio Dams. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, no impacts related to emergency plans would occur.

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 site is located within a State Responsibility Area and, based on the County's fire response time map, it would take approximately 0-5 minutes to respond to a call regarding fire or life safety. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes improvements to River Road to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and installation of water storage tanks for fire protection. The project will be conditioned to comply with all applicable fire protection standards as determined by CAL FIRE, including, but not limited to, preparation of a fire safety plan and the applicant will be required to comply with the requirements of the plan for the life of the project. Compliance with the Uniform Fire Code and the recommendations of CalFIRE will ensure that potential impacts associated with slope, prevailing winds, and other factors will be less than significant.

The cannabis activities would be located on relatively slight slopes. Winds in the area vary from 6-8 miles per hour and primarily come from the north (October-April) and west (April-October). As described in Section 6, Geology and Soils, the potential for landslides in the project area is low to moderate, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows in the nearby existing channels.

Therefore, potential impacts would be *less than significant.*

(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 would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes improvements to the existing access road/driveway to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and installation of a water storage tank for fire protection. These infrastructure improvements would reduce fire risk. Therefore, potential impacts would be *less than significant.*

(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 cannabis activities would be located on fairly level slopes. Winds in the area vary from 6-8 miles per hour and primarily come from the north (October-April) and west (April-October). As described in Section 6, Geology and Soils, the potential for landslides in the project area is low to moderate, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows in the nearby existing channels. The project does not include any design elements that would 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. Therefore, impacts would be *less than significant*.

Initial Study – Environmental Checklist

Conclusion

The project would not expose people or structures to new or exacerbated wildfire risks and would not require the development of new or expanded infrastructure or maintenance to reduce wildfire risks. Therefore, potential impacts associated with wildfire would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

Sources

Provided in Exhibit A.

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?	☐	☒	☐	☐
(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)?	☐	☒	☐	☐
(c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

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, upon implementation of identified mitigation measures, the proposed project would not result in significant impacts to biological or cultural resources and would not 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, 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. Therefore, impacts would be *less than significant with mitigation incorporated.*

(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 were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming 0.5 acre per site, the canopy associated 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 14 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 (November, 2020). 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 15 shows the project site along with other approved and proposed cannabis project sites within 5 miles of the proposed project site.

Table 14 -- Summary of Cannabis Facility Applications for Unincorporated San Luis Obispo County[1]

Proposed Cannabis Activity Type	Total Number of Proposed Cannabis Activities[1,2]	Total Proposed Canopy (acres)	Approved Activities
Indoor Cultivation and Indoor Nursery	114	75.9	30
Outdoor Cultivation		225	
Ancillary Nursery	114	66.4	30
Processing	9	-	-
Manufacturing	24	-	6
Non-Storefront Dispensary	28	-	15
Commercial Distribution	8	-	4
Commercial Transport	5	-	1
Testing Laboratory	1	-	1
Total	**303**	**367.3**	**87**

1. As of August, 2020
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:

All 114 applications for cultivation sites would be approved and developed;

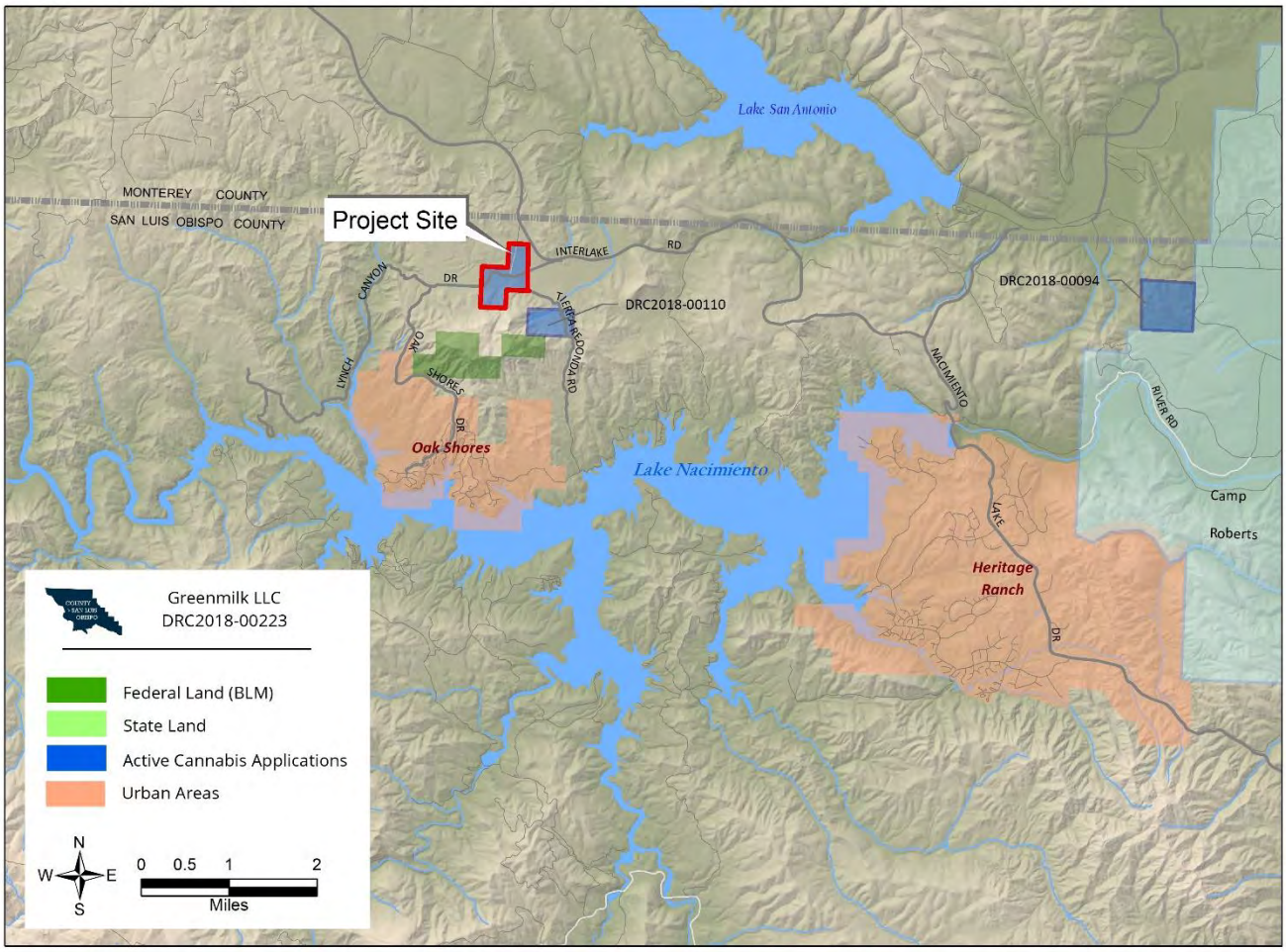
Each cultivation site would be developed with the maximum allowed cultivation uses:

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 6 full-time employees;
e. A total of 25 average daily motor vehicle trips; and
f. All sites would be served by a well and septic leach field.

In 2019, the County approved the Oak Shores Wastewater Treatment Facility Upgrade for the unincorporated community of Oak Shores which is located about 5 miles south of the project site (Figure 15). The project includes phased improvements to the existing Oak Shores wastewater treatment facility that will include the construction of a wastewater force main to deliver treated wastewater to spray fields and a storage pond located on the project site (Figure 5). The spray fields and storage pond are expected to start construction toward the end of 2021. The wastewater facility upgrade project was the subject of separate, project-specific Supplemental Environmental Impact Report (SWCA Environmental Consultants,

SCH2017111024) which recommended mitigation measures for aesthetic and visual resources, air quality, biological resources, cultural resources and land use.

Figure 15 -- Reasonably Foreseeable Future Development Scenario Map



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 identified to screen the proposed buildings and eliminate off-site nighttime light overspill. The project site is located in an area with 2 other potential cannabis facilities within 5 miles (as of November, 2020). Surrounding proposed cannabis cultivation operations would require discretionary permits if County staff determine they have the potential to result in potentially significant environmental effects, 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 measures AQ-1 through AQ-5, project construction, operational, and cumulative impacts would be less than significant.

The project is one of 114 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 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 two reasonably foreseeable future cannabis cultivation facilities within 5 miles (as of November, 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 special-status wildlife species and their habitats and mitigation for the loss of oak trees. With implementation of measures BIO-1 through BIO-17, potential impacts to biological resources would be less than significant.

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 associated with biological resources would be less than cumulatively considerable.

Cultural Resources

The analysis provided in Section V. Cultural Resources concludes that project development could result in significant impacts to cultural resources that have been documented to occur on the project site. With mitigation that requires construction monitoring and documentation of previously undiscovered resources, project related impacts are considered less than significant.

All surrounding proposed cannabis development projects would undergo evaluation for potential to impact cultural resources. Proposed cannabis projects that are determined to have the potential to impact these resources would be required to implement mitigation measures to reduce these impacts to a less than significant level.

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 associated with cultural resources would be 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 result in an annual energy demand of 4,614,920kWh per year.

Table 15 provides a summary of the estimated worst-case scenario of total electricity demand associated with development of all 114 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.

Table 15 -- 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	203,643,000	203.6			
Outdoor Cultivation	119,572,200	119.6			
Total	**323,215,200**	**323.2**	**1,765.9**	**2,089**	**18%**

[1]Source: CalEEMOD 2016 v.3.2. Assumes 114 cultivation projects with 0.5 acre of mixed-light cannabis canopy.

[2]Source: California Energy Commission 2019.

Table 15 indicates that electricity demand in San Luis Obispo County could increase by as much as 18% if all 114 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 16 shows the percent increase in the projected 2030 demand for these bundled sources of electricity throughout PG&E's service area for, assuming all 114 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and approved.

Table 16 -- 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 114 Cannabis Cultivation Projects[1] (Gigawatt Hours/Year)	323
Projected PG&E 2030 Bundled Service Load[2] (Gigawatt Hours)	33,784
Percent Increase in 2030 Demand With Cannabis Cultivation	**0.95%**

[1]Source: CalEEMOD 2016 v.3.2. Assumes 114 cultivation projects with 3.5 acres of cannabis canopy.

[2]Source: 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 cumulatively considerable environmental impacts the wasteful, inefficient and unnecessary use of energy. Mitigation measures ENG-1 and ENG-2 require the applicant to prepare and implement an Energy Conservation Plan to identify strategies to reduce or offset for cannabis-related electricity demand. 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 activities or other uses. Therefore, the estimated increases in energy demand provided in Tables 15 and 16 are assumed to be overestimations.

Based upon 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*.

Geology and Soils

As discussed in Section VII. Geology and Soils, the project is not located within an Alquist-Priolo Fault Hazard Zone and would be required to comply with the CBC and other applicable standards to ensure the effects of ground instability or a potential seismic event would be minimized through compliance with current engineering practices and techniques. Based on the volume and depth of proposed earthwork and potential sensitivity of the underlying geologic formation, the project's potential impacts to previously unknown paleontological resources would be less than significant.

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 geology and soils. These proposed cannabis cultivation projects would undergo evaluation for their potential to exacerbate geologic hazards and impact geologic resources, including paleontological resources. Projects identified to have potentially significant impacts associated with geology and soils would be required to implement mitigation measures to reduce these risks.

Based on implementation of identified mitigation measures and discretionary review of other cannabis cultivation projects within the county, cumulative impacts associated with geology and soils would be *less than cumulatively considerable*.

Greenhouse Gas Emissions

As discussed in Section VI, Energy, the project is estimated to generate approximately 572 metric tons of CO_2 emissions per year after implementation of the energy reduction measures recommended by ENG-1 and ENG-2. Accordingly, the project will not exceed the working GHG threshold of 690 metric tons of CO_2 emissions per year and will not have a cumulatively considerable adverse impact as mitigated.

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 the applicable GHG threshold. Projects identified to have the potential to exceed the 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.

Based on implementation of identified mitigation measures and discretionary review of other cannabis cultivation projects within the county, cumulative impacts associated with GHG emissions would be *less than cumulatively considerable*.

Hazards and Hazardous Materials

As discussed in Section IX. Hazards and Hazardous Materials, the project includes use of potentially hazardous materials, including ethanol, which could result in potential hazards through routine transport, use, and disposal as well as under upset or accident conditions. Mitigation measures HAZ-1 and HAZ-2 have been identified to reduce potential impacts by restricting the location of equipment maintenance, refueling and other potentially hazardous activities, and identifying the appropriate response protocol for immediate cleanup of any spills.

Probable future development of cannabis cultivation facilities within the vicinity of the project would be subject to discretionary review and therefore would be evaluated for potentially significant environmental impacts, including impacts associated with hazards and hazardous materials. Impacts associated with hazards and hazardous materials from other cannabis projects in the project vicinity would likely require mitigation similar to the project, which may include, but would not be limited to, implementation of hazardous material spill response plans, staging and refueling location limitations, and vegetation management. Based on the project-specific mitigation measures identified above, and the discretionary environmental review of probable future cannabis projects within the vicinity, project impacts associated with hazards and hazardous materials would be *less than cumulatively considerable*.

Hydrology and Water Quality

As discussed in Section X. Hydrology and Water Quality, compliance with existing regulations and/or required plans would adequately reduce potential impacts associated with hydrology and water quality to be less than significant.

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 Regional Water Quality Control Board.

The project is not located within a designated groundwater basin and is not in a state of overdraft. Therefore, based on recommended mitigation measures and compliance with existing policies and programs, project's individual impacts associated with hydrology and water quality would be *less than cumulatively considerable with mitigation.*

Noise

As discussed in Section XIII, Noise, noise associated with proposed HVAC and odor management systems would be less than significant.

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 15 full-time workers and up to 7 additional 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 114 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 a substantial 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.

Transportation

As discussed in Section XVII, Transportation, the project would not result in a conflict with a plan or policy addressing the circulation system, or increase hazards due to a geometric design feature. 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.

County Fire/CAL FIRE requirements will be enforced as conditions of approval.

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 17 provides an estimate of total average daily trips (ADT) and PM peak hour trips associated with buildout of the 114 currently proposed cannabis cultivation projects.

Table 17 -- Cumulative Average Daily Trips From Cannabis Cultivation

Use	Unit	ADT per Unit	Total Proposed Cannabis Cultivation Area	Total ADT	PM Peak Hour Trips	Total VMT
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000 sf	0.27	1,851,300 sf	500	50	13,696
Cultivation, Outdoor (includes hoop house)	Acres	2.00	225 acres	450	45	12,330
Seasonal Employees*	Employee	2.00	570 employees	1,140	114	31,236
			Total	**2,090**	**538.6**	**57,262**

* 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. According to the analysis provided in Section XVII, Transportation, the project is expected to result in a net decrease in vehicle miles travelled (VMT) when compared with the previous winery use. Moreover, each new 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*.

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:

- Land Use Planning;

- Mineral Resources;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

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

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. In addition, implementation of mitigation measures AQ-1 through AQ-5, HAZ-1 and HAZ-2, and identified in in the resource sections above would reduce potential adverse effects on human beings to 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.

Sources

Provided in Exhibit A.

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
☒	County Public Works Department	**In File****
☒	County Environmental Health Services	**In File****
☒	County Agricultural Commissioner's Office	**In File****
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**Not Applicable**
☒	County Sheriff's Department	**In File****
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry (Cal Fire)	**In File****
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☐	Other _____	**In File****
☒	Other AB 52 Tribes	**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.

☒ Project File for the Subject Application

County Documents

☐ Coastal Plan Policies
☒ Framework for Planning (Coastal/Inland)
☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
- ☒ Agriculture Element
- ☒ Conservation & Open Space Element
- ☐ Economic Element
- ☒ Housing Element
- ☒ Noise Element
- ☒ Parks & Recreation Element/Project List
- ☒ Safety Element

☒ Land Use Ordinance (Inland/Coastal)
☒ Building and Construction Ordinance
☒ Public Facilities Fee Ordinance
☐ Real Property Division Ordinance
☐ Affordable Housing Fund
☐ Airport Land Use Plan
☒ Energy Wise Plan
☒ North County Area Plan/Nacimiento Sub Area
☐ Design Plan
☐ Specific Plan
☐ Annual Resource Summary Report
☐ Circulation Study

Other Documents

☒ Clean Air Plan/APCD Handbook
☒ Regional Transportation Plan
☒ Uniform Fire Code
☒ Water Quality Control Plan (Central Coast Basin – Region 3)
☐ Archaeological Resources Map
☐ Area of Critical Concerns Map
☐ Special Biological Importance Map
☐ CA Natural Species Diversity Database
☒ Fire Hazard Severity Map
☒ Flood Hazard Maps
☒ Natural Resources Conservation Service Soil Survey for SLO County
☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
☐ Other

Initial Study – Environmental Checklist

The project application materials are incorporated by reference in their entirety and available for review at the Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo. In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Project-Specific Studies

- Wallace Group, January 13, 2021 Water Use Estimates for APN: 080-021-005 Cannabis Cultivation Operation
- Terra Verde Environmental Consulting, LLC, Biological Resources Assessment, March 2019
- Terra Verde Environmental Consulting, LLC, Spring Botanical Survey, February 2020
- Terra Verde Environmental Consulting, LLC, Assessment of Vernal Pool Habitat and Habitat Connectivity, March 2020
- Central Coast Transportation Consultants, Trip Generation Report, July 2019
- Albion Environmental, Cultural Resource Assessment, October 2018
- Earth Systems, November 2918, Percolation Test

Other County References

California Department of Conservation (CDOC). 2015. CGS Information Warehouse: Regulatory Maps http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps accessed August 2018

San Luis Obispo County.1999.General Plan Safety Element. https://www.slocounty.ca.gov/getattachment/893b6c58-7550-4113-911c-3ef46d22b7c8/Safety-Element.aspx accessed August 2018

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.

CalEEMOD version 2016.3.2

California Department of Conservation (CDOC). 2015. Fault Activity Map of California. Available at < http://maps.conservation.ca.gov/cgs/fam/>.

_____. 2016. California Important Farmland Finder. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>.

_____. 2019. San Luis Obispo County Tsunami Inundation Maps. Available at <https://www.conservation.ca.gov/cgs/tsunami/maps/San-Luis-Obispo>

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/>

California Department of Transportation (Caltrans). 2019. California Scenic Highways Mapping Tool. Available at: < https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=f0259b1ad0fe4093a5604c9b838a486a>.

California Geological Survey (CGS). 2015. CGS Information Warehouse: Mineral Land Classification. Available at <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>

County of San Luis Obispo. 2016. 2015/2016 County Bikeways Plan. July 6th, 2016.

County of Santa Barbara. 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.

Diblee, Thomas W., Jr. 2004. Geologic Map of the Creston & Shedd Canyon Quadrangles, San Luis Obispo County, California. National Geologic Map Database. Available at: <https://ngmdb.usgs.gov/Prodesc/proddesc_71748.htm>.

GEI Consultants, 2014, San Luis Obispo County 2014 Integrated Regional Water Management Plan

Occupational Health and Safety Administration Technical Manual, Section III, Chapter 5 part II.B.6.

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/>

_____. 2019. Estella Substation and Paso Robles Area Reinforcement Project Paleontological Resources Technical Report for the Templeton Route Alternatives, San Luis Obispo County, California. Available at: <https://www.cpuc.ca.gov/environment/info/horizonh2o/estrella/docs/Templeton%20Route%20Alts%20PRTR.pdf>.

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. Available at: <https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/sanluisCA1983/sanluisCA1983.pdf>

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.

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

CALFED Bay-Delta Program. 2000. *Water Use Efficiency Program Plan*. Final Programmatic EIS/EIR Technical Appendix.

CALFED Bay-Delta Program. 2006. *Water Use Efficiency Comprehensive Evaluation*. CALFED Bay-Delta Program Water Use Efficiency Element.

H. Cooley, J. Christian-Smith, and P.H. Gleick. 2009. *Sustaining California Agriculture in an Uncertain Future*. Pacific Institute.

Exhibit B - Mitigation Summary Table

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

Aesthetic and Visual Resources

AES-1 **Nighttime lighting.** Prior to issuance of construction permits, 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:

c. 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

d. Any 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.

AES-2 **Aesthetics – Building Height.** Greenhouse buildings shall not exceed 25 feet in height above the average natural grade as defined by LUO Section 22.10.090. The proposed Processing Building shall not exceed 30 feet in height above the average natural grade. The Applicant shall clearly delineate these heights on applicable construction drawings.

AES-3 **Aesthetics – Landscape Plan.** To provide visual screening for buildings proposed for indoor cultivation, commercial nursery and processing when viewed from Interlake Road, the applicant shall prepare a Landscape Screening Plan. The Plan shall be consistent with Section 22.04.186 of the San Luis Obispo County Land Use Ordinance and shall include fast growing, evergreen vegetation that will screen, and help blend into the existing environment, the new buildings when viewed from Intrelake Road. Plant material selected shall perform well in the soils and climate for which it is planted. The Applicant shall maintain the screening for the life of the structures identified as requiring visual mitigation.

The landscape screening vegetation shall meet the following levels of screening success criteria:

a. At 3 years from planting, the vegetation shall screen at least 50% of the intended structures;

b. At 5 years from planting, the vegetation shall screen at least 80% of the intended structures.

c. At each milestone, the Applicant shall provide photos taken from key public viewing areas showing the amount of screening provided, and submit to the County for review. Should any performance milestone not be met, the Applicant shall retain a qualified expert (e.g., nurseryman/ landscaping contractor) to assess the conditions and to make recommendations to achieve the next milestone. The applicant will implement these recommendations.

d. The landscape plan shall consist of plant material that is either native to the immediate area, or is considered compatible (and non-invasive) with the nearby native vegetation, as determined by a landscape contractor or architect familiar with native plants.

e. The landscape plan shall consist of plant material that is considered 'Fire Resistant' as identified in the County's Approved Plant List. Plantings should be no closer than 30 feet from all habitable structures.

f. All landscaping plans shall contain a note, signed by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), certifying that the plant materials specified in the plan are consistent with Section 22.04.184 of the San Luis Obispo County Land Use Ordinance.

AES-4 **Landscape Plan Cost Estimate/ Bonding. Prior to issuance of construction permits**, the Applicant shall obtain a cost estimate for the required landscape screening plan to determine the costs of landscape installation and/or landscape maintenance for 5 years. The Cost Estimate shall be prepared by a qualified individual familiar with estimating costs to install and maintain the required landscaping (e.g., landscape contractor, etc.). The Applicant will work with the County to determine an acceptable financial mechanism to establish a means to assure funding for installation and maintenance of the required landscape plan. The County will release its interest or obligation in the financial mechanism once the measure has been completed to the satisfaction of the County.

AES-5 **Landscape Performance & Monitoring. Prior to final inspection of construction permits,** the approved landscape plan shall be implemented, and the applicant shall provide a letter to the San Luis Obispo County Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified professional 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. At the end of the 5 year monitoring period, the monitoring report shall be submitted to the San Luis Obispo County Department of Planning and Building for approval and shall be used as a determining factor in assessing the successful establishment of the planting as it relates to the bond posted by the applicant. If it is determined that the success criteria have not been met, then the applicant shall submit a supplemental landscape screening plan with additional recommendations to achieve the required screening. The plan shall include additional monitoring requirements (as recommended by the landscape architect) to ensure the required screening is achieved.

AES-6 **Exterior Colors & Material Palette.** To minimize visual impacts from the proposed development, exterior colors and materials shall be selected and applied to 1) minimize the structure's massing, and 2) reduce the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the prominent natural colors of the surrounding environment, including vegetation, rock outcrops, etc. To achieve the goal of minimizing the mass and contrast between the new structures and surrounding environment, the following selection can include and not limited to; darker, non-reflective, earth tone colors on walls or chimneys, darker green, grey, slate blue, or brown colors for roof elements and/or usage of darker color selections within chroma / value of 6 or less described in the Munsell Book of Color.

AES-7 **Prior to issuance of construction permits,** the Applicant shall provide architectural elevations and a color board showing all exterior colors and finish materials that match the above requirements. These shall also be specified on applicable construction/ improvement drawings for County review and approval. Once County review is complete, Applicant shall adhere to the approved colors and

materials during construction.

Air Quality

AQ-1 **Construction Equipment Emissions Controls.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Maintain all construction equipment in proper tune according to manufacturer's specifications;
2. Fuel all off-road and portable diesel powered equipment with CARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
3. Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
4. Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
5. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
6. All on and off-road diesel equipment shall not idle for more than 5 minutes.
7. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
8. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
9. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
10. Electrify equipment when feasible;
11. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
12. Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-2 **Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment.** During all site disturbance and construction activities of all project phases:

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
2. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
3. Use of alternative fueled equipment is recommended whenever possible; and,
4. Signs that specify the no idling requirements must be posted and enforced at the construction site.

AQ-3 **Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;

2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder 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 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

AQ-4 **Ongoing and for the life of the project**, one or more of the following dust management strategies shall be implemented for project-related traffic using Wendy Way:

a. Limit the number of round trips using the roadway to three or fewer per day.

b. For the life of the project, maintain the unpaved road with a dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).

c. To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

AQ-5 **Prior to building permit issuance**, the applicant shall submit to the Department of Planning and Building for review and approval an employee ridesharing program. The purpose of the ridesharing program is to achieve a minimum overall employee ridership of 30% per shift which shall be maintained for the life of the project. Such a plan may include, but is not limited to, one or more of the following:

a. Incentives to encourage employee ridesharing/carpooling;
b. Provision of a Employee-provided vanpool with service to employee residences or designated park and ride lot;
c. An ongoing program for establishing employee carpools such as rideshare matching;
d. Such other programs or incentives to achieve the minimum employee ridership of 30%.

Biological Resources

BIO-1 **Environmental Awareness Training –** Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BIO-2 **Site Maintenance and General Operations** - The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- Any temporary construction lighting shall avoid nighttime illumination of suitable habitat features (i.e. drainages, riparian corridor, sensitive species habitat). Temporary construction lighting shall be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages.

Federal and State Waters and Wetlands.

- If construction occurs during or immediately following rain, temporary site stabilization methods will be used to prevent inadvertent erosion and sedimentation into adjacent aquatic habitat. An erosion and sediment control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into the aquatic habitats during construction. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e. non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard BMPs. BMPs shall be installed and maintained for the duration of construction or until the site has been stabilized.

- If project design changes resulting in drainage crossings or other direct impacts to mapped aquatic resources, all applicable agency permits with jurisdiction over the project area (i.e. CDFW, RWQCB, and/or Corps) should be obtained, as needed, prior to construction. All additional mitigation measures required by these agencies would be implemented as necessary throughout the project.

BIO-3 **Pre-construction survey for American badgers.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

- If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.

- If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

BIO-4 **Pre-construction survey for Special-status Reptiles and Amphibians**. A qualified biologist shall conduct a pre-construction survey for western spadefoot immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal including tree removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring shall be repeated. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species.

BIO-5: **Pre-construction survey for Monterey Dusky-footed Woodrat.** A qualified biologist shall complete a pre-construction survey for woodrat middens within 30 days prior to the start of initial project activities. If woodrat middens/houses are discovered, an exclusion buffer of 50 feet shall be established around the midden. If a woodrat midden cannot be avoided, it will be carefully deconstructed by hand, allowing the woodrat to escape before it is removed.

BIO-6 **Pre-construction surveys for Crotch Bumblebee (CBB).** The following actions shall be undertaken to avoid and minimize potential impacts to CBB:

a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB within suitable habitat (i.e. small mammal burrows, thatched/bunched grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.)) on the project site. Survey(s) shall be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.

b. CBB Take Avoidance - If the survey(s) establish the presence of CBB within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the Department of Panning and Building in consultation with CDFW. The Management Plan shall include at least the following:

    i. Avoidance measures to include a minimum 50-feet no-disturbance buffer to avoid take and potentially significant impacts.

    ii. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department of Planning and Building, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).

c. In the event CBB is denied listing under the CESA, this measure shall not be required.

BIO-7 **Bat Roost Avoidance**. A qualified biologist shall conduct a survey before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. If no active roosts are found, no further action shall be required. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing surveys.

If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost shall be fully avoided and not removed or otherwise impacted by project activities during the maternity season. A minimum 100-foot ESA avoidance buffer shall be demarcated by highly visible orange construction fencing around active maternity roosts. No construction equipment, vehicles, or personnel shall enter the ESA without clear permission from the qualified biologist. ESA fencing shall be maintained in good condition for the duration of the maternity season. The roost shall be removed only after the maternity season has ended, and shall be removed under the direction of a qualified biologist.

If active non-maternity bat roosts (e.g., day roosts, hibernacula) are found in trees scheduled to be removed, the individuals shall be safely evicted (e.g., through installation of one-way doors) under the direction of a qualified bat biologist in consultation with the CDFW. In situations requiring one-way doors, a minimum of one week shall pass after doors are installed to allow all bats to leave the roost. Temperatures need to be sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in coastal California. Eviction shall be scheduled to allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.

BIO-8 **Pre-construction Survey for Burrowing Owl (BUOW). Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, If work is planned to occur within 150 meters (approximately 492 feet) of BUOW habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied BUOW burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1 – Aug 15	656 feet	1,640 feet	1,640 feet
Nesting Sites	Aug 16 – Oct 15	656 feet	656 feet	1,640 feet
Any Occupied Burrow	Oct 16 – Mar 31	164 feet	328 feet	1,640 feet

Each exclusion zone shall encircle the burrow and have a radius as specified in the table above. All foot and vehicle traffic, as well as all project 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, or it has been determined by a qualified biologist that the burrow is no longer in use.

If two weeks lapse between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the BUOW survey shall be repeated.

BIO-9 **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-10 **Site Restoration Following End of Operations**. Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare

a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

BIO-11 **Native Trees – Avoidance Measures**. To avoid impacts to individual native (oak) trees, the following aspects will be integrated into the project design:

a. Locate all structures, and construction activities, outside of the tree dripline, and where possible outside of the tree's root zone;

b. Consider siting driveway location outside of the tree dripline(s); where this is not possible, trimming to about 15 vertical feet of any encroaching limbs should be done before any construction activities begin to avoid these limbs being irreparably ripped/broken by large vehicles.

c. When located in "high" or 'very high" fire severity zones, make all efforts to locate development at least 30 feet, preferably 100 feet, from existing trees to avoid trimming or removing trees as a part of a fuel modification program to protect structures from wildland fires;

d. Locate all non-native landscaping that requires summer watering and leach lines outside the trees' dripline and root zone;

e. Before siting structure location, consider where utility lines will be located to avoid trenching within the tree dripline/canopy;

f. When the site requires substantial grading near oaks, consider surface drainage aspects (oaks rely on surface water) to retain similar drainage characteristics to oak's root zones.

BIO-12 **Native Trees (Oaks) – Minimizing Impacts**. At the time of building permit application and during construction, the following measures shall be completed to minimize native tree (oak) impacts:

a. Grading and/or construction plans shall provide a 'Native Tree (Oak) Inventory' and show locations of all native trees within 25 feet of the proposed project limits (including ancillary elements, such as trenching); For each of the trees shown, they shall be marked with one of the following 1) to be removed, 2) to be impacted, or 3) to remain intact/protected. This should be noted as the "Native Tree Impact Plan".

b. For trees identified as 'impacted' or 'to remain protected' they shall be marked in the field as such and protected to the extent possible. Protective measures shall be visible to work crews and be able to remain in good working order for the duration of the construction work. Waterproof signage at protective edge is recommended (e.g., "TREE PROTECTION AREA – STAY OUT"). Grading, trenching, compaction of soil, construction material/equipment storage, or placement of fill shall not occur within these protected areas.

c. To minimize impacts from tree trimming, the following approach shall be used:

   i. Removal of larger lower branches shall be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs" (due to wind), 2) reduce number of large limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, creates greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree.

   ii. If trimming is unavoidable, no more than 10% of the oak canopy shall be removed.

   iii. If trimming is done, either a skilled certified arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used. Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.

d. Smaller native trees (smaller than 5 inches in diameter at four feet six inches above the ground) within the project area are considered to be of high importance, and where possible, will be protected.

BIO-13 **Native Tree (Oaks) – Replacement/Planting**. The project proposes to 1) impact up to 28 oak trees, and 2) remove up to 187 oak trees. These are considered individual oak trees with replacement planting to be conducted on-site. Accordingly, a "Tree Replacement Plan" (Plan) shall be prepared to address the following replacement elements.

a. Per the 'Native (oak) Tree Inventory' specified in the previous measure (BIO-12), the applicant will be replacing "in-kind" trees at the following ratios:

   1. For each tree identified as impacted, two (2) seedlings will be planted (56 total).

   2. For each tree identified for removal, four (4) seedlings will be planted (748 total).

b. The Applicant may propose portions of the existing Oak Woodland as an open space use. Guarantees of open space preservation (at 2:1 ratio of the lost oak woodlands) may be in the form of agreements, easements, contracts or other appropriate instrument, provided that such guarantees are not to grant public access, unless desired by the property owner.

c. Alternatively, the applicant shall coordinate with the County Planning and Building Department to determine the appropriate fee and submit payment to the California Wildlife Conservation Board's Oak Woodlands Conservation Program to mitigate for up to 50% of oak trees impacted by the project that have not mitigated through on-site replacement plantings (as described above). Contribution to the Oak Woodlands Conservation Fund shall be paid prior to issuance of grading or construction permits or initiation of site disturbance activities, whichever occurs first.

d. Existing volunteer in-kind seedlings on the subject property may be substituted for up to 25% of the required replacement trees when the following criteria can be met for each seedling. These would be clearly marked in the field and on the Plan:

   1. It is considered in excellent health with evidence of vigorous growth;
   2. It is less than two feet tall and can be easily caged or tubed;
   3. It is not located within the construction boundaries;
   4. It is outside remaining (oak) tree canopy dripline but within 20 feet;
   5. It will be caged from browsing animals (caging securely staked to the ground); deer fencing would be installed in areas with known deer populations;
   6. A three foot radius around the seedling is hand-weeded, and heavily mulched (no less than 3" deep) or a 6x6-foot weed mat is installed after initial weeding at the base of the seedling trunk;
   7. It's future root zone is not near any area that will be receiving supplemental moisture during the summer;
   8. It is no closer than 10 feet from any other seedling being protected/ planted (with an overall average of 20 foot spacing).

   All of these measures should be completed prior to commencement of any grubbing or grading activities on the site and the area fenced for protection from construction equipment. Should the seedling die or be determined in poor health during follow-up monitoring, the Plan should note that a replacement seedling would be planted or protected, and the above measures would be applied.

e. Protection of newly planted trees is needed and shall include the following measures on the Plan:

   1. An above-ground shelter (e.g., tube, wire caging) will be provided for each tree, and will be of sturdy material that will provide protection from browsing animals for no less than five years for oak trees, unless determined successfully established by monitor;

2. Caging to protect roots from burrowing animals will be installed when the tree is planted, and be made of material that will last no less than five years for oak trees.

   Each shelter should include the following, unless manufacture instructions recommend a more successful approach:

3. Shelter will be secured with stake that will last at least five years; metal stake will be used if grazing could occur on site;

4. Height of shelter will be no less than three (3) feet;

5. Base of shelter will be buried into the ground;

6. Top of shelter will be securely covered with plastic netting, or better, and last for no less than five years;

7. If required planting is located in areas frequented by deer, tube/caging heights will be increased to at least four feet or planting(s) will be protected with deer fencing.

f. Replanting should be completed in the late fall or winter month's (October to January). If planting cannot occur during these optimal months, a 'landscape irrigation plan' shall be prepared and installed. It should show how plants will be watered on a regular basis. If planting occurs outside of optimal months, a thorough watering will be completed at the time of planting. Planting stock shall be from deep one-gallon containers. Replant areas will be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil will be carefully removed during initial grading and stockpiled for spreading over graded areas to be replanted (setting aside enough for 6-12" layer for entire tree replant area). Planting hole depths should exceed container depths sufficiently to avoid roots from turning upwards. Soil returned around containers will be compacted sufficiently to eliminate air pockets.

g. Average tree planting densities should be no greater than one tree every 20 feet and shall average no more than four planted trees per 2,000 sq. ft. This average planting density, and respective area needed, will be reflected on the Plan.

h. Location of newly planted trees will adhere to the following, whenever possible:

   1. on the north side of and at the canopy/dripline edge of existing mature native trees;

   2. on north-facing slopes;

   3. close to drainage swales/gullies (except when riparian habitat present);

   4. where topsoil is present;

   5. at least 25 feet away from continuously wet areas (e.g. lawns, leach lines, seeps, etc.);

   6. random and clustered planting patterns to create natural appearance;

   7. planting locations away from known animal populations (e.g., squirrels, gophers).

i. The following planting and maintenance measures will be shown on the Plan and implemented to improve successful establishment:

1. Providing and maintaining protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents, etc.);

2. Regular mulching and weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant; herbicides should be avoided;

3. Adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period;

4. Avoidance of planting between April and September unless irrigation system with timer is provided, where trees are watered 1-gallon every four weeks (may vary for certain species);

5. Applying standard planting procedures (e.g., planting nutrient tablets, initial deep watering, etc.).

6. When planting with, or near, other landscaping, all landscape vegetation within the eventual mature oak tree root zone (25-foot radius of planted oak) will need to have similar water requirements as the (oak) (including no summer watering once established).

j. The 'Tree Replacement Plan' shall include success criteria and adaptive management provisions to ensure that at five years from planting there is no net loss of trees when compared to those removed/ impacted and that those replanted trees are alive and in a vigorous and healthy condition.

k. When there are over 500 replacement trees, acorns may be specified for use, as long as they are collected from on-site or the immediately surrounding area, and propagated at a local nursery to establish seedling stock. A qualified botanist or nurseryman should be consulted to determine the number of acorns needed to establish one successful seedling to determine the overall number of acorns to collect and propagate. This amount would not be less than four acorns per tree removed.

BIO-14 **Monitoring**. To guarantee the success of the newly planted trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than seven years. The first report shall be submitted to the County one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established (for oak woodlands, no less than seven years). Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Director.

BIO-15 **Cost Estimate**. A cost estimate for the required planting plan shall be prepared by a qualified individual (e.g., landscape contractor), which shall include the costs to install and maintain the

required new trees for a period of seven years. Once the cost estimated is approved, a financial mechanism acceptable to the County (e.g. performance bond, CD, cash, etc.), equal to the cost estimate (plus administrative costs), shall be posted by the applicant to cover tree planting/ maintenance **prior to final inspection/occupancy of individual lot construction permits**. The bond will be released upon successful establishment of the required trees.

BIO-16 **Grading and Drainage Plans**. The limits of grading shall be shown on final improvement/construction plans prior to site disturbance. All new construction, site disturbance, and vegetation removal shall be located within the delineated construction boundaries. The storage of equipment and materials, and temporary stockpiling of soil shall be located within designated areas only, and outside of oak woodland habitat and drainages. Construction/improvement plans shall include grading and drainage, as well as erosion and sedimentation control plans.

BIO-17 **Jurisdictional Waters**. Prior to and during any site preparation and/or construction activities associated with the proposed project, the County shall ensure compliance with the following measures to avoid and/or minimize project impacts to potentially jurisdictional waters:

a. Prior to disturbance within jurisdictional areas, the County shall obtain a Section 404 Permit from the USACE, a Section 401 Water Quality Certification from the RWQCB, and a Section 1602 Streambed Alteration Agreement from the CDFW for project-related impacts that will occur in areas under the jurisdiction of these regulatory agencies.

b. Prior to initiation of any site preparation and/or construction activities, a Storm Water Pollution Prevention Plan for the project will be prepared. Provisions of this plan shall be implemented during and after construction, as necessary, to avoid and minimize erosion and stormwater pollution in and near the work area.

c. Prior to any ground-disturbing activities, the County shall ensure jurisdictional waters are delineated with flagging or exclusionary fencing and construction activities will minimize impacts to jurisdictional waters. Since impacts to jurisdictional waters are anticipated to be temporary, these areas will be restored at a 1:1 ratio to approximate their pre-construction condition.

d. During construction, erosion control measures shall be implemented. Silt fencing, fiber rolls, and barriers shall be installed as needed between the project site and jurisdictional waters to be avoided. At a minimum, erosion controls shall be maintained by the contractor on a daily basis throughout the construction period.

e. During construction, the cleaning and refueling of equipment and vehicles shall occur only within designated staging areas and at least 100 feet from jurisdictional waters.

f. Stream contours shall be restored as close as possible to their original condition.

Cultural Resources

CR-1 **Monitoring Plan.** The applicant will submit a monitoring plan, prepared by a subsurface-qualified archaeologist that provides details on how the archaeologist will monitor grading and excavation activities during construction and the process to follow should resources be encountered. The applicant will retain a qualified archaeologist and Native American to implement the monitoring plan during construction and verify to the County that construction work adhered to the plan. The

monitoring plan shall include provisions consistent with State law and LUO requirements in the event human remains are encountered during any part of the development.

CR-2 **Construction Monitoring**. The applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American monitor to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals.

CR-3 **Excavation and Screening**. Whenever possible, excavation shall be conducted by hand under monitoring. In limited areas where controlled excavation is needed for deeper foundation posts, small mechanical auger or similar can be used under monitoring in order to reduce the overall site disturbance associated with the grading. Approximately 11 five-gallon samples (1% equivalent) of the excavated dirt shall be screened through a 1/8 inch screen. All backdirt should be retained on the project property (currently planned to fill the existing open swale area behind the house).

CR-4 **Minimizing Impacts**. Three potential outcomes are anticipated from the monitoring:

a. No Deposits Are Discovered: If no artifacts or archaeological features are encountered during the initial backdirt screening, the results will be considered negative. Negative results would support a conclusion that no archeological resources with substantial subsurface deposits exist within the construction areas and no further archeological screening within the project area will be recommended. The construction will proceed with just monitoring during ground disturbing activities.

b. Disturbed Deposit: Monitoring and backdirt screening may reveal substantial artifact deposits or features present in a disturbed condition. Disturbed deposits may consist of displaced prehistoric features and/or artifact deposits that contain significant quantities of intrusive debris that are less than 50 years old or fall within visibly disrupted soil strata. Though these deposits may not contribute to the site eligibility on the CRHR register, documenting such found deposits may add to the knowledge of the nearby identified site overall Depending on the nature of found deposits, the archeologist shall consult with the County and Native American Representatives to determine the best course of action, ranging from continued monitoring and/or project redesign.

c. Intact Deposit: Substantial artifact deposits or features that are not significantly disturbed may be present and revealed during excavation. Substantial, undisturbed deposits will have in situ archeological features or a relatively dense concentration of artifacts that lack intrusive modern debris that lie within apparently intact soil strata. The presence of an intact deposit would necessitate project redesign to entirely avoid impacts to identified resources.

   If construction cannot avoid identified archaeological resources, the archaeologist shall propose adequate measures to reduce impacts to a less than significant level. Project redesigns could include, but not limited to

   i. Moving foundation elements, designing spanning foundations, reducing proposed excavation volumes, and altering proposed utility lines and connection alignments.

   ii. Foundation design may need to be altered to minimize site disturbance. “Side-by-side” comparisons of disturbance and calculations of volume of cultural materials affected will be submitted to show the revised foundation design will result in the least disturbance.

iii. If the project will impact intact cultural resources, incorporation of fill shall be considered. Only sufficient fill shall be placed over the site so as to allow native soils to remain undisturbed (e.g. 18 inches for residential footings, 6-8 inches for driveway construction). Clean, sterile fill, consisting of a layer of other conspicuous material (e.g. fill of a noticeable different color and texture than native soil) should be placed over the native soil prior to placement of any other clean fill material. The intent is that native soils shall not be disturbed or compacted within the cultural resource areas. It is recognized that there are limitations to the placement of fill due to factors such as topography, drainage, or soil characteristics.

iv. If avoidance of cultural resources is not possible, the applicant will provide the County a detailed research design for a Phase III Data Recovery Plan, with the intent of obtaining detailed information regarding the archaeological site before it is significantly altered. This plan will be implemented before any construction activities can resume within the archaeologically sensitive area(s). Incorporation of soil capping/ fill and Phase III Data Recovery may be a feasible combination as an alternative mitigation.

v. If human remains are encountered, the archaeologist must conform to the provisions of State law. The archaeologist and Native American representatives must meet with the property owner and any pertinent design professionals, as well as representatives from County Planning and Building, to plan for and execute the recommended treatment.

The applicant shall execute a Non-Disturbance of Native American burial site agreement to prevent future disturbance to the site(s) identified.

CR-5 **Revised Construction Drawings (as applicable).** If cultural resources are identified on site, the applicant shall submit revised construction drawings to the County incorporating the revised design and/or mitigation measures approved by the Environmental Coordinator to avoid significant impacts or reduce to a less than significant level.

CR-6 **Final Completion Report.** The consulting archaeologist shall submit a Completion Report to the Environmental Coordinator summarizing the following:

a. Completion and compliance of construction activities per the Monitoring Plan and any applicable mitigation measures agreed by the County, archeologist and Native American Representatives throughout the project. If the analysis included in the Phase III program is not complete by the time of final inspection, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

b. Documentation of all cultural materials disturbed by construction activities that may add to the knowledge of the identified site nearby, including but not limited to items such as debitage (stone flakes), chipped stone tools, groundstone tools, bone and shell tools, and shell beads, and faunal bone and shell. Any materials collected shall be properly conserved, cataloged, analyzed, evaluated, and curated along with associated documentation in a professional manner consistent with current archaeological standards.

c. An artifact curation agreement and accession number obtained from the San Luis Obispo Archaeological Society (SLOCAS). A report must be prepared that conforms to professional standards and includes field methods, results and photographs, artifact analysis and

interpretation, updated site maps, and an updated Department of Parks and Recreation (DPR) 523 form for the identified site nearby. This report will need to be provided to the County for review and approval before occupancy permits are issued, and the final report submitted to both SLOCAS and the Central Coast information Center of the California Archaeological Site Inventory.

Energy

ENG-1 **Energy Reduction and Offset Requirements.** Prior to issuance of building permits for the project, 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 (square feet). 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. In this case, the estimated reduction or offset would be at least: 4,614,920 kWhr/yr – 1,053,966 kWh/year = 3,560,954 kWhr/yr; and the amount of energy not otherwise reduced or offset must not exceed 1,053,966 kWhr/yr. 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:

      - Participating in an annual energy audit.
      - Upgrading and maintaining efficient heating/cooling/dehumidification systems.
      - Implement energy efficient lighting, specifically LED over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
      - Implementing automated lighting systems.
      - Utilizing natural light when possible.
      - Utilizing an efficient circulation system.
      - Ensuring that energy use is below or in-line with industry benchmarks.
      - Implementing phase-out plans for the replacement of inefficient equipment.
      - 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 **Energy Requirements Monitoring and Compliance.** At time of 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 (e.g., providing a currently PG&E energy statement showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

Hazards and Hazardous Materials

HAZ-1 **Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

HAZ-2 **Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

Appendix A

California Department of Food and Agriculture (CDFA), 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 Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. 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

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

<u>Bureau of Cannabis Control</u>

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

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

State Water Resources Control Board (SWRCB). 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 Regional Water Quality Control Board program for water quality protection.

California Department of Fish and Wildlife (CDFW)

Lake or Streambed Alternation. Pursuant to Division 2, Chapter 6, §§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, which 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. A 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 (CESA). The 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.

Federal Endangered Species Act (FESA). 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 US Fish and Wildlife Service (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.

REVISED DEVELOPER'S STATEMENT FOR
GREENMILK LLC CONDITIONAL USE PERMIT
DRC2018-00223

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.

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

The following mitigation measures address impacts that may occur as a result of the development of the project.

Aesthetics

AES-1 **Nighttime lighting.** Prior to issuance of construction permits, 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. 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

b. Any 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.

AES-2 **Aesthetics – Building Height.** Greenhouse buildings shall not exceed 25 feet in height above the average natural grade as defined by LUO Section 22.10.090. The proposed Processing Building shall not exceed 30 feet in height above the average natural grade. The Applicant shall clearly delineate these heights on applicable construction drawings.

AES-3 **Aesthetics – Landscape Plan.** To provide visual screening for buildings proposed for indoor cultivation, commercial nursery and processing when viewed from Interlake Road, the applicant shall prepare a Landscape Screening Plan. The Plan shall be consistent with Section 22.04.186 of the San Luis Obispo County Land Use Ordinance and shall include fast growing, evergreen vegetation that will screen, and help blend into the existing environment, the new buildings when viewed from Intrelake Road. Plant material selected shall perform well in the soils and climate for which it is planted. The Applicant shall maintain the screening for the life of the structures identified as requiring visual mitigation.

The landscape screening vegetation shall meet the following levels of screening success criteria:

a. At 3 years from planting, the vegetation shall screen at least 50% of the intended structures;

b. At 5 years from planting, the vegetation shall screen at least 80% of the intended structures.

c. At each milestone, the Applicant shall provide photos taken from key public viewing areas showing the amount of screening provided, and submit to the County for review. Should any performance milestone not be met, the Applicant shall retain a qualified expert (e.g., nurseryman/ landscaping contractor) to assess the conditions and to make recommendations to achieve the next milestone. The applicant will implement these recommendations.

d. The landscape plan shall consist of plant material that is either native to the immediate area, or is considered compatible (and non-invasive) with the nearby native vegetation, as determined by a landscape contractor or architect familiar with native plants.

e. The landscape plan shall consist of plant material that is considered 'Fire Resistant' as identified in the County's Approved Plant List. Plantings should be no closer than 30 feet from all habitable structures.

f. All landscaping plans shall contain a note, signed by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), certifying that the plant materials specified in the plan are consistent with Section 22.04.184 of the San Luis Obispo County Land Use Ordinance.

AES-4 **Landscape Plan Cost Estimate/ Bonding. Prior to issuance of construction permits**, the Applicant shall obtain a cost estimate for the required landscape screening plan to determine the costs of landscape installation and/or landscape maintenance for 5 years. The Cost Estimate shall be prepared by a qualified individual familiar with estimating costs to install and maintain the required landscaping (e.g., landscape contractor, etc.). The Applicant will work with the County to determine an acceptable financial mechanism to establish a means to assure funding for installation and maintenance of the required landscape plan. The County will release its interest or obligation in the financial mechanism once the measure has been completed to the satisfaction of the County.

AES-5 **Landscape Performance & Monitoring. Prior to final inspection of construction permits,** the approved landscape plan shall be implemented, and the applicant shall provide a letter to the San Luis Obispo County Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified professional 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. At the end of the 5 year monitoring period, the monitoring report shall be submitted to the San Luis Obispo County Department of Planning and Building for approval and shall be used as a determining factor in assessing the successful establishment of the planting as it relates to the bond posted by the applicant. If it is determined that the success criteria have not been met, then the applicant shall submit a supplemental landscape screening plan with additional recommendations to achieve the required screening. The plan shall include additional monitoring requirements (as recommended by the landscape architect) to ensure the required screening is achieved.

AES-6 Exterior Colors & Material Palette. To minimize visual impacts from the proposed development, exterior colors and materials shall be selected and applied to 1) minimize the structure's massing, and 2) reduce the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the prominent natural colors of the surrounding environment, including vegetation, rock outcrops, etc. To achieve the goal of minimizing the mass and contrast between the new structures and surrounding environment, the following selection can include and not limited to; darker, non-reflective, earth tone colors on walls or chimneys, darker green, grey, slate blue, or brown colors for roof elements and/or usage of darker color selections within chroma / value of 6 or less described in the Munsell Book of Color.

AES-7 Prior to issuance of construction permits, the Applicant shall provide architectural elevations and a color board showing all exterior colors and finish materials that match the above requirements. These shall also be specified on applicable construction/ improvement drawings for County review and approval. Once County review is complete, Applicant shall adhere to the approved colors and materials during construction.

AES-1 through AES-7 Monitoring/compliance. Prior to approval of construction, the applicant shall submit to the County for review and approval, construction drawings showing adequate lighting plan. Approved lighting plan shall be in place prior to any work. **Prior to final inspection/ occupancy of construction permits** the County shall verify that the lighting plan was completed. The County shall also verify the color and material of the building, and landscaping. The applicant shall **enroll in Cannabis Monitoring Program** for on-going compliance with above mentioned measures.

Air Quality

AQ-1 Construction Equipment Emissions Controls. Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Maintain all construction equipment in proper tune according to manufacturer's specifications;
2. Fuel all off-road and portable diesel powered equipment with CARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
3. Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
4. Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
5. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
6. All on and off-road diesel equipment shall not idle for more than 5 minutes.

7. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
8. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
9. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
10. Electrify equipment when feasible;
11. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
12. Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-2 **Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment.** During all site disturbance and construction activities of all project phases:

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
2. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
3. Use of alternative fueled equipment is recommended whenever possible; and,
4. Signs that specify the no idling requirements must be posted and enforced at the construction site.

AQ-3 **Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder 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 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

AQ-4 **Ongoing and for the life of the project**, one or more of the following dust management strategies shall be implemented for project-related traffic using Wendy Way:

a. Limit the number of round trips using the roadway to three or fewer per day.

b. For the life of the project, maintain the unpaved road with a dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).

c. To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

AQ-5 **Prior to building permit issuance**, the applicant shall submit to the Department of Planning and Building for review and approval an employee ridesharing program. The purpose of the ridesharing program is to achieve a minimum overall employee ridership of 30% per shift which shall be maintained for the life of the project. Such a plan may include, but is not limited to, one or more of the following:

a. Incentives to encourage employee ridesharing/carpooling;
b. Provision of a Employee-provided vanpool with service to employee residences or designated park and ride lot;
c. An ongoing program for establishing employee carpools such as rideshare matching;
d. Such other programs or incentives to achieve the minimum employee ridership of 30%.

AQ-1 through AQ-5 Monitoring/compliance. Prior to the issuance of a construction permit, the applicant shall show the above measure on all applicable construction drawings and submit to the County for review and approval, which may include consultation with the Air Pollution Control District (APCD). **During construction,** all approved protection measures shall be kept in good working order.

AQ-4 Monitoring/compliance. AQ-4 measures will be verified and monitored through enrollment of Quarterly Monitoring Program.

Biological Resources

BIO-1 **Environmental Awareness Training –** Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training, and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness

training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BIO-2 **Site Maintenance and General Operations** - The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- Any temporary construction lighting shall avoid nighttime illumination of suitable habitat features (i.e. drainages, riparian corridor, sensitive species habitat). Temporary construction lighting shall be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages.

Federal and State Waters and Wetlands.

- If construction occurs during or immediately following rain, temporary site stabilization methods will be used to prevent inadvertent erosion and sedimentation into adjacent aquatic habitat. An erosion and sediment control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into the aquatic habitats during construction. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e. non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard BMPs. BMPs shall be installed and maintained for the duration of construction or until the site has been stabilized.
- If project design changes resulting in drainage crossings or other direct impacts to mapped aquatic resources, all applicable agency permits with jurisdiction over the

project area (i.e. CDFW, RWQCB, and/or Corps) should be obtained, as needed, prior to construction. All additional mitigation measures required by these agencies would be implemented as necessary throughout the project.

BIO-3 **Pre-construction survey for American badgers.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

- If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
- If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

BIO-4 **Pre-construction survey for Special-status Reptiles and Amphibians**. A qualified biologist shall conduct a pre-construction survey for western spadefoot immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal including tree removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring shall be repeated. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species.

BIO-5: **Pre-construction survey for Monterey Dusky-footed Woodrat.** A qualified biologist shall complete a pre-construction survey for woodrat middens within 30 days prior to the start of initial project activities. If woodrat middens/houses are discovered, an exclusion buffer of 50 feet shall be established around the midden. If a woodrat midden cannot be avoided, it will be carefully deconstructed by hand, allowing the woodrat to escape before it is removed.

BIO-6 **Pre-construction surveys for Crotch Bumblebee (CBB).** The following actions shall be undertaken to avoid and minimize potential impacts to CBB:

a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB within suitable habitat (i.e. small mammal burrows, thatched/bunched grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.)) on the project site. Survey(s) shall be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.

b. CBB Take Avoidance - If the survey(s) establish the presence of CBB within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the Department of Panning and Building in consultation with CDFW. The Management Plan shall include at least the following:

    i. Avoidance measures to include a minimum 50-feet no-disturbance buffer to avoid take and potentially significant impacts.

    ii. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department of Planning and Building, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).

c. In the event CBB is denied listing under the CESA, this measure shall not be required.

BIO-7 **Bat Roost Avoidance**. A qualified biologist shall conduct a survey before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. If no active roosts are found, no further action shall be required. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing surveys.

If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost shall be fully avoided and not removed or otherwise impacted by project activities during the maternity season. A minimum 100-foot ESA avoidance buffer shall be demarcated by highly visible orange construction fencing around active maternity roosts. No construction equipment, vehicles, or personnel shall enter the ESA without clear permission from the qualified biologist. ESA fencing shall be maintained in good condition for the duration of the maternity season. The roost shall be removed only after the maternity season has ended, and shall be removed under the direction of a qualified biologist.

If active non-maternity bat roosts (e.g., day roosts, hibernacula) are found in trees scheduled to be removed, the individuals shall be safely evicted (e.g., through installation of one-way doors) under the direction of a qualified bat biologist in consultation with the CDFW. In situations requiring one-way doors, a minimum of one week shall pass after doors are installed to allow all bats to leave the roost. Temperatures need to be sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in coastal California. Eviction shall be scheduled to allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.

BIO-8 **Pre-construction Survey for Burrowing Owl (BUOW). Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, If work is planned to occur within 150 meters (approximately 492 feet) of BUOW habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied BUOW burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1 – Aug 15	656 feet	1,640 feet	1,640 feet
Nesting Sites	Aug 16 – Oct 15	656 feet	656 feet	1,640 feet
Any Occupied Burrow	Oct 16 – Mar 31	164 feet	328 feet	1,640 feet

Each exclusion zone shall encircle the burrow and have a radius as specified in the table above. All foot and vehicle traffic, as well as all project 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, or it has been determined by a qualified biologist that the burrow is no longer in use.

If two weeks lapse between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the BUOW survey shall be repeated.

BIO-9 **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-10 **Site Restoration Following End of Operations**. Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property

owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

BIO-11 **Native Trees – Avoidance Measures**. To avoid impacts to individual native (oak) trees, the following aspects will be integrated into the project design:

a. Locate all structures, and construction activities, outside of the tree dripline, and where possible outside of the tree's root zone;

b. Consider siting driveway location outside of the tree dripline(s); where this is not possible, trimming to about 15 vertical feet of any encroaching limbs should be done before any construction activities begin to avoid these limbs being irreparably ripped/broken by large vehicles.

c. When located in "high" or 'very high" fire severity zones, make all efforts to locate development at least 30 feet, preferably 100 feet, from existing trees to avoid trimming or removing trees as a part of a fuel modification program to protect structures from wildland fires;

d. Locate all non-native landscaping that requires summer watering and leach lines outside the trees' dripline and root zone;

e. Before siting structure location, consider where utility lines will be located to avoid trenching within the tree dripline/canopy;

f. When the site requires substantial grading near oaks, consider surface drainage aspects (oaks rely on surface water) to retain similar drainage characteristics to oak's root zones.

BIO-12 **Native Trees (Oaks) – Minimizing Impacts**. At the time of building permit application and during construction, the following measures shall be completed to minimize native tree (oak) impacts:

a. Grading and/or construction plans shall provide a 'Native Tree (Oak) Inventory' and show locations of all native trees within 25 feet of the proposed project limits (including ancillary elements, such as trenching); For each of the trees shown, they shall be marked with one of the following 1) to be removed, 2) to be impacted, or 3) to remain intact/protected. This should be noted as the "Native Tree Impact Plan".

b. For trees identified as 'impacted' or 'to remain protected' they shall be marked in the field as such and protected to the extent possible. Protective measures shall be visible to work crews and be able to remain in good working order for the duration of the construction work. Waterproof signage at protective edge is recommended (e.g., "TREE PROTECTION AREA – STAY OUT"). Grading, trenching, compaction of soil, construction material/equipment storage, or placement of fill shall not occur within these protected areas.

c. To minimize impacts from tree trimming, the following approach shall be used:

   i. Removal of larger lower branches shall be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs" (due to wind), 2) reduce number of large limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, creates greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree.

   ii. If trimming is unavoidable, no more than 10% of the oak canopy shall be removed.

   iii. If trimming is done, either a skilled certified arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used. Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.

d. Smaller native trees (smaller than 5 inches in diameter at four feet six inches above the ground) within the project area are considered to be of high importance, and where possible, will be protected.

BIO-13 **Native Tree (Oaks) – Replacement/Planting**. The project proposes to 1) impact up to 28 oak trees, and 2) remove up to 187 oak trees. These are considered individual oak trees with replacement planting to be conducted on-site. Accordingly, a "Tree Replacement Plan" (Plan) shall be prepared to address the following replacement elements.

a. Per the 'Native (oak) Tree Inventory' specified in the previous measure (BIO-12), the applicant will be replacing "in-kind" trees at the following ratios:

1. For each tree identified as impacted, two (2) seedlings will be planted (56 total).
2. For each tree identified for removal, four (4) seedlings will be planted (748 total).

b. The Applicant may propose portions of the existing Oak Woodland as an open space use. Guarantees of open space preservation (at 2:1 ratio of the lost oak woodlands) may be in the form of agreements, easements, contracts or other appropriate instrument, provided that such guarantees are not to grant public access, unless desired by the property owner.

c. Alternatively, the applicant shall coordinate with the County Planning and Building Department to determine the appropriate fee and submit payment to the California Wildlife Conservation Board's Oak Woodlands Conservation Program to mitigate for up to 50% of oak trees impacted by the project that have not mitigated through on-site replacement plantings (as described above). Contribution to the Oak Woodlands Conservation Fund shall be paid prior to issuance of grading or construction permits or initiation of site disturbance activities, whichever occurs first.

d. Existing volunteer in-kind seedlings on the subject property may be substituted for up to 25% of the required replacement trees when the following criteria can be met for each seedling. These would be clearly marked in the field and on the Plan:

   1. It is considered in excellent health with evidence of vigorous growth;
   2. It is less than two feet tall and can be easily caged or tubed;
   3. It is not located within the construction boundaries;
   4. It is outside remaining (oak) tree canopy dripline but within 20 feet;
   5. It will be caged from browsing animals (caging securely staked to the ground); deer fencing would be installed in areas with known deer populations;
   6. A three foot radius around the seedling is hand-weeded, and heavily mulched (no less than 3" deep) or a 6x6-foot weed mat is installed after initial weeding at the base of the seedling trunk;
   7. It's future root zone is not near any area that will be receiving supplemental moisture during the summer;
   8. It is no closer than 10 feet from any other seedling being protected/ planted (with an overall average of 20 foot spacing).

   All of these measures should be completed prior to commencement of any grubbing or grading activities on the site and the area fenced for protection from construction equipment. Should the seedling die or be determined in poor health during follow-up monitoring, the Plan should note that a replacement seedling would be planted or protected, and the above measures would be applied.

e. Protection of newly planted trees is needed and shall include the following measures on the Plan:

1. An above-ground shelter (e.g., tube, wire caging) will be provided for each tree, and will be of sturdy material that will provide protection from browsing animals for no less than five years for oak trees, unless determined successfully established by monitor;

2. Caging to protect roots from burrowing animals will be installed when the tree is planted, and be made of material that will last no less than five years for oak trees.

   Each shelter should include the following, unless manufacture instructions recommend a more successful approach:

3. Shelter will be secured with stake that will last at least five years; metal stake will be used if grazing could occur on site;

4. Height of shelter will be no less than three (3) feet;

5. Base of shelter will be buried into the ground;

6. Top of shelter will be securely covered with plastic netting, or better, and last for no less than five years;

7. If required planting is located in areas frequented by deer, tube/caging heights will be increased to at least four feet or planting(s) will be protected with deer fencing.

f. Replanting should be completed in the late fall or winter month's (October to January). If planting cannot occur during these optimal months, a 'landscape irrigation plan' shall be prepared and installed. It should show how plants will be watered on a regular basis. If planting occurs outside of optimal months, a thorough watering will be completed at the time of planting. Planting stock shall be from deep one-gallon containers. Replant areas will be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil will be carefully removed during initial grading and stockpiled for spreading over graded areas to be replanted (setting aside enough for 6-12" layer for entire tree replant area). Planting hole depths should exceed container depths sufficiently to avoid roots from turning upwards. Soil returned around containers will be compacted sufficiently to eliminate air pockets.

g. Average tree planting densities should be no greater than one tree every 20 feet and shall average no more than four planted trees per 2,000 sq. ft. This average planting density, and respective area needed, will be reflected on the Plan.

h. Location of newly planted trees will adhere to the following, whenever possible:

   1. on the north side of and at the canopy/dripline edge of existing mature native trees;

   2. on north-facing slopes;

   3. close to drainage swales/gullies (except when riparian habitat present);

4. where topsoil is present;
5. at least 25 feet away from continuously wet areas (e.g. lawns, leach lines, seeps, etc.);
6. random and clustered planting patterns to create natural appearance;
7. planting locations away from known animal populations (e.g., squirrels, gophers).

i. The following planting and maintenance measures will be shown on the Plan and implemented to improve successful establishment:

1. Providing and maintaining protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents, etc.);
2. Regular mulching and weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant; herbicides should be avoided;
3. Adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period;
4. Avoidance of planting between April and September unless irrigation system with timer is provided, where trees are watered 1-gallon every four weeks (may vary for certain species);
5. Applying standard planting procedures (e.g., planting nutrient tablets, initial deep watering, etc.).
6. When planting with, or near, other landscaping, all landscape vegetation within the eventual mature oak tree root zone (25-foot radius of planted oak) will need to have similar water requirements as the (oak) (including no summer watering once established).

j. The 'Tree Replacement Plan' shall include success criteria and adaptive management provisions to ensure that at five years from planting there is no net loss of trees when compared to those removed/ impacted and that those replanted trees are alive and in a vigorous and healthy condition.

k. When there are over 500 replacement trees, acorns may be specified for use, as long as they are collected from on-site or the immediately surrounding area, and propagated at a local nursery to establish seedling stock. A qualified botanist or nurseryman should be consulted to determine the number of acorns needed to establish one successful seedling to determine the overall number of acorns to collect and propagate. This amount would not be less than four acorns per tree removed.

BIO-14 **Monitoring**. To guarantee the success of the newly planted trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than five years. The first

report shall be submitted to the County one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established for oak woodlands, no less than five years. Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Director.

BIO-15 **Cost Estimate**. A cost estimate for the required planting plan shall be prepared by a qualified individual (e.g., landscape contractor), which shall include the costs to install and maintain the required new trees for a period of five years. Once the cost estimated is approved, a financial mechanism acceptable to the County (e.g. performance bond, CD, cash, etc.), equal to the cost estimate (plus administrative costs), shall be posted by the applicant to cover tree planting/ maintenance **prior to final inspection/occupancy of individual lot construction permits**. The bond will be released upon successful establishment of the required trees.

BIO-16 **Grading and Drainage Plans**. The limits of grading shall be shown on final improvement/construction plans prior to site disturbance. All new construction, site disturbance, and vegetation removal shall be located within the delineated construction boundaries. The storage of equipment and materials, and temporary stockpiling of soil shall be located within designated areas only, and outside of oak woodland habitat and drainages. Construction/improvement plans shall include grading and drainage, as well as erosion and sedimentation control plans.

BIO-17 **Jurisdictional Waters**. Prior to and during any site preparation and/or construction activities associated with the proposed project, the County shall ensure compliance with the following measures to avoid and/or minimize project impacts to potentially jurisdictional waters:

a. Prior to disturbance within jurisdictional areas, the County shall obtain a Section 404 Permit from the USACE, a Section 401 Water Quality Certification from the RWQCB, and a Section 1602 Streambed Alteration Agreement from the CDFW for project-related impacts that will occur in areas under the jurisdiction of these regulatory agencies.

b. Prior to initiation of any site preparation and/or construction activities, a Storm Water Pollution Prevention Plan for the project will be prepared. Provisions of this plan shall be implemented during and after construction, as necessary, to avoid and minimize erosion and stormwater pollution in and near the work area.

c. Prior to any ground-disturbing activities, the County shall ensure jurisdictional waters are delineated with flagging or exclusionary fencing and construction activities will minimize impacts to jurisdictional waters. Since impacts to jurisdictional waters are anticipated to be temporary, these areas will be restored at a 1:1 ratio to approximate their pre-construction condition.

d. During construction, erosion control measures shall be implemented. Silt fencing, fiber rolls, and barriers shall be installed as needed between the project site and

jurisdictional waters to be avoided. At a minimum, erosion controls shall be maintained by the contractor on a daily basis throughout the construction period.

e. During construction, the cleaning and refueling of equipment and vehicles shall occur only within designated staging areas and at least 100 feet from jurisdictional waters.

f. Stream contours shall be restored as close as possible to their original condition.

BIO-1, BIO-3 through BIO-9 Monitoring/compliance. Prior to the issuance of a construction permit, the applicant shall retain qualified biologist. **Prior to the commencement of any site disturbance,** the Applicant shall retain a qualified biologist to perform a pre-construction survey. The completed survey report shall be submitted to the County for review/approval. Should the report identify active dens, highly visible protection measures shall be installed by the biologist to keep construction from entering the buffer area. The County shall verify all field measures have been followed or installed prior to any site disturbance. As applicable, any such measures shall be kept in good working order for the duration of the construction phase while burrow/den is active. A final report shall be prepared addressing overall compliance with and success of the protection measure(s) as it related to construction of the project. This report shall be submitted to the County prior to **final inspection/ occupancy of the construction permit**.

BIO-2, BIO-10,BIO-11, BIO-12, BIO-13, BIO-16, BIO-17 Monitoring/compliance. Prior to the issuance of a construction permit, the applicant shall show the above measure on all applicable construction drawings and submit to the County for review and approval, which may include consultation with the California Department of Fish and Wildlife (CDFW). The applicant shall **enroll in Cannabis Monitoring Program** for on-going compliance with above mentioned measures.

BIO-14, BIO-15 Monitoring/compliance. prior to **final inspection/ occupancy of the construction permit**, applicant shall submit Monitoring Plan and acceptable financial mechanism to the County, equal to the cost estimate (plus administrative cost), shall be posted by the applicant to cover monitoring/cost estimate to cover tree planting/maintenance. The bond will be released upon successful establishment of the required trees.

Cultural Resources

CR-1 **Monitoring Plan.** The applicant will submit a monitoring plan, prepared by a subsurface-qualified archaeologist that provides details on how the archaeologist will monitor grading and excavation activities during construction and the process to follow should resources be encountered. The applicant will retain a qualified archaeologist and Native American to implement the monitoring plan during construction and verify to the County that construction work adhered to the plan. The monitoring plan shall include provisions consistent with State law and CZLUO requirements in the event human remains are encountered during any part of the development.

CR-2 **Construction Monitoring**. The applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American monitor to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such

time as the resource can be evaluated by an archaeologist and any other appropriate individuals.

CR-3 **Excavation and Screening**. Whenever possible, excavation shall be conducted by hand under monitoring. In limited areas where controlled excavation is needed for deeper foundation posts, small mechanical auger or similar can be used under monitoring in order to reduce the overall site disturbance associated with the grading. Approximately 11 five-gallon samples (1% equivalent) of the excavated dirt shall be screened through a 1/8 inch screen. All backdirt should be retained on the project property (currently planned to fill the existing open swale area behind the house).

CR-4 **Minimizing Impacts**. Three potential outcomes are anticipated from the monitoring:

a. No Deposits Are Discovered: If no artifacts or archaeological features are encountered during the initial backdirt screening, the results will be considered negative. Negative results would support a conclusion that no archeological resources with substantial subsurface deposits exist within the construction areas and no further archeological screening within the project area will be recommended. The construction will proceed with just monitoring during ground disturbing activities.

b. Disturbed Deposit: Monitoring and backdirt screening may reveal substantial artifact deposits or features present in a disturbed condition. Disturbed deposits may consist of displaced prehistoric features and/or artifact deposits that contain significant quantities of intrusive debris that are less than 50 years old or fall within visibly disrupted soil strata. Though these deposits may not contribute to the site eligibility on the CRHR register, documenting such found deposits may add to the knowledge of the nearby identified site overall Depending on the nature of found deposits, the archeologist shall consult with the County and Native American Representatives to determine the best course of action, ranging from continued monitoring and/or project redesign.

c. Intact Deposit: Substantial artifact deposits or features that are not significantly disturbed may be present and revealed during excavation. Substantial, undisturbed deposits will have in situ archeological features or a relatively dense concentration of artifacts that lack intrusive modern debris that lie within apparently intact soil strata. The presence of an intact deposit would necessitate project redesign to entirely avoid impacts to identified resources.

   If construction cannot avoid identified archaeological resources, the archaeologist shall propose adequate measures to reduce impacts to a less than significant level. Project redesigns could include, but not limited to

   i. Moving foundation elements, designing spanning foundations, reducing proposed excavation volumes, and altering proposed utility lines and connection alignments.

   ii. Foundation design may need to be altered to minimize site disturbance. “Side-by-side” comparisons of disturbance and calculations of volume of cultural materials affected will be submitted to show the revised foundation design will result in the least disturbance.

   iii. If the project will impact intact cultural resources, incorporation of fill shall be considered. Only sufficient fill shall be placed over the site so as to allow native soils to remain undisturbed (e.g. 18 inches for residential footings, 6-8 inches for driveway construction). Clean, sterile fill, consisting of a layer of

other conspicuous material (e.g. fill of a noticeable different color and texture than native soil) should be placed over the native soil prior to placement of any other clean fill material. The intent is that native soils shall not be disturbed or compacted within the cultural resource areas. It is recognized that there are limitations to the placement of fill due to factors such as topography, drainage, or soil characteristics.

iv. If avoidance of cultural resources is not possible, the applicant will provide the County a detailed research design for a Phase III Data Recovery Plan, with the intent of obtaining detailed information regarding the archaeological site before it is significantly altered. This plan will be implemented before any construction activities can resume within the archaeologically sensitive area(s). Incorporation of soil capping/ fill and Phase III Data Recovery may be a feasible combination as an alternative mitigation.

v. If human remains are encountered, the archaeologist must conform to the provisions of State law. The archaeologist and Native American representatives must meet with the property owner and any pertinent design professionals, as well as representatives from County Planning and Building, to plan for and execute the recommended treatment.

The applicant shall execute a Non-Disturbance of Native American burial site agreement to prevent future disturbance to the site(s) identified.

CR-5 **Revised Construction Drawings (as applicable).** If cultural resources are identified on site, the applicant shall submit revised construction drawings to the County incorporating the revised design and/or mitigation measures approved by the Environmental Coordinator to avoid significant impacts or reduce to a less than significant level.

CR-6 **Final Completion Report.** The consulting archaeologist shall submit a Completion Report to the Environmental Coordinator summarizing the following:

a. Completion and compliance of construction activities per the Monitoring Plan and any applicable mitigation measures agreed by the County, archeologist and Native American Representatives throughout the project. If the analysis included in the Phase III program is not complete by the time of final inspection, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

b. Documentation of all cultural materials disturbed by construction activities that may add to the knowledge of the identified site nearby, including but not limited to items such as debitage (stone flakes), chipped stone tools, groundstone tools, bone and shell tools, and shell beads, and faunal bone and shell. Any materials collected shall be properly conserved, cataloged, analyzed, evaluated, and curated along with associated documentation in a professional manner consistent with current archaeological standards.

c. An artifact curation agreement and accession number obtained from the San Luis Obispo Archaeological Society (SLOCAS). A report must be prepared that conforms to professional standards and includes field methods, results and photographs, artifact analysis and interpretation, updated site maps, and an updated Department of Parks and Recreation (DPR) 523 form for the identified site nearby. This report will need to be provided to the County for review and approval before occupancy permits are issued,

and the final report submitted to both SLOCAS and the Central Coast information Center of the California Archaeological Site Inventory.

CR-1 and CR-6 Monitoring/compliance. Prior to the issuance of a construction permit, the applicant shall submit Cultural Resources Monitoring Plan, prepared by qualified archaeologist for review and approval. A Final Completion Report shall be prepared addressing overall compliance with and success of the protection measure(s) as it related to construction of the project. This report shall be submitted to the County prior to **final inspection/ occupancy of the construction permit**.

CR-2 through CR-4 Monitoring/compliance. Prior to the issuance of a construction permit, the applicant shall show the above measure on all applicable construction drawings and submit to the County for review and approval, which may include consultation with the Native American Tribal group(s) The applicant

Energy and Greenhouse Gases

ENG-1 **Energy Reduction and Offset Requirements.** Prior to issuance of building permits for the project, 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 (square feet). 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. In this case, the estimated reduction or offset would be at least: 4,614,920 kWhr/yr – 1,053,966 kWh/year = 3,560,954 kWhr/yr; and the amount of energy not otherwise reduced or offset must not exceed 1,053,966 kWhr/yr. 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:

- Participating in an annual energy audit.
- Upgrading and maintaining efficient heating/cooling/dehumidification systems.
- Implement energy efficient lighting, specifically LED over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
- Implementing automated lighting systems.
- Utilizing natural light when possible.
- Utilizing an efficient circulation system.
- Ensuring that energy use is below or in-line with industry benchmarks.
- Implementing phase-out plans for the replacement of inefficient equipment.
- 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 **Energy Requirements Monitoring and Compliance.** At time of 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 (e.g., providing a currently PG&E energy statement showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

ENG-1 and ENG-2 Monitoring/compliance. Prior to approval of construction, the applicant shall submit to the County for review and approval, construction drawings showing adequate Energy Conservation Plan and program for reducing or offsetting project-related greenhouse gas emissions. Approved measures shall be in place prior to any work beginning. The applicant shall **enroll in Cannabis Monitoring Program** for on-going compliance with above mentioned measures.

Hazards and Hazardous Materials

HAZ-1 **Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and

vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

HAZ-2 **Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

Monitoring (HAZ-1 and HAZ-2) Compliance will be verified at the time of grading/construction permit. **During construction,** all approved protection measures shall be kept in good working order.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Teri Gillen 02/02/2021

Signature of Agent(s) Date

Teri Gillen

Name (Print)

DRC2020-00149 Full Plan Sets and Additional Documentations

Supporting documentation for DRC2020-00149 can be viewed in person at the Department of Planning and Building, or online at the following address:

Supporting Documents:

https://energov.sloplanning.org/EnerGov_Prod/SelfService#/plan/a3bdb362-8abd-4a38-a5c7-5fc711892b83?tab=attachments

For questions, please contact the Project Planner:

Young Choi
Planner
Planning & Building, County of San Luis Obispo
Tel: (805) 788-2086