

**Summary of Water Consumption for OUTDOOR and GREENHOUSE Cannabis Cultivation @
CITY BOY FARMS
4225 S. EL POMAR DR. TEMPLETON
Permit No DRC2017-00123
Exceptions to Applicants Environmental Submittals Water Management
Water Demand Analysis and Summary**

Sirs:

Based on the applicants **STATED DEMAND TOTAL OF 7.9 acre-feet/year** of water, we do hereby take exception to the demand values this applicant has provided for this project as follows:

- 1) Our annual greenhouse water demand calculations project a 5.22 acre-feet/year demand (see attached).
- 2) Our annual outdoor water demand calculations project a 19.6 acre-feet/year demand (see attached)
- 3) The plant demand alone for these cultivation areas would more realistically assess a combined total of 24.82 acre-feet of ACTUAL annual demand or a 103% difference between the STATED and ACTUAL values.

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

We propose that if the STATED ANNUAL WATER DEMANDS are exceeded at any point during that 12 month period, then it would be agreed, in advance, that the applicant would pay a suggested Tier 1 rate of \$5/gal Environmental Water Tax (T1-EWT) on that overage up and until they exceeded it by more than 10% of the STATED VALUE. Once they exceed a 10% overage, they would be required to submit an AMENDED CEQA application where the applicants STATED ANNUAL WATER DEMANDS would match the REALITY of their operations. That AMENDED CEQA application would be given up a120 days to be approved or denied. The applicant would be allowed to remain in operation for that 120 days but would be doing so under T2-EWT rates of \$10/gal for that metered water consumed. If the project is denied they will have 10 days to cease operations or be subject to fines which could include forfeiture of their property as it represents an environmental risk.

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

Concerned Citizens

**Summary of Water Consumption for GREENHOUSE Cannabis Cultivation @
CITY BOY FARMS
4225 S. EL POMAR DR. TEMPLETON
Permit No DRC2017-00123
Exceptions to Applicants Environmental Submittals Water Management
Water Demand Analysis and Summary**

Sirs:

Based on the applicants **STATED DEMAND TOTAL OF 7.9 acre-feet/year** of combined outdoor and greenhouse 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 37,350 sq-ft (greenhouse canopy totals):

37,350 sq-ft (Total Area) ÷ 16 sq-ft (per plant area) = 2,334 plants

2,334 (plants) x 2 gal/day water = 4,668 gal/day water

4,668 (gal/day) ÷ 325,851 (gal) = 0.014 acre-feet/day

ACTUAL GREENHOUSE DEMAND: 0.022 X 365 days = 5.22 acre-feet/year

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

Concerned Citizens

**Summary of Water Consumption for OUTDOOR Cannabis Cultivation @
CITY BOY FARMS
4225 S. EL POMAR DR. TEMPLETON
Permit No DRC2017-00123
Exceptions to Applicants Environmental Submittals Water Management
Water Demand Analysis and Summary**

Sirs:

Based on the applicants **STATED DEMAND TOTAL OF 7.9 acre-feet/year** of combined greenhouse and outdoor use of water, we hereby take exception to the values this applicant has provided for this project as follows:

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

1 acre = 43,560 sq-ft

1 acre-foot = 325,851 gallons

- 3) Here is our project water demand analysis for a STATED 269,910(outdoor canopy totals):

269,910 (Total Area) ÷ 100 sq-ft (per plant area) = 2,699 plants

2,699 (plants) x 4 gal/day water = 10,796 gal/day water

10,796 (gal/day) ÷ 325,851 (gal) = 0.03 acre-feet/day

ACTUAL OUTDOOR DEMAND: 0.016 X 160 days = 19.6 acre-feet/year

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

Concerned Citizens

Notice of Completion & Environmental Document Transmittal

2019089069

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: City Boy Farms Conditional Use Permit DRC2017-00123

Lead Agency: County of San Luis Obispo

Contact Person: Ian Landreth

Mailing Address: 976 Osos Street, Room 300

Phone: (805)781-1298

City: San Luis Obispo

Zip: 93401

County: San Luis Obispo

Project Location: County: San Luis Obispo

City/Nearest Community: Templeton

Cross Streets: Lils Place and Rancho Road

Zip Code: 93465

Longitude/Latitude (degrees, minutes and seconds): 35 ° 31 ' 33 " N / 120 ° 37 ' 16 " W Total Acres: 25.28

Assessor's Parcel No.: 034-321-004

Section: 6

Twp.: 28S

Range: 13E

Base: MDB&M

Within 2 Miles: State Hwy #: 41

Waterways:

Airports:

Railways:

Schools:

Document Type:

CEQA: ☐ NOP☐ Draft EIRNEPA: ☐ NOIOther: ☐ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☐ Neg Dec

(Prior SCH No.)

☐ Draft EIS

Other:

☒ Mit Neg Dec

Other:

☐ FONSI

Local Action Type:

☐ General Plan Update☐ Specific Plan☐ Rezone☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☒ Use Permit☐ Coastal Permit☐ Community Plan☐ Site Plan☐ Land Division (Subdivision, etc.)☐ Other:

Development Type:

☐ Residential: Units

Acres

☐ Office: Sq.ft.

Acres

Employees

☐ Transportation: Type☐ Commercial: Sq.ft.

Acres

Employees

☐ Mining: Mineral☐ Industrial: Sq.ft.

Acres

Employees

☐ Power: Type

MW

☐ Educational:☐ Waste Treatment: Type

MGD

☐ Recreational:☐ Hazardous Waste: Type☐ Water Facilities: Type

MGD

☒ Other: Cannabis Activities

Project Issues Discussed in Document:

☒ Aesthetic/Visual☐ Fiscal☐ Recreation/Parks☐ Vegetation☐ Agricultural Land☐ Flood Plain/Flooding☐ Schools/Universities☐ Water Quality☒ Air Quality☐ Forest Land/Fire Hazard☐ Septic Systems☐ Water Supply/Groundwater☐ Archeological/Historical☐ Geologic/Seismic☐ Sewer Capacity☐ Wetland/Riparian☒ Biological Resources☐ Minerals☐ Soil Erosion/Compaction/Grading☐ Growth Inducement☐ Coastal Zone☐ Noise☐ Solid Waste☐ Land Use☐ Drainage/Absorption☐ Population/Housing Balance☒ Toxic/Hazardous☐ Cumulative Effects☐ Economic/Jobs☐ Public Services/Facilities☐ Traffic/Circulation☐ Other:

DESCRIPTION: The proposed project is a request by City Boy Farms for a Conditional Use permit (DRC2017-00123) to establish 152,680 square feet of outdoor and indoor cannabis cultivation, 146,240 square feet of outdoor and indoor commercial cannabis nursery, and 2,500 square feet of cannabis non-storefront retail and manufacturing on an approximately 25 acre parcel.

State Clearinghouse Contact:

(916) 445-0613

State Review Began:

8 - 21 - 2019

SCH COMPLIANCE

9 - 19 - 2019

Project Sent to the following State Agencies

☒ Resources

Boating & Waterways

Central Valley Flood Prot.

Coastal Comm

Colorado Rvr Bd

☒ Conservation☒ CDFW # 3☒ Cal Fire☒ Historic Preservation☒ Parks & Rec

Bay Cons & Dev Comm.

DWR

CalSTA

Aeronautics

☒ CHP☒ Caltrans # 4

Trans Planning

Other

Education

☒ Food & Agriculture

HCD

OES

State/Consumer Svcs

General Services

Cal EPA

ARB: Airport & Freight

ARB: Transportation Projects

☒ ARB: Major Industrial/Energy

Resources, Recycl. & Recovery

☒ SWRCB: Div. of Drinking Water

SWRCB: Div. Drinking Wtr #

SWRCB: Div. Financial Assist.

SWRCB: Wtr Quality

SWRCB: Wtr Rights

☒ Reg. WQCB # 3☒ Toxic Sub Ctrl-CTC

Yth/Adlt Corrections

Corrections

Independent Comm

Delta Protection Comm

Delta Stewardship Council

Energy Commission

☒ NAHC

Public Utilities Comm

Santa Monica Bay Restoration

State Lands Comm

Tahoe Rgl Plan Agency

Conservancy

Other:

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2019089069

Please forward late comments directly to the Lead Agency

AQMD/APCD 2/40

(Resources: 8 / 24)

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB # <u>3</u>
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region # <u>4</u>	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input checked="" type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	<input checked="" type="checkbox"/> Other: <u>City of Templeton</u>
<input checked="" type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date 8/20/19 Ending Date 9/9/19

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: <u>Jason Kallen</u>
Address: <u>976 Osos Street, Room 300</u>	Address: <u>PO BOX 1918</u>
City/State/Zip: <u>San Luis Obispo, CA 93408</u>	City/State/Zip: <u>Templeton, CA 93465</u>
Contact: <u>Ian Landreth</u>	Phone: <u>(818) 266-6112</u>
Phone: <u>(805)781-1298</u>	

Signature of Lead Agency Representative: _____

Date: 8/16/19

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



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

PLN-2039
04/2019

Project Title & No. City Boy Farms, Conditional Use Permit DRC2017-00123 (ED19-0043)

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

Prepared by (Print) _____ Signature _____ Date _____

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: The proposed project is a request by City Boy Farms for a Conditional Use permit (DRC2017-00123) to establish 152,680 square feet of outdoor and indoor cannabis cultivation, 146,240 square feet of outdoor and indoor commercial cannabis nursery, and 2,500 square feet of cannabis non-storefront retail and manufacturing on an approximately 25 acre parcel. The project also includes ancillary transport-only and processing activities, such as drying, trimming, packaging, and storage. The project would result in approximately 10 acres of site disturbance which includes the removal of approximately 217 almond and walnut trees. Project development includes the construction of one 37,350-square-foot greenhouse. The proposed manufacturing, non-storefront dispensary, and a portion of ancillary processing activities would occur within a new 8,000 square-foot metal building. Drying of cannabis would occur within two new 320-square-foot sea trains to be located under an existing 960-square-foot shade structure. Two new 100-square-foot accessory buildings are proposed for fertilizer storage and security personnel. A modification from the setback standards set forth in Land Use Ordinance Section 22.40.050.D.3 is requested to reduce the required setback to the eastern property line from 300 feet to 100 feet. A modification from the parking standards set forth in Title 22 section 22.18.020.H is requested to reduce the required number of parking spaces from 67 to 36. The proposed project is within the Agriculture land use category and is located at 4225 S. El Pomar Road. The site is in the El Pomar-Estrella Sub Area of the North County Planning Area.

The project would employ up to 34 employees; 24 fulltime workers and 10 part-time workers during harvests. Hours of operation would be seven days a week between the hours of 6:00 AM to 7:00 PM.

The site plan (Figure 4) shows the proposed cannabis facilities wrapped around a prominent knoll with an unpaved access road extending to the north to El Pomar Road. Table 1 provides a summary of existing and proposed development and uses. The project will include the construction of a 37,350 square-foot greenhouse for indoor cultivation, commercial nursery and equipment storage; an 8,000 square-foot metal manufacturing building to be used for commercial manufacturing, the non-store front dispensary, ancillary processing and office activities, two 320 square-foot sea train containers for drying and curing, one 5,000-gallon water tank, three 10,000-gallon steel water tanks, a 100 square-foot metal building to be used by security personnel, and a 100 square-foot shed for fertilizer storage. The total area of disturbance will be about 10 acres (2.5% of the project site) which will be graded to accommodate the proposed buildings and

Initial Study – Environmental Checklist

access road. The outdoor cultivation areas will contain plants in individual containers that will not require extensive grading.

Additionally, the project proposes to construct three signs; two white or black metal signs (36-inch x 36-inch) and one white or black metal sign (24-inch x 24-inch).

Table 1 – Project Summary

Project Component	Proposed Cannabis Activity	Building Floor Area	Total Cannabis Canopy
Outdoor Cultivation	Cannabis Cultivation	n/a	130,680 sq.ft.
Outdoor Commercial Nursery	Commercial Cannabis Nursery	n/a	139,230 sq.ft.
Existing Shade Structure	Protection/Security for Sea Trains	960 sq.ft.	n/a
Existing Accessory Structure	Commercial Cannabis Nursery	160 sq.ft.	160 sq.ft.
New Greenhouse	Indoor Cultivation	22,000 sq.ft.	22,000 sq.ft.
	Commercial Cannabis Nursery	6,850 sq.ft.	6,850 sq.ft.
	Storage	7,470 sq.ft.	
	Aisles/Walkways	1,030 sq.ft.	
		Total: 37,350 sq.ft	
New Metal Building	Manufacturing	1,900 sq.ft.	n/a
	Processing	780 sq.ft.	
	Office	600 sq.ft.	
	Non-Storefront Dispensary	600 sq.ft.	
	Secure Loading Bay*	4,000 sq.ft.	
	Restroom	120 sq.ft.	
		Total: 8,000 sq.ft.	
New Security Building	Site Security	100 sq.ft.	n/a
New Storage Shed	Fertilizer Storage	100 sq.ft.	
New Sea Trains (2)	Drying and Curing	640 sq.ft.	
Total Floor Area, All Uses		317,220 sq.ft.	
Total Area of Disturbance		+/- 10 acres	
Tree Removal		200 Almond Trees, 17 Walnut Trees	
Signage		Two – 36" x 36"; One – 24" x 24"	
Parking		36 total spaces including 2 ADA accessible spaces	

Initial Study – Environmental Checklist

Employees	34	
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* 1,400 square feet of the secure loading bay will be used for trimming activities during harvest.

Summary of Proposed Cannabis Canopy

Outdoor Cultivation	139,230 sq.ft.
Indoor Cultivation	22,000 sq.ft.
Commercial Nursery	146,080 sq.ft.

Baseline Conditions

The project site contains gently to steeply sloping terrain and has been used for the dry farming of almonds and walnuts; 200 almond trees and 17 walnut trees will be removed to accommodate the proposed cannabis activities. Surrounding land uses include orchards and grazing on parcels ranging in size from 28 acres to over 150 acres. The project site also supports well-developed riparian vegetation along two ephemeral drainages that border the project site on the north and east. Existing development includes a detached garage which formerly served a single-family residence that was destroyed by fire in 2009 and demolished in 2010; a 1,020 square-foot storage barn; a shade structure, a carport, and two accessory buildings (Figure 2),

Water is currently provided by an individual on-site well. Currently there are no activities on the site that would generate a water demand; the single family residence was destroyed by fire, and the walnut and almond trees have historically been dry farmed. A well test performed in 2017 indicated the well can produce 20.5 gallons per minute. The project site is served by an existing 1,000 sq.ft. septic tank and 450 sq.ft. leach field.

Grading on the project site was the subject of an enforcement action by the County in June 14, 2018 (CODE2018-00211). Specifically, a series of terraces were graded into the east-facing slope within the area proposed for cannabis cultivation (Figure 3) for which a stop-work order was issued in March 2019. The area of unpermitted grading was subsequently seeded with a mix of native grasses and the stop work order was lifted on April 19, 2019. The total amount of grading (including terraces) is estimated to be 6,020 cubic yards. Graded materials are expected to be balanced onsite.

Ordinance Modification -- Parking: The project request includes a modification from the parking provisions set forth in Section 22.18.050.C.1 of the County Land Use Ordinance (LUO). The type of use that best matches the proposed cannabis cultivation is “Nursery Specialties” with a parking ratio of one parking space per 500 square feet of floor area. Cannabis manufacturing is considered a “Manufacturing and Processing” use which requires one parking space per 500 square feet of active use area within a building. In addition, the drying, curing, trimming, grading, and other ancillary processing activities are considered “Ag Processing” which requires one parking space per 1,000 square feet of use area; and the non-storefront dispensary use is considered a “Mail Order & Vending” land use which requires one parking space per 1,000 square feet of use area. Table 2 provides a summary of the required number of spaces.

Initial Study – Environmental Checklist

Table 2 -- Summary of Parking Requirements

Use	Quantity	Parking Standard	Required Number of Spaces
Indoor Cultivation	22,000 sq.ft.	1 space per 500 sq.ft.	44
Indoor Commercial Nursery	7,010 sq.ft.		14
Commercial Cannabis Manufacturing	1,900 sq.ft.		4
Ancillary Processing	3,580* sq.ft.	1 space per 1,000 sq.ft.	4
Non-Storefront Dispensary	600 sq.ft.		1
Total:			67

*Includes 1,400 sq.ft. of loading bay used seasonally for processing.

With the application of these parking standards, the project would require the applicant to provide 67 parking spaces. The project proposes 36 parking spaces which includes two ADA accessible spaces. Up to 34 employees may be on site at various times during the year for which a carpooling program is being proposed. Therefore, 36 spaces are proposed as sufficient to meet the parking demands of the project.

Ordinance Modification – Setback Reduction: The project request includes a modification from the setback provisions for cannabis cultivation activities set forth in LUO Section 22.40.050.D.3 to reduce the required setback along the eastern property line from 300 feet to 100 feet. Compliance with the required setback would result in the outdoor cultivation area being located on a small knoll within the center of the site where it would be more visually prominent and less secure. As provided by the applicant, the setback reduction is necessary to locate the outdoor cultivation area in a more secure location that provides better screening location on the project site.

ASSESSOR PARCEL NUMBER(S): 034-321-004

Latitude: 35 degrees 31' 36.264" N **Longitude:** 120 degrees 37' 17.148" E **SUPERVISORIAL DISTRICT #** 5

B. Existing Setting

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

Land Use Category: Agriculture

Combining Designation: Renewable Energy

Parcel Size: 25.28-acres

Topography: Gently to steeply sloping

Vegetation: Agriculture, Trees

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Existing Uses: Agriculture uses

Surrounding Land Use Categories and Uses:

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

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

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

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

Other Approvals That May Be Required to Implement the Project

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.

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 Alteration. 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

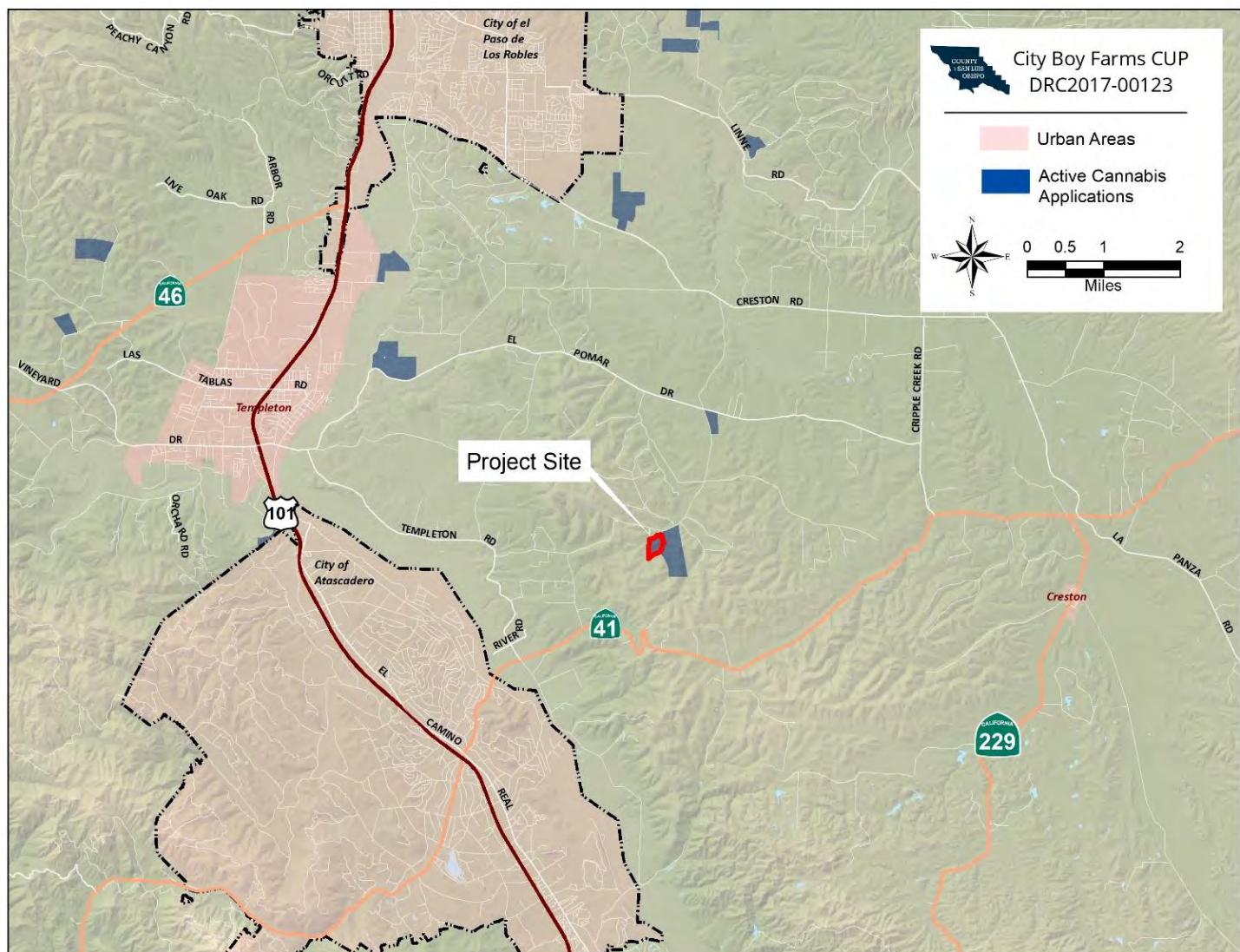
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habitats. Under the CESA, CDFW reserves the right to request the replacement of lost habitat that is considered important to the continued existence of CESA protected species.

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.

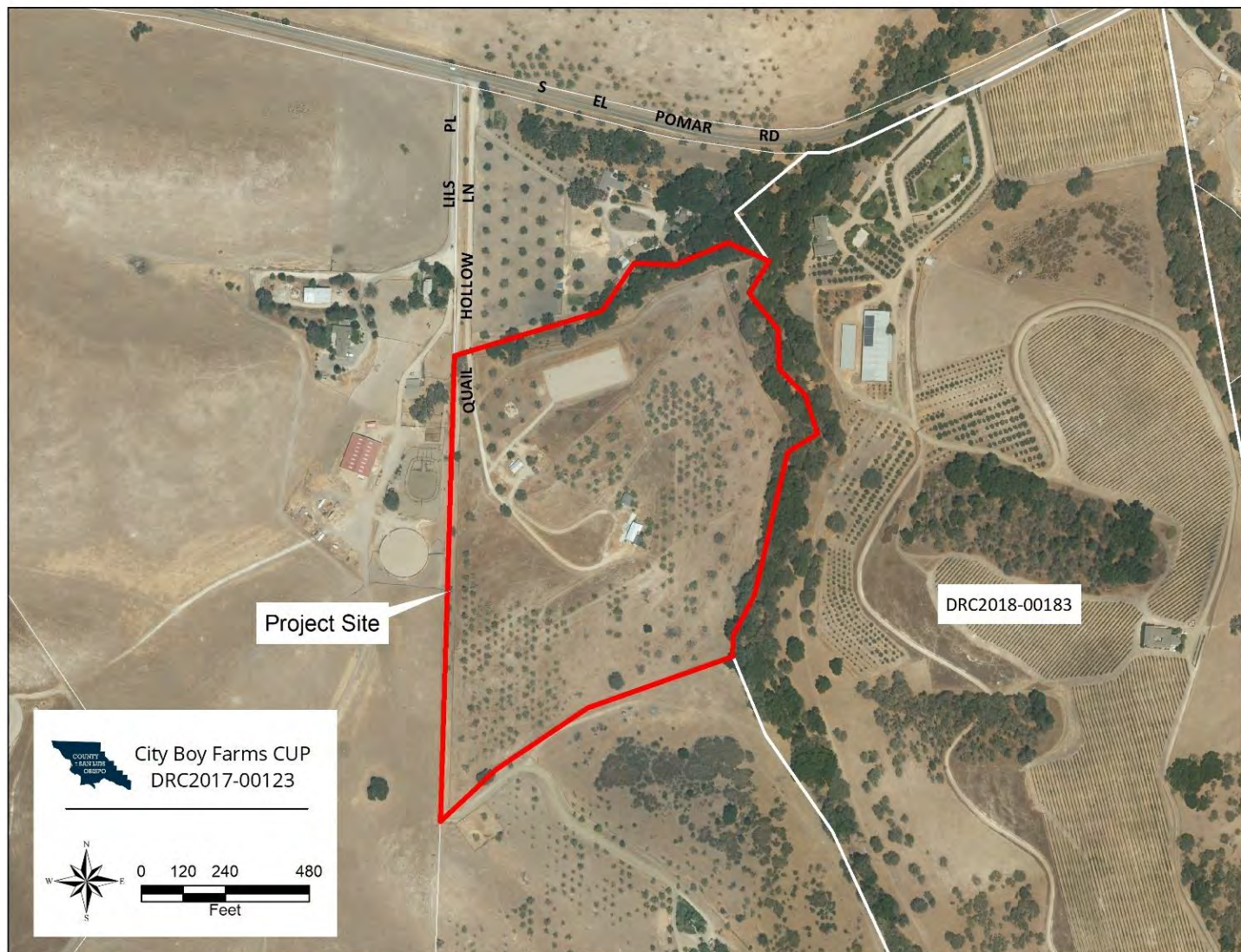
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Figure 1: Project Location



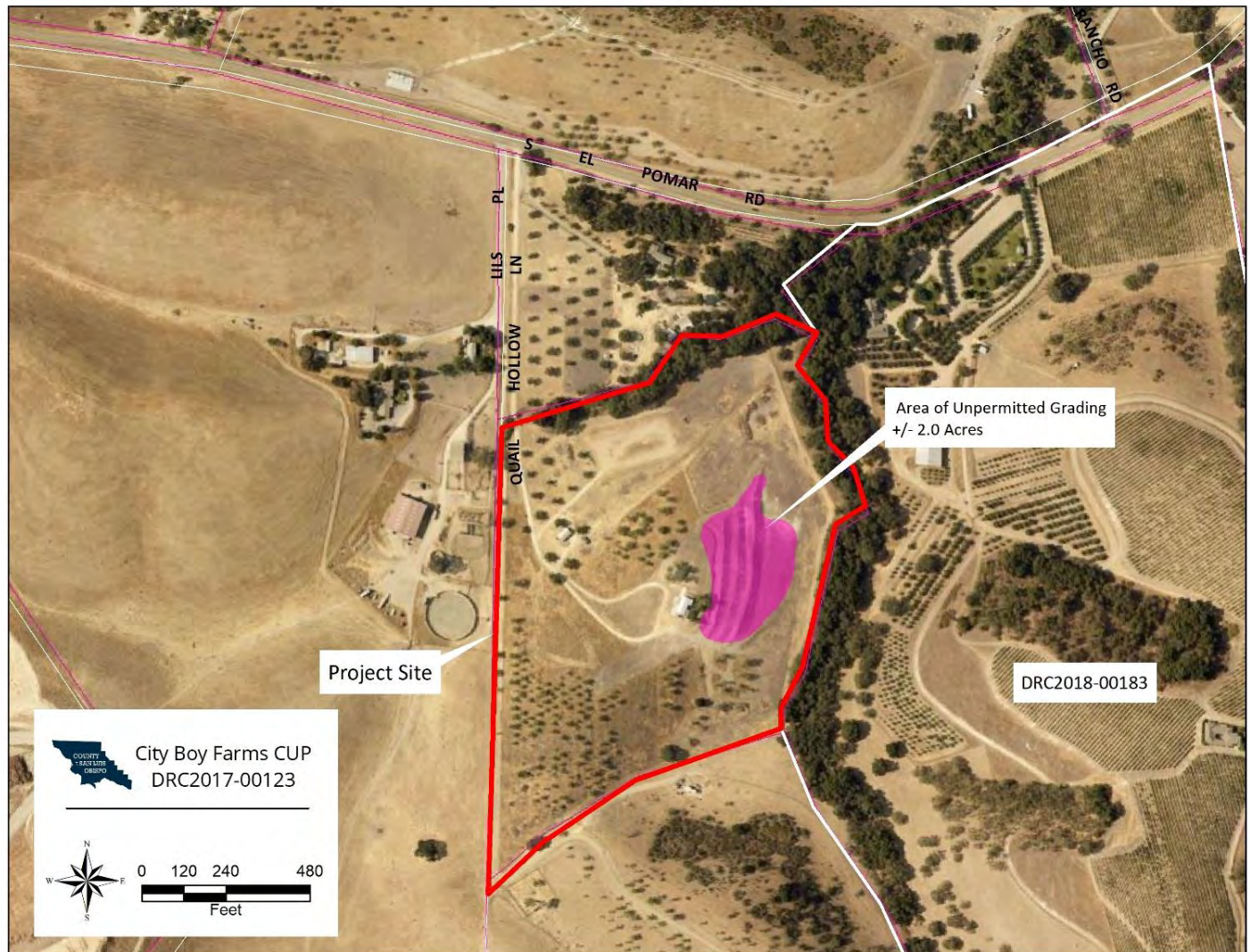
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Figure 2: Project Site and Vicinity

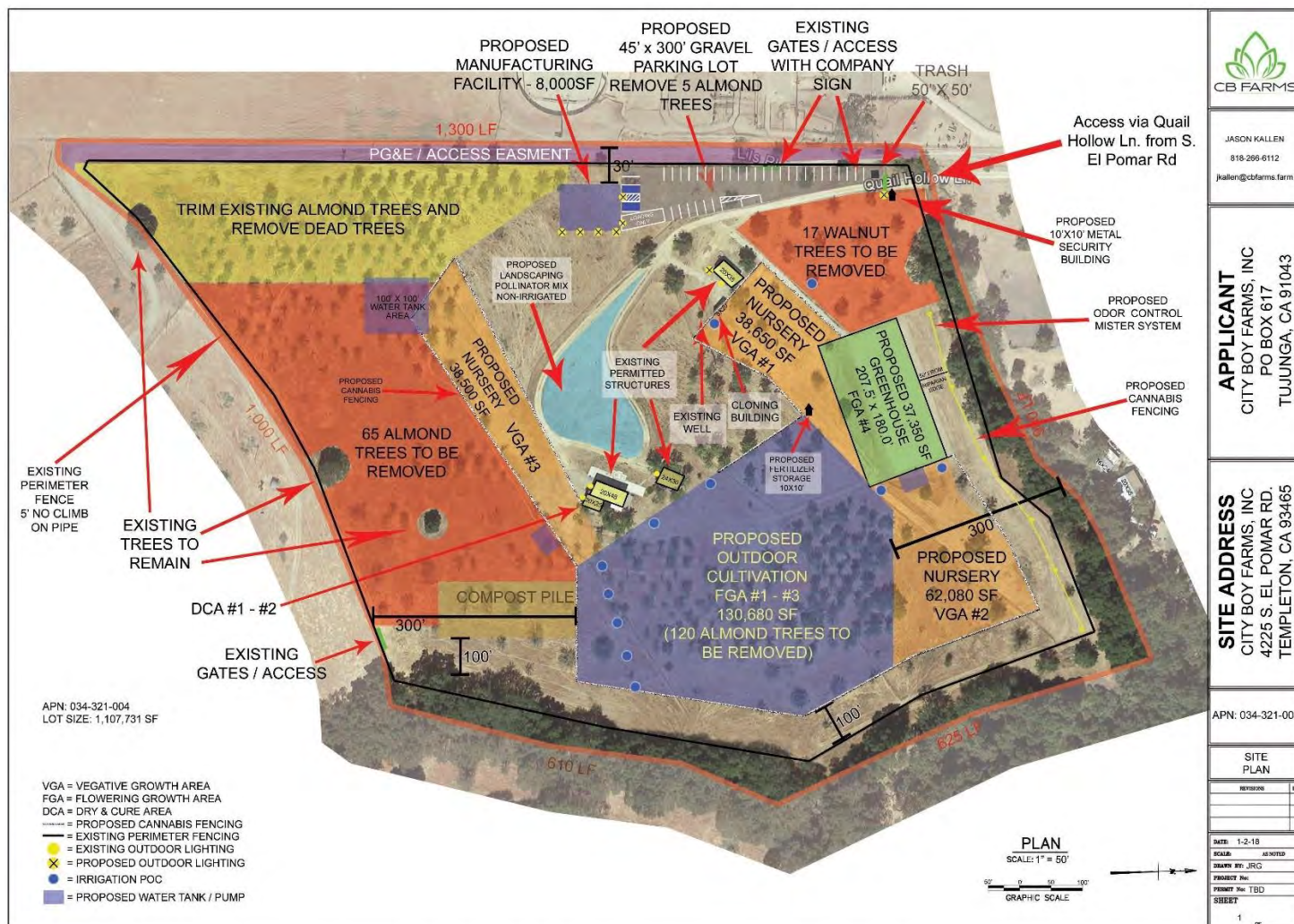


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Figure 3 – Area of Unpermitted Grading



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Figure 4 – Site Plan


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Figure 5 – Manufacturing Building Elevation



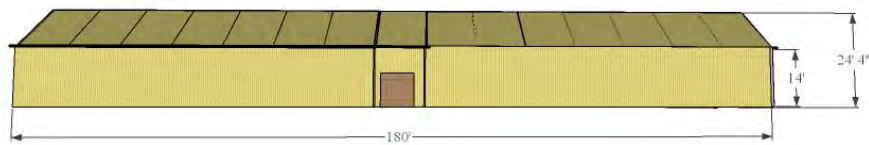
80' x 100' x 27' tall Manufacturing Building

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Figure 5.1 – Greenhouse Elevation



Figure 5.2 – Greenhouse Elevation



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Figure 5.3 – Greenhouse Elevation

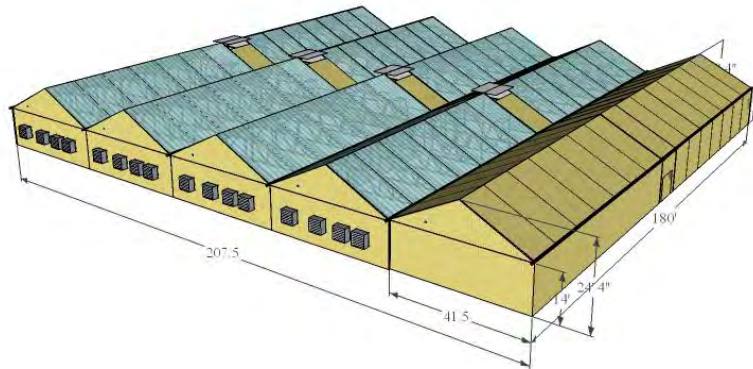
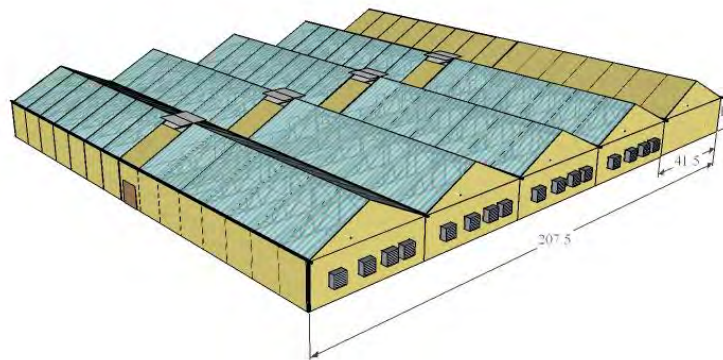
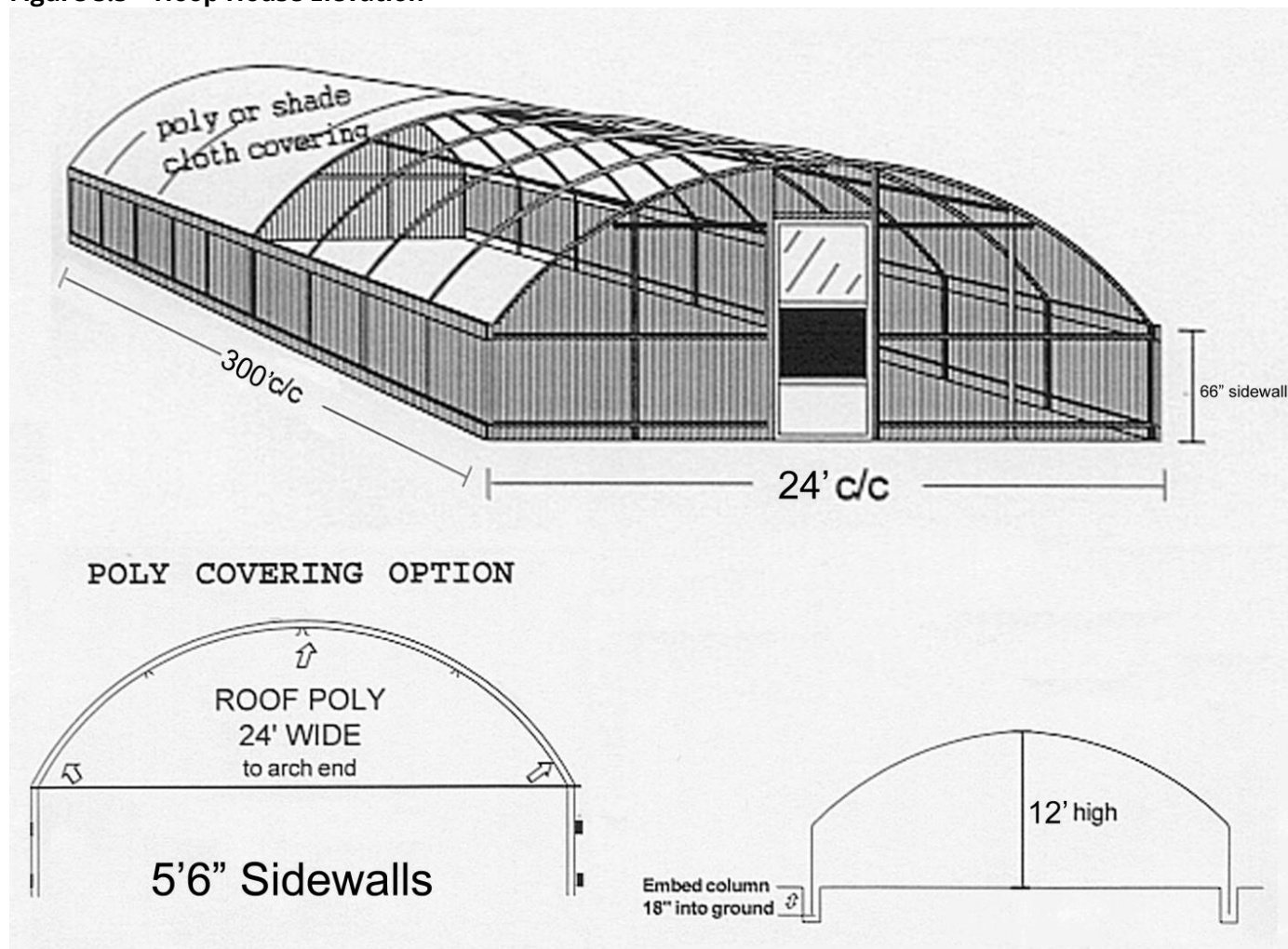


Figure 5.4 – Greenhouse Elevation



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Figure 5.5 – Hoop House Elevation



C. Environmental Analysis

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

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I. AESTHETICS

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

Setting

The project site is located along, but only partially visible from, South El Pomar Road (SEPR), a rural collector that connects ranches and rural residences in the area with the community of Templeton and Highway 101 to the west. Traffic counts taken on SEPR east of Templeton Road in 2017 revealed an afternoon peak hour volume of 88 vehicles. SEPR is not an Officially Designated Scenic Highway and is not listed as a “Suggested Scenic Corridor” on Table VR-2 of the Conservation and Open Space Element. Development along SEPR is not subject to the County’s Scenic Protection Standards.

The project site is a land locked parcel immediately east of the Chicago Grade Landfill in an area intermixed with rural residential and agricultural land uses. As discussed in the project description, the baseline visual components include an existing storage barn, carport, detached garage, and three accessory structures. The existing storage barn incorporates a construction style that recalls the agrarian design elements of barns common to the region.

The quality of the existing visual environment throughout the region is moderate to high. The combining patterns of rolling topography and agriculture create a moderate degree of visual interest. The Chicago Grade is a portion of SEPR that offers views of the community of Templeton and the foothills beyond to the west.

Grading on the project site within the proposed area of disturbance was the subject of an enforcement action by the County in June 14, 2018 (CODE2018-00211). Specifically, a series of terraces were graded into the east-

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facing slope within the area proposed for cannabis cultivation for which a stop-work order was issued in March 2019. The area of unpermitted grading was subsequently seeded with a mix of native grasses and the stop work order was lifted on April 19, 2019.

Discussion

- (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?*

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, SEPR east of Templeton Road carries about 88 vehicles during the afternoon peak hour, or about 1 vehicle per minute will pass by on the roadway perpendicular to the project sites entrance. Traffic speeds on SEPR in the vicinity of the project site are about 55 miles per hour which means that it would take travelers on SEPR about 11 seconds to pass by the project site, assuming the width of the project site is about 922 feet. However, views of the project site from SEPR are largely obscured by the intervening topography and vegetation (Figures 6 and 7). Thus, although opportunities for the public to view the project site are somewhat moderate, the potential and frequency to view the site are low because of the relatively high speed of traffic and the screening provided by the vegetation and topography.

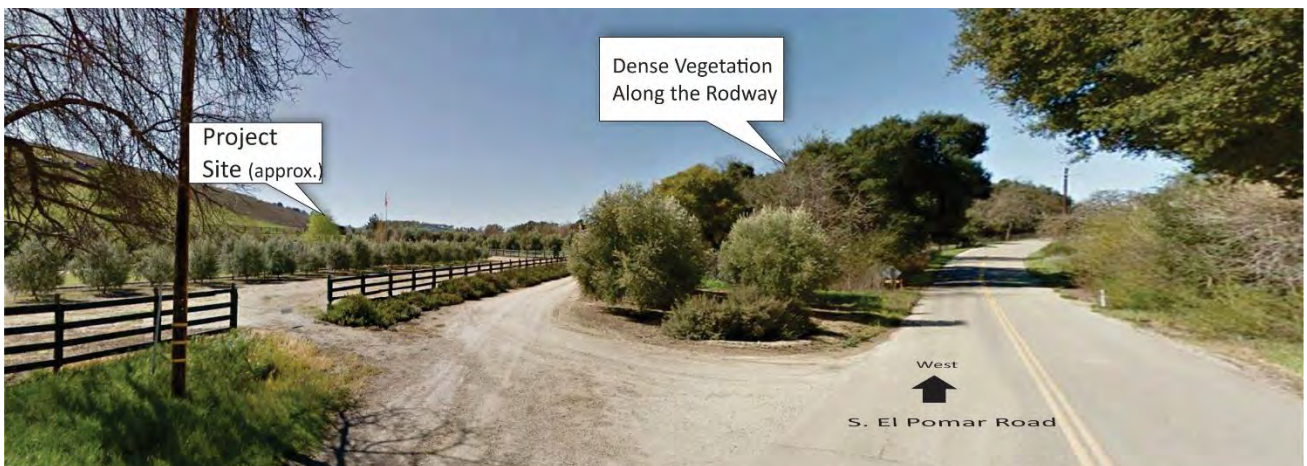
Section 22.40.050 D. 6. states that cannabis plants shall not be easily visible from offsite and that they must be screened by a secure fence at least 6 feet in height. The project will be conditioned to provide fencing consistent with this standard. As shown on the line-of-sight viewshed analysis (Figure 8), the proposed cannabis cultivation areas will be in direct line of sight to two off-site dwellings to the south and northwest. However, views of the project site will be screened by the intervening vegetation along the ephemeral creek and will not be readily visible to any of the other residences.

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Figure 6 – View of the Project Site Looking East From South El Pomar Road

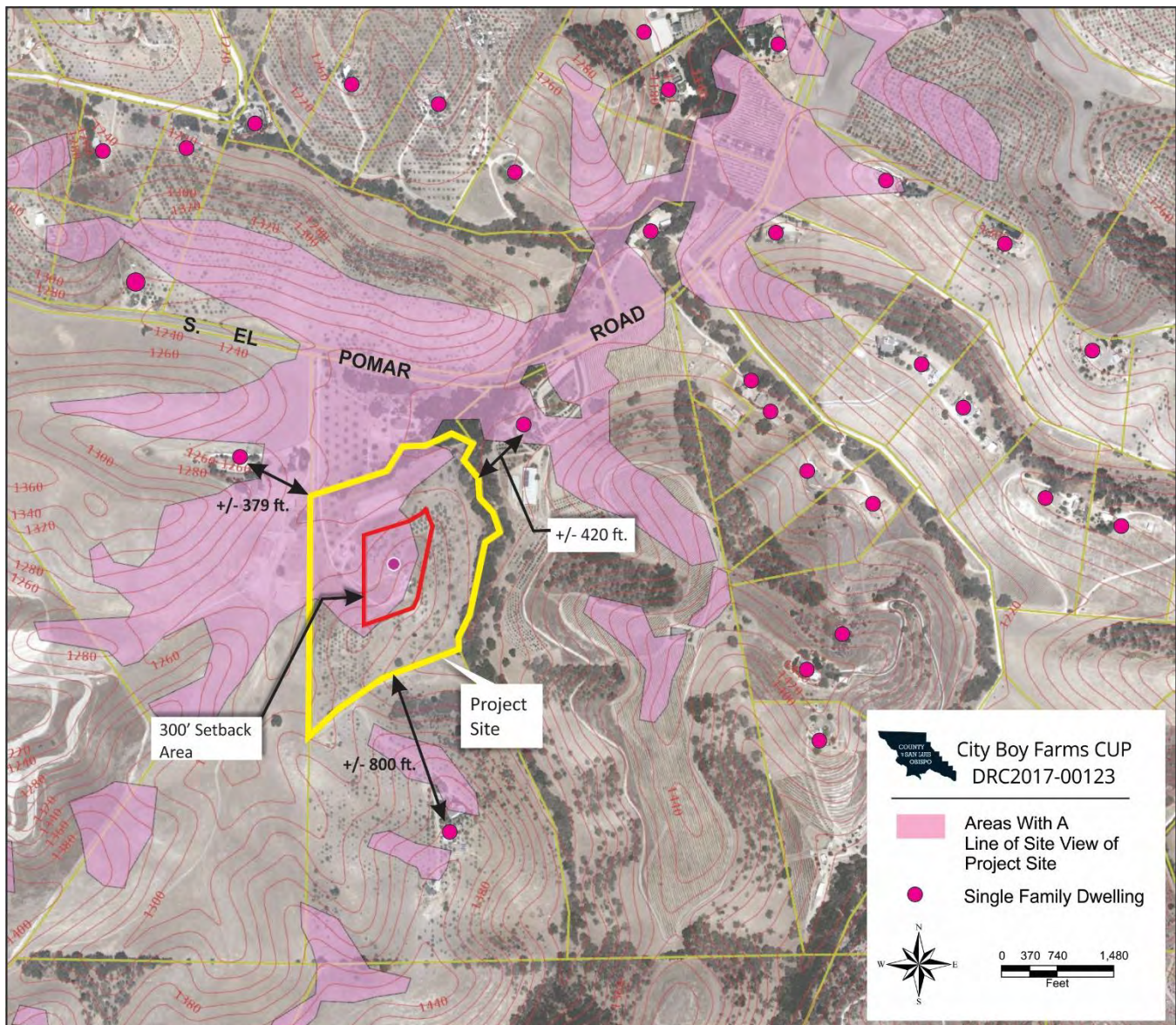


Figure 7 – View of the Project Site Looking West From S. El Pomar Road



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Figure 8 – Areas With A Line-of-Site View of the Project Site



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

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

As discussed in the project description, the project site is developed with a storage barn, carport, detached garage and three accessory structures which are of typical size, scale and character of structures found on surrounding properties that are typical of intensive agricultural operation, equestrian and institutional uses. The project site is located about two miles east of the Atascadero urban area in a predominantly rural area comprised of large-lot residences and agricultural lands. Thus, the visual qualities of the project site are not unique within the described area.

The project will involve total site disturbance of about 10 acres and will include the construction of a 37,350-square-foot greenhouse to be used for an indoor nursery and cultivation, an 8,000-square-foot manufacturing building, 100-square-foot fertilizer storage shed, 100-square-foot security building, one 5,000-gallon water tank, and three 10,000-gallon water tanks. The proposed greenhouse will be 24 feet 4 inches tall and will consist of five attached greenhouse units with pitched roofs and semi-transparent polycarbonate roof and walls (Figure 5.1 – 5.4). The new greenhouse will be located approximately 760 feet south of SEPR and screened by a row of oak trees along the northern property line that range in height from 40 feet to 55 feet. An opaque fence will be installed around the areas proposed for cannabis cultivation/nursery operations. The manufacturing building will be located on the west side of the project site adjacent to the southerly end of the proposed parking area. The proposed metal manufacturing building will be 27 feet tall and will incorporate design elements typical of agrarian buildings throughout the County, including a double-pitched roof and clearstory windows.

The design and location of the proposed buildings and outdoor cultivation area will incorporate features that typical of agricultural activities in the area. The scale and character of the proposed new construction will not significantly detract from the integrity or uniqueness of the larger landscape.

- *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. 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 proposed greenhouse, manufacturing building and other development associated with cannabis activities will largely complement the setting consistent with the visual character of the surrounding agricultural lands. Therefore, the magnitude of change is considered less than significant within the context of the larger visual landscape.

The preceding discussion indicates that the project will have a *less than 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.

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

Due to the rural, agrarian nature of the area, artificial lighting that escapes the facilities could have the potential to impact both nearby residents and wildlife species. The manufacturing building,

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security building, and one accessory structure will be equipped with outdoor security lighting (LED 100-watt bulbs), activated by motion sensor or timer control. The lighting would be placed at eave or roof ridgeline height of the structures (approximately 10 feet above grade) with down-focused flood beams. The security building is located at the secure entrance to the project site and will remain on during the dusk to dawn hours. The purpose of this lighting is to provide visibility for access and security. With implementation of mitigation measure AES-1, impacts associated with new sources of light and glare would be less than significant.

Conclusion

The project is not expected to adversely impact aesthetic resources because:

- Views of the project site from surrounding public vantage points are largely obscured by existing development, vegetation and the intervening terrain.
- The buildings proposed for the project incorporate agrarian design elements that will complement the site and the visual character of the area.
- The project will not require extensive grading or significant cut and fill on steep slopes.
- The General Plan does not designate any scenic resources in this area.
- The proposed cannabis activities will take place within buildings and behind solid and durable fencing which will prevent cannabis plants from being readily visible from offsite as required by LUO Section 22.40.050.D.6.
- Mitigation is recommended to address potential impacts associated with new sources of light and glare.

Mitigation

AES-1

Nighttime lighting. Prior to issuance of construction permits, the applicant shall submit a light pollution prevention plan (LPPP) to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

- a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
- b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;
- c. Any exterior path 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. Exterior path lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and
- d. Any exterior lighting used for security purposes shall be motion activated, 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, and shall be of the lowest-lumen necessary to address security issues.

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Sources

See Exhibit A.

II. AGRICULTURE AND FORESTRY RESOURCES

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

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Setting

The project site is located within the Agriculture land use category and has been used for the dry farming of almond and walnut trees. There are currently no active farming operations on site. The project site is located within the El Pomar Agricultural Preserve but is not subject to a Land Conservation Act (LCA) contract.

Based on the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (NRCS 2019), soil type(s) and characteristics on the project site include the following:

Linne Calodo complex (9 - 30 % slope):

Linne. This moderately sloping 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: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Calodo. This moderately sloping 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: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

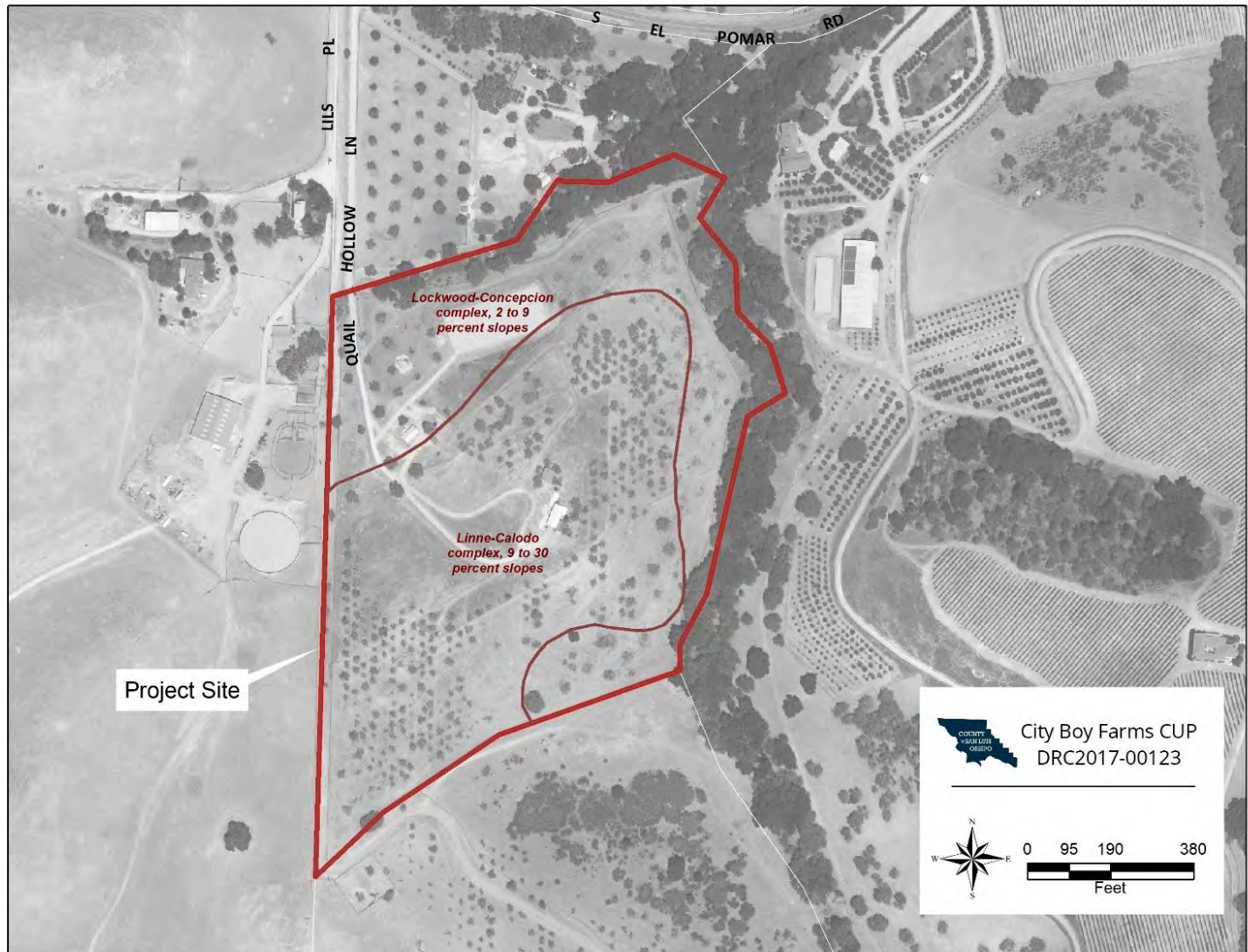
Lockwood Concepcion complex (2 - 9% slope):

Lockwood. This gently sloping soil is considered 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 II when irrigated.

Concepcion. This gently sloping soil is considered very poorly drained. The soil has moderate 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 II when irrigated.

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Figure 9: Soils of the Project Site



Discussion

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

The greenhouse, manufacturing, and security buildings would be placed on slab foundations, which would result in the permanent conversion of 0.69 acres to a non-agricultural use (i.e., commercial cannabis operations), and the semi-permanent conversion of 0.5 acres. The area of disturbance is located in the northern and northwestern portions of the site on the Lockwood Concepcion complex soil with 2-9 percent slopes which is considered *Farmland of Statewide Importance* by Table SL-2 of the Conservation and Open Space Element. However, project impacts to Farmland of Statewide Importance are considered less than significant because:

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- The project will result in the permanent conversion of 0.69 acres of the 25.28 acre site, or about 3%. The remaining portions of the site can be readily converted to conventional crops in the event that cannabis activities are removed.
- The existing grove of almond trees in the southwest corner of the project site will be retained.
- The project was referred to the Department of Agriculture for review and comment. Per the memo from Lynda Auchinachie, dated June 4, 2019, the department reviewed the project for potential impacts to on-and-off-site agricultural resources and recommended standard land use permit conditions of approval that ensure best management practices will be followed. No significant impacts of off-site agricultural operations were identified.
- The project is consistent with the following policies of the Agriculture Element with regard to the protection and preservation of productive agricultural land:

AGP8: Intensive Agricultural Facilities.

- Allow the development of compatible intensive agricultural facilities that support local agricultural production, processing, packing, and support industries.*
- Locate intensive agricultural facilities off of productive agricultural lands unless there are no other feasible locations. Locate new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed compatible with agricultural uses.*

AGP18: Location of Improvements.

- Locate new buildings, access roads, and structures so as to protect agricultural land.*

Discussion: Cannabis cultivation is not considered agricultural crop production. However, the proposed greenhouse and manufacturing building will be located on the least productive agricultural soils. Agricultural operations on the remainder of the project site (the cultivation of almonds and walnuts) will continue and will be unaffected by cannabis activities.

AGP14: Agricultural Preserve Program.

- Encourage eligible property owners to participate in the county's agricultural preserve program.*

Discussion: The project site is not governed by an active LCA contract.

AGP24: Conversion of Agricultural Land.

- Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:*

Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Advisory Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe.

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Discussion: The project site is located about four miles outside the urban reserve of the City of Atascadero.

2. *Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.*
3. *Avoid land re-designation (rezoning) that would create new rural residential development outside the urban and village reserve lines.*
4. *Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.*

Discussion: The project is consistent with the allowable land uses in the Agriculture land use category and does not propose a change in the land use designation.

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

Cannabis activities are a conditionally allowable use within the Agriculture land use Category. Therefore, the project will not conflict with existing zoning for agricultural use. The project site is not subject to 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?*

The Project site does not consist of forest land as defined by the Public Resources Code.

- (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 preceding discussion indicates that the proposed cannabis activities will allow for future agricultural operations on the project site and in the vicinity. Although the structures proposed by the project would result in a permanent loss in farmland, the buildings could be utilized by other agricultural operations in the event that cannabis activities are removed.

Conclusion

No significant impacts to agricultural resources would occur.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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III. AIR QUALITY

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

Setting

San Luis Obispo County is part of the South Central Coast Air Basin. Air quality in San Luis Obispo County is managed by the San Luis Obispo County Air Pollution Control District (SLOAPCD); the boundaries of the District are coterminous with the boundary of the County. In 2001 the SLOAPCD adopted a Clean Air Plan that sets forth emission reduction and control strategies aimed at achieving and maintaining federal and State air quality standards.

Grading on the project site within the proposed area of disturbance was the subject of an enforcement action by the County in June 14, 2018 (CODE2018-00211). Specifically, a series of terraces were graded into the east-facing slope within the area proposed for cannabis cultivation for which a stop-work order was issued in March 2019. The area of unpermitted grading was subsequently seeded with a mix of native grasses and the stop work order was lifted on April 19, 2019.

Thresholds of Significance for Construction Activities. The APCD's CEQA Handbook establishes thresholds of significance for construction activities (Table 3). According to the handbook, a project with grading in excess of 4.0 acres and/or a project that will move 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM₁₀). In addition, a project with the potential to generate 137 lbs per day of ozone precursors (ROG + NO_x) or diesel particulates in excess of 7 lbs per day can result in a significant impact.

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Table 3 – Thresholds of Significance for Construction			
Pollutant	Threshold1		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG+NOx (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM10), Dust2		2.5 tons	
Greenhouse Gases (CO2, CH4, N2O, HFC, CFC, F6S)	Amortized and Combined with Operational Emissions		

Source: SLO County APCD CEQA Air Quality Handbook, page 2-2.

Notes:

1. Daily and quarterly emission thresholds are based on the California Health & Safety Code and the CARB Carl Moyer Guidelines.
2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5-ton PM10 quarterly threshold.

Thresholds of Significance for Operations. Table 1-1 of the APCD's CEQA Handbook provides screening criteria for operational impacts based 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.

Discussion

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

The project site is located within the area governed by the North County Area Plan and is within the Agricultural land use category. Cannabis activities are conditionally allowed in the Agriculture land use category. The project is consistent with the general level of development anticipated and projected in 2001 Clean Air Plan. Mitigation measures are recommended to address potentially significant construction related impacts (refer to item b., below). As conditioned, and with incorporation of the recommended mitigation measures, impacts related to consistency with the SLOAPCD's Clean Air Plan are considered be less than significant.

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

Construction Related Emissions

Based on the project description, the project will be moving less than 1,200 cubic yards/day of material but will result in an area of disturbance of more than four acres for the construction of the proposed buildings, parking area, water tank, and tree removal. Therefore, construction related emissions will fall above the general thresholds triggering construction-related dust mitigation. Mitigation measures AQ-1 and AQ-2 is recommended to ensure construction related emissions will result in a less than significant impact.

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

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity or 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 offsite residence is about 135 feet to the northeast. Residences may be occupied by sensitive receptors who could be exposed to diesel particulates and fugitive dust from construction activities. Construction of the greenhouse, manufacturing building, accessory structures and parking area are expected to require the use of large diesel-powered construction equipment or significant amounts of grading. Therefore, mitigation AQ-2 is recommended to ensure impacts to sensitive receptors will be less than significant.

According to the APCD CEQA Air Quality Handbook, Naturally Occurring Asbestos (NOA) has been identified as a toxic air contaminant by the California Air Resources Board (CARB). Under the CARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Based on the APCD on-line map of potential NOA occurrence, the project site does not lie in the area where a geologic study for the presence of NOA is required.

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

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

The nearest offsite residences are 135 feet to the northwest and 330 feet to the northeast. Existing sources of potential odors in the area include ongoing agricultural operations and the Chicago Grade Landfill located about 800 feet to the southeast.

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According to the Western Regional Climate Center ¹, the prevailing winds in the northern part of San Luis Obispo County are from the west and northwest. During infrequent periods of high pressure over the continental interior of the US, winds are from the east. This condition, the so-called Santa Ana winds, may last for a few days until the high pressure subsides and the westward air flow returns.

As required by LUO 22.40.050.D.8., all cannabis cultivations are required to be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. As such, the project will employ odor mitigating technology (Fogco Systems, Inc) along the northern property line which will emit an odor counteracting mist specifically designed for cannabis growing operations. The project description includes a Cannabis Odor Analysis and Odor Abatement Plan prepared by Criterion Environmental Inc which provides evidence of the effectiveness of the odor mitigating technology proposed by the project, as well as an odor abatement plan in the event of failure or malfunction of the system. Additionally, all structures for indoor cannabis cultivation are required to 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 metal manufacturing building. Carbon scrubbers, for example, have been demonstrated to be an effective odor abatement method for indoor cannabis facilities 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 upwind location and distance to the nearest sensitive receptor, and proposed odor control technologies, impacts from odors on nearby sensitive receptors would be less than significant.

Conclusion

Incorporation of mitigation measures AQ-1, AQ-2, and AQ-3 relating to dust control and emissions associated with construction activities and developmental burning, respectively, would reduce project related impacts to air quality to a less than significant level pursuant to CEQA.

Mitigation

- AQ-1** **Dust Control.** The project proposes grading areas that are greater than 4 acres in size and within 1,000 feet of a sensitive receptor. The following measures shall be implemented to minimize nuisance impacts and to significantly reduce fugitive dust emissions:
- Reduce the amount of the disturbed area where possible;
 - Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder should consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the San Joaquin Valley Air District for a list of potential dust suppressants;
 - All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
 - Permanent dust control measures identified in the approved project plans (e.g.,

¹ The Western Regional Climate Center is one of six Regional Climate Centers in the United States administered by the National Oceanic and Atmospheric Administration.

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revegetation and landscape plans, etc.) shall be implemented as soon as possible following completion of any soil disturbing activities;

- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air Pollution Control District (APCD) (*project manager add following as applicable* – “and for applications within close proximity to sensitive habitats, CA Department of Fish and Wildlife (CDFW)-compliant stabilizing methods shall be used”);
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CA Vehicle Code Section 23114;
- j. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- l. All PM₁₀ mitigation measures required should be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact Tim Fuhs at 805-781-5912).

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- AQ-2** **Standard Construction Measures.** Based on Air Pollution Control District's (APCD) CEQA Handbook (2012), to reduce nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment. the applicant shall incorporate into the project the following "standard" construction mitigation measures:
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
 - d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
 - e. Construction or trucking companies with fleets 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;
 - f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
 - g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
 - h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - i. Electrify equipment when feasible;
 - j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
 - k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.
- AQ-3** **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. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

Sources

See Exhibit A.

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IV. BIOLOGICAL RESOURCES

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

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Setting

Federal and State Endangered Species Acts

The Federal Endangered Species Act of 1973 (FESA) provides legislation to protect federally listed plant and animal species. The California Endangered Species Act of 1984 (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened, and 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, the CDFW has the authority to review projects for their potential to impact special-status species and their habitats.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) protects all migratory birds, including their eggs, nests, and feathers. The MBTA was originally drafted to put an end to the commercial trade in bird feathers, popular in the latter part of the 1800s. The MBTA is enforced by the U.S. Fish and Wildlife Service (USFWS), and potential impacts to species protected under the MBTA are evaluated by the USFWS in consultation with other federal agencies and are required to be evaluated under CEQA.

Clean Water Act and State Porter Cologne Water Quality Control Act

The U.S. Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the United States. These waters include wetland and non-wetland water bodies that meet specific criteria. USACE jurisdiction regulates almost all work in, over, and under waters listed as “navigable waters of the U.S.” that results in a discharge of dredged or fill material within USACE regulatory jurisdiction, pursuant to Section 404 of the Clean Water Act (CWA). Under Section 404, USACE regulates traditional navigable waters, wetlands adjacent to traditional navigable waters, relatively permanent non-navigable tributaries that have a continuous flow at least seasonally (typically 3 months), and wetlands that directly abut relatively permanent tributaries.

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State. Based on the U.S. Fish and Wildlife Service National Wetlands Inventory, the project site does not support wetlands, or deep-water habitats (USFWS 2019).

Conservation and Open Space Element

The intent of the goals, policies, and implementation strategies in the COSE is to identify and protect biological resources that are a critical component of the county’s environmental, social, and economic well-being. Biological resources include major ecosystems; threatened, rare, and endangered species and their habitats; native trees and vegetation; creeks and riparian areas; wetlands; fisheries; and marine resources. Individual species, habitat areas, ecosystems and migration patterns must be considered together in order to sustain biological resources. The COSE identifies Critical Habitat areas for sensitive species including California condor, California red legged frog, vernal pool fairy shrimp, La Graciosa thistle, Morro Bay kangaroo rat, Morro shoulderband snail, tiger salamander, and western snowy plover. The COSE also

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identifies features of particular importance to wildlife for movement corridors such as riparian corridors, shorelines of the coast and bay, and ridgelines.

Site Setting

Referrals were sent to the United States Fish and Wildlife Service (USFWS) for review and comment. Per the response from Julie Vance, dated March 30, 2018, USFWS reviewed the project for potential impacts to fish and wildlife resources. USFWS recommended that the project site be assessed by a qualified biologist to determine if sensitive biological resources are present on or in the vicinity of the project area and to identify project specific mitigation measures.

The following information is based on a Biological Resource Assessment prepared for the project site by Kevin Merk Associates in July 2019. KMA's Principal Biologist Kevin Merk conducted field reconnaissance of the property on April 26, 2018.

Prior to field work, KMA's Principal Biologist, Kevin Merk, conducted a review of available background information including soil survey data acquired from the U.S. Department of Agriculture's (USDA) Web Soil Survey, historic aerial photographs obtained using Google Earth, and previous biological studies from the region. In addition, the USFWS's online Wetland and Critical Habitat Mappers (<http://www.fws.gov/wetlands/Data/Mapper.html>; <http://criticalhabitat.fws.gov/crithab/>) were reviewed to evaluate the extent of documented wetlands and designated critical habitat defined in the immediate area.

The California Natural Diversity Database (CNDDB, 2003; searched in March 2018 prior to field work and again in May and June 2018 as part of report preparation) was reviewed for documented special status resources within a five-mile radius of the property. The database was used to evaluate nearby documented occurrences of special-status plant and wildlife species, and natural plant communities of special concern to support presence/absence determinations. Special status species documented within the five-mile search radius were evaluated during analysis of the site's biological resources to determine if potentially suitable habitat was present and whether or not the particular species or plant community was present or had potential to be present within the study area.

Kevin Merk and KMA environmental scientist/GIS specialist Erik Berg-Johansen conducted a site survey on April 26, 2018 to characterize vegetation types, conduct the floristic inventory, and assess potential impacts of the proposed project to on-site resources. The entire study area was walked to identify plant species and plant communities present. Existing plant communities were mapped on recent aerial photography obtained from ESRI (2018). General wildlife observations were made during the site visit, including use of binoculars to identify bird species. The survey was conducted during the day, and weather was clear and warm with good visibility. Please refer to the attached photo plate for further detail.

On-Site Habitats

Four habitat types were identified on the site in 2018, including Annual Grassland, Agricultural (old almond and walnut orchards), Mixed Oak Riparian Forest, and Ruderal/Developed (please refer to Figure 3, the Habitat Map). Two individual oak trees were located within the development area and are indicated on the habitat map. While additional oak trees are present on the north and east boundaries of the study area their trunks (and majority of their canopies) are outside the limits of the proposed development impact. The following discussion provides a brief characterization of the existing conditions of each habitat type observed on-site.

Annual Grassland

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Annual grass habitat was observed throughout the open areas of the site adjacent to the existing residential/infrastructure, as well as within the former orchards. Due to the regular cycle of disturbance from farming, grazing and mowing, a predominance of non-native species were observed in this habitat type including soft chess (*Bromus hordeaceus*), ripgut brome (*Bromus diandrus*), wild oats (*Avena barbata*), and fiddle dock (*Rumex pulcher*).

California annual grasslands provide foraging and movement opportunities for many wildlife species. Given the regular cycle of disturbance from mowing and farming, the annual grassland habitat does not provide quality breeding habitat similar to intact grasslands with no seasonal disturbance. Numerous invertebrate species (such as insects), many of which provide a food source for larger animals such as lizards, birds and some small mammals can also be found within grassland communities. A variety of birds rely on open expanses of grasslands for foraging habitat. Grasslands that are bordered by habitats containing trees are particularly important for raptors because the birds can use the large trees as nesting, roosting, and as observation points to locate potential prey within nearby grassland habitats.

Agriculture

Agricultural habitat was observed throughout the site and was mapped based on the current extent of almond and walnut orchards. During the time of the site survey, many trees were observed to be in very poor condition. The understory was composed of composed of non- native species and noxious weeds such as Italian thistle (*Carduus pycnocephala*), bull mallow (*Malva neglecta*), and various annual grasses.

Mixed Oak Riparian Forest

Mixed oak riparian forest habitat composed primarily of a coast live oak and valley oak overstory with mixed shrubs such as coyote brush (*Baccharis pilularis*) was observed along two reaches of an ephemeral drainage feature at the north and east boundaries of the study area.

Species observed in the understory included annual grassland species such as rip gut brome, soft chess, and summer mustard (*Hirschfeldia incana*). Further under the oak canopy, native oak woodland understory species such as bed straw (*Galium aparine*), yerba buena (*Satureja douglasii*), and poison oak (*Toxicodendron diversilobum*) were present.

Oak woodlands and individual trees can provide habitat, nesting sites, and cover for birds and many mammals. Woody debris and duff in the understory create foraging areas for small mammals and microclimates suitable for amphibians and reptiles. Acorns are a valuable food source for many animal species, such as the acorn woodpecker (*Melanerpes formicivorus*) and mule deer (*Odocoileus hemionus*). Other representative animal species that could associate with oak trees include western fence lizard (*Sceloporus occidentalis*), oak titmouse (*Baeolophus inornatus*), western scrub jay (*Aphelocoma californica*), dark-eyed junco (*Junco hyemalis*), and North American raccoon (*Procyon lotor*).

Ruderal/Developed

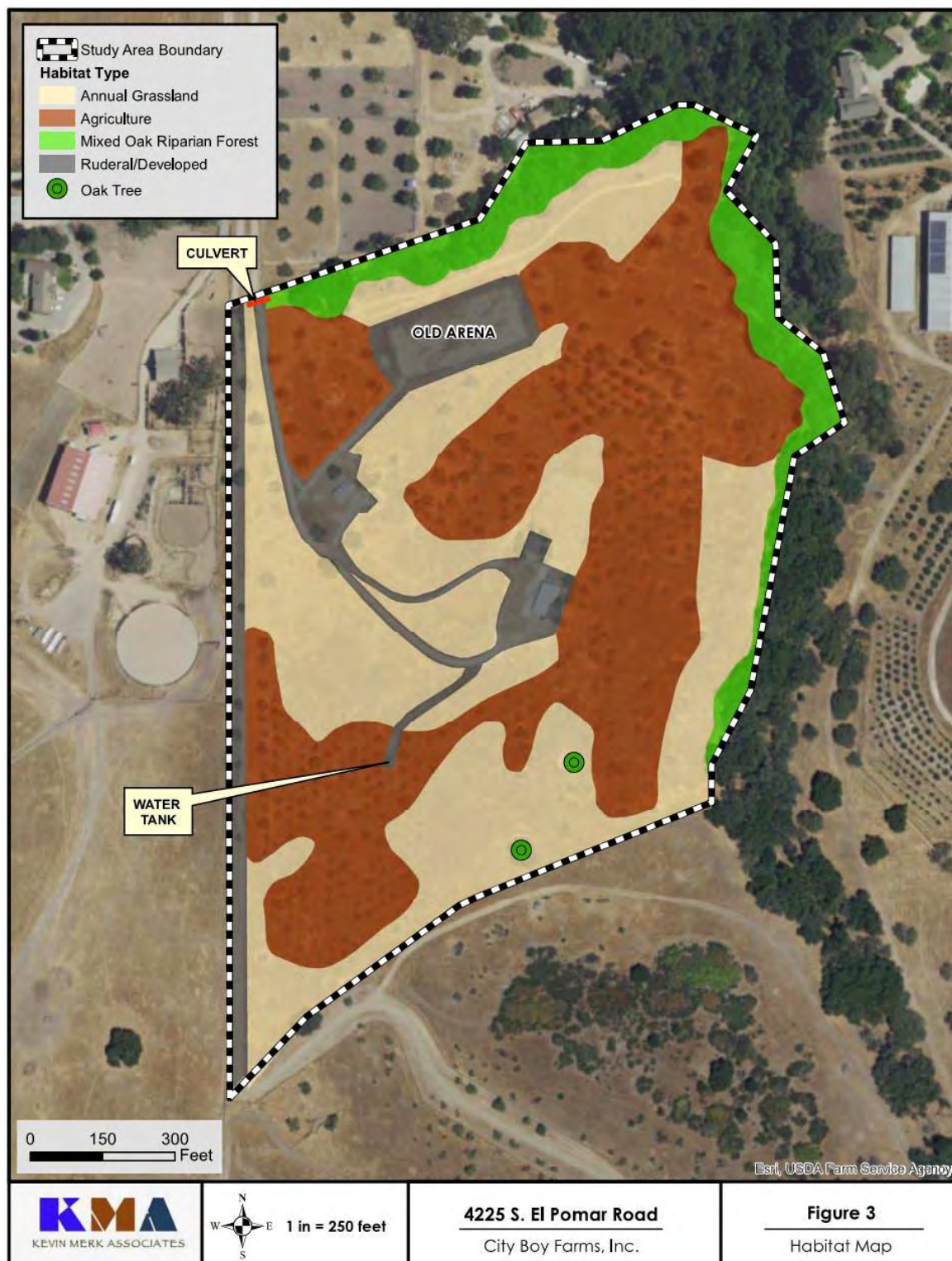
Ruderal (disturbed) and developed conditions are common throughout the site as they are typical in rural residential areas of northern San Luis Obispo County including along the edges of farmed fields, along roadsides, and areas that have been altered by construction, landscaping, or other types of regular human activity that alter or modify natural plant communities. These areas were dominated by bare soils or non-native weeds adapted to the regular cycle of disturbance from vehicle or foot traffic and mowing, disking and herbicide application.

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Landscaped areas, along with sheds, structures and the driveway were included in this land use type. Given the regular human presence, ruderal and developed areas attract common wildlife species adapted to human disturbance, and are not expected to provide significant habitat values for native species.

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Figure 10 Habitats of the Project Site



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Special-Status Species

For the purpose of this report, special status natural communities are those listed in the CNDDDB. Special status species are those plants and animals listed, proposed for listing, or candidates for listing as Threatened or Endangered by the USFWS under the federal Endangered Species Act (ESA); those listed or proposed for listing as Rare, Threatened, or Endangered by the California Department of Fish and Wildlife (CDFW) under the California Endangered Species Act (CESA); animals designated as “Species of Special Concern,” “Fully Protected,” or “Watch List” by the CDFW; and plants occurring on California Rare Plant Rank lists 1, 2, 3 and 4 developed by the CDFW working in concert with the California Native Plant Society. The specific code definitions are as follows:

- 1A = Plants presumed extinct in California;
- 1B.1 = Rare or endangered in California and elsewhere; seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat);
- 1B.2 = Rare or endangered in California and elsewhere; fairly endangered in California (20-80% occurrences threatened);
- 1B.3 = Rare or endangered in California and elsewhere, not very endangered in California (<20% of occurrences threatened or no current threats known);
- 2 = Rare, threatened or endangered in California, but more common elsewhere;
- 3 = Plants needing more information (most are species that are taxonomically unresolved; some species on this list meet the definitions of rarity under CNPS and CESA); and
- 4.2 = Plants of limited distribution (watch list), fairly endangered in California (20- 80% occurrences threatened).
- 4.3= Plants of limited distribution (watch list), not very endangered in California.

The evaluation of special status animal species and identification of habitat that could support these species was based on our field observations to aid in the development of a habitat suitability analysis. The relatively small size of the site and limited habitat types present allowed for a thorough survey effort to be conducted. Our review of existing information and known occurrence records in the region coupled with our site-specific observations allowed us to make presence/absence determinations for special status wildlife species potentially occurring on-site.

Hydrologic Features

Distinct hydrologic features are present along the north and east boundaries of the study area. The site is in the greater Paso Robles Creek watershed and Asuncion subwatershed. The drainage features are ephemeral in nature and only appear to contain flowing surface water during and immediately following rain events. No wetland vegetation was observed in the channels, which generally follow the property line and study area boundary shown on Figure 3, the Habitat Map.

Supplemental Biological Resource Assessment

Portions of the following discussion are based on information from a biological resource assessment prepared for the parcel located immediately east of the project site by Terra Verde Environmental Consulting, LLC (Terra Verde) in September 2018. Terra Verde conducted field reconnaissance of the property on May 10, 2018. The biological setting, resources, and impacts described therein were found to be comparable to the project site. Based on this supplemental information, additional mitigation measures were implemented to reduce impacts to biological resources to less than significant levels.

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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

The CNDDDB search identified nine special status plant species that are known to occur within the general project area. Our knowledge of the study area identified additional special status plants that could potentially occur onsite. The floristic survey conducted in April 2018 covered the blooming periods of these plants, and the entire property was searched. No special status plants were located on-site, and none are expected to occur on-site or be affected by future site development due to the long history of farming and site disturbance on the property. Please refer to Attachment 2, the special status species table, for further detail and a determination as to the potential presence of these species on the study area. Based on the floristic inventory results, our familiarity with the project region, and the amount of weedy species present as the result of past farming and ongoing grazing and mowing activities, no special status plants are expected to occur within the proposed project disturbance footprint.

Special-Status Animals

The 2018 CNDDDB search conducted for this report contains records of seven special status animal species within five miles of the site. Given the site's proximity to other larger drainage features in the region, we also included additional species to ensure all special status wildlife known to occur in the region were included in the analysis. Please refer to the table included Attachment 2 for a list of species and their listing status and habitat requirements. These special status animals are not expected to occur in the study area due to a lack of suitable habitat and historic and ongoing disturbance regime associated with farming and site occupation. Further, neighboring development including the landfill has reduced the quality of habitat for wildlife onsite reducing the potential of the property to support special status species.

No suitable habitat for invertebrates such as Atascadero June beetle (*Polyphylla nubila*) is present on-site. Based on aerial photograph, topographic map and soil map review coupled with on the ground fieldwork, no vernal pools supporting a suite of highly specialized plants and animals or long-lived puddles are not present on-site. Therefore, suitable habitat for special status species such as western spadefoot (*Spea hammondi*) is not present. Drainage features along the site perimeter are highly ephemeral and no areas of suitable aquatic habitat were observed that could support species such as the western pond turtle (*Actinemys marmorata*) and California red-legged frog (*Rana draytonii*). Therefore, aquatic special status species are not expected to occur on-site.

The riparian habitat is composed of mixed oak species and no willows and dense canopy associated species such as least Bell's vireo are expected to occur on site. The site was also evaluated to determine if potentially suitable habitat for the burrowing owl (*Athene cunicularia*) was present. No ground squirrel burrow complexes were observed and given the regular cycle of disturbance of the orchard and human presence onsite does not provide suitable habitat for this species.

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Supplemental Biological Resource Assessment

In regard to special-status wildlife species, Townsend's Big-eared Bat (*Corynorhinus townsendii*) may have suitable roosting habitat within the existing agricultural accessory structure (open barn) on the adjacent parcel. Given the parcels close proximity to the project site which also contains an existing storage barn, mitigation measure BIO-5 shall be implemented to address avoidance and minimization measures for Townsend's Big-eared Bat. The proposed project site presents suitable habitat for American Badger (*Taxidea taxus*) within the wild oats grassland habitat found on the project site, as well as the surrounding area. Mitigation measure BIO-6 shall be implemented to address avoidance and minimization measure for American Badger.

Northern California Legless Lizard (*Aniella pulchra*) is known to occur within 5 miles of the proposed project site. Leaf litters within oak woodlands and riparian habitat surrounding the project area may provide suitable habitat for this species. As such, there may be a potential to encounter this species on site. Mitigation measure BIO-7 shall be implemented to avoid and minimize chance of encountering Northern California Legless Lizard.

A variety of birds protected under the Migratory Bird Treaty Act (MBTA) are known to occur in the region. The presence of large trees and woodland habitat along the onsite drainage features could support nesting birds during the spring and summer months, as well as provide roost sites for several species of raptor that could potentially occur in the area. Most nesting birds are protected under the California Fish and Game Code and MBTA, which require their nests be protected when active. Suitable habitat for Grasshopper Sparrow is present within the wild oat grassland and agricultural fields surrounding the project area. As such, there is potential for this species to be encountered. White-tail kites may be present within dense canopies oak woodlands and mature riparian trees on site, which is present on the proposed project site. Mitigation measure BIO-8 shall be implemented to address sensitive avian species and migratory nesting birds.

Implementation of Mitigation Measures BIO-5 through BIO-8 would reduce impacts on listed species to less than significant with mitigation.

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

Special-Status Natural Communities

The CNDDB search did not identify any occurrences of special status plant communities within the search area. Based on our knowledge of the area, KMA searched for riparian, potential vernal pool habitat, wetland including seasonal and freshwater emergent, and native bunchgrass grassland. The biological survey conducted on the study area identified only mixed oak riparian forest along the small ephemeral drainage features on the property boundaries. The streams are ephemeral and do not contain water for prolonged periods of time to support the formation of wetland habitat. No vernal pool or native bunchgrass grassland habitats were observed in the study area.

Supplemental Biological Resource Assessment

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The proposed project is designed to place all temporary and/or permanent structures at least 50 feet away from the top of the creek banks. As noted above, two drainages are present along the north and east boundaries of the study area. The drainage features are ephemeral in nature and only appear to contain flowing surface water during and immediately following rain events. In addition, these drainages fall within the jurisdiction of the U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (RWQCB), and CDFW. If impacted by project activities, regulatory agency permitting pursuant to Section 401/404 of the Clean Water Act and Section 1602 of the Fish and Game Code would be required. No impacts are proposed to the USGS blue line ephemeral drainages. No USFWS-designated critical habitat for federally threatened or endangered species occurs within the project site. The project included a response from SRWQCB dated January 25, 2018, stated that the project is subject to statewide Cannabis General Order. Mitigation Measure BIO-1, BIO-9, and BIO-10 shall be implemented to avoid impacts to the riparian habitat and drainages.

- (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?*

The project site is not expected to block or restrict movement of wildlife as the property is already fenced. Therefore, impacts related to interference with the movement of resident or migratory fish or wildlife species would be less than significant.

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

The project is consistent with relevant policies and ordinance protecting biological resources and does not propose the removal of any oak trees. Future development of the property could result in impacts to the critical root zones of the two oak trees observed on-site (Figure 10). While removal of these oaks is not proposed, agricultural activities proposed for this area (i.e. almond tree removal) could impact the health of the trees and result in death to the trees over time. Therefore, implementation of mitigation measures BIO-1 through BIO-4, and BIO-9 would reduce project related impacts to biological resources to a less than significant level.

- (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?*

There are no habitat conservation plans that apply to the project site. The project would not conflict with the provisions of any applicable habitat or natural community conservation plans and this impact would be insignificant.

Conclusion

The site supports four habitat types including Annual Grassland, Agricultural (fallow orchards), Mixed Oak Riparian Forest, and Ruderal/Developed. These habitats are common in the region and are not in pristine condition due to regular disturbances and human presence on-site and on neighboring properties. The mixed oak riparian habitat is associated with two ephemeral drainage features, and these areas will be avoided and buffered from future agricultural activities. The 2018 floristic inventory confirmed the study area does not support any special status plants, and site observations coupled with a habitat suitability analysis confirmed special status wildlife identified in the CNDDDB are not present or expected to occur onsite. In addition, no nest sites were observed in the study area potentially due to the large number of crows in the area given the proximity to the landfill.

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Based on review of the preliminary site plan, impacts would be focused within the weedy annual grassland habitat and existing orchard and impacts to special status biological resources are not expected to occur from the project.

Mitigation

BIO-1 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-2 Native Trees (Oaks) –Minimizing Impacts. When trees are proposed for removal or to be impacted within their driplines/ canopies, 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:

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- 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 (Figure 1). 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-3

Native Tree (Oaks) – Replacement/Planting. If any oak tree is impacted or removed on site, these are considered individual oak trees with replacement planting to be conducted on-site.

- a. 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.
 - 2. For each tree identified for removal, four (4) seedlings will be planted.
- b. 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;

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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.

BIO-4 **Monitoring.** To guarantee the success of the new 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. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator 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 Environmental Coordinator.

BIO-5 **Sensitive Bats - Pre-construction Maternity Colony or Hibernaculum Surveys.** To minimize project impacts on bats, no more than **15 days prior to grading or improvements** near or the removal of trees or other structures, the Applicant shall retain a County- qualified biologist, holding a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle bats, to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If active maternity roosts or hibernacula are found, the structure, tree or tower occupied by the roost shall be avoided (i.e., not removed), if feasible. If avoidance of the maternity roost is not feasible, the biologist shall survey (through the use of radio telemetry or other CDFW-approved methods) for nearby alternative maternity colony sites. If the biologist determines, in consultation with the CDFW and County, that there are alternative roost sites used by the maternity colony and young are not present then no further action is required, and it will not be necessary to provide alternate roosting habitat.

BIO-6 **American Badger - Pre-construction survey and avoidance measures.** To minimize project-related impacts to the American Badger, **no more than 30 days prior to the site disturbance**, the Applicant shall retain a County- qualified biologist to conduct pre-construction surveys for American badger within suitable habitat on the project site. If present, occupied badger dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season (15 February through 1 July) and a minimum 200-foot buffer established. The extent of buffers shall be flagged in the field utilizing a method highly visible by construction crews. Buffers may be modified with the concurrence of the CDFW. Maternity dens shall be flagged for avoidance, identified on construction maps, and a biological monitor shall be present during construction to monitor for adequate protection of all identified dens and to ensure that all flagging is kept in good working order.

BIO-7 **Silvery Legless Lizard - Pre-Construction Surveys and Avoidance Measures.** The Applicant shall retain a County- qualified biologist to conduct pre-construction surveys immediately **prior to ground disturbance** (i.e., the morning of the commencement of). If silvery legless

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lizard is found within the area of disturbance, the biologist will relocate the animals to a pre-approved location outside the project or work area with suitable habitat. The candidate locations for species relocation will be identified **prior to ground disturbance** and based on the size and type of habitat present, the potential for negative interactions with resident species, and species range.

BIO-8 Avoidance of Nesting Birds – During project construction: To avoid impacts to nesting birds, including special status species such as the sharp shinned hawk and species protected by the Migratory Bird Treaty Act, any tree or shrub removal should be limited to the time period between September 1 and February 14, if feasible. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction survey for active bird nests within the limits of the project shall be conducted by a qualified biologist and the following measures incorporated.

Surveys shall be conducted within two weeks prior to any construction activities proposed to occur between February 15 and August 31. If no active nests are located, ground disturbing/construction activities may proceed. If active nests are located, then all construction work shall be conducted outside a non-disturbance buffer zone to be developed by the project biologist based on the species (i.e., 50 feet for common species and at least 500 feet for raptors and special status species), slope aspect and surrounding vegetation. No direct disturbance to nests shall occur until the young are no longer reliant on the nest site as determined by the project biologist. The biologist shall conduct monitoring of the nest until all young have fledged.

BIO-9 Drainage Modifications. All reasonable construction and grading efforts shall be made to maintain the historic drainage patterns and surface flow volumes for all (oak) trees to remain that are within 50 feet of the construction limits. If historic flows cannot be maintained for affected tree roots, a drainage plan shall be prepared that shows the new patterns on impacted trees and the reason for drainage pattern change. The Plan shall be submitted to the County for review.

The applicant agrees that if the County determines the change in surface flow is significant, that they will prepare a replanting plan to install onsite, in-kind replacement trees (at up to 4:1 replacement ratio) in an area to be left undisturbed in the future. Additional maintenance and monitoring of existing and/or replacement trees may also be required.

BIO-10 Sensitive Habitat Protection - Avoidance. There shall be no cutting, alteration or disturbance of the existing riparian habitat as identified on habitat map in the Biological Resource Assessment prepared for the project site by Kevin Merk Associates in July 2019 (Exhibit A). Furthermore:

- a. Adequate measures (e.g., highly visible temporary fencing, etc.) shall be installed prior to any construction to clearly delineate that this habitat will be avoided.
- b. Best Management Practices for sedimentation and erosion control shall be applied to prevent sediment from entering into this habitat.
- c. Any soil binders used within 50 feet of top of bank/riparian edge must be compatible with riparian habitats. Only soil binders/dust suppressants that have been approved for use in and adjacent to stream and lake habitats by one of the following: United States Environmental Protection Agency (EPA) under the Environmental Technology Verification

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(ETV) program; the United States Department of Agriculture (USDA) BioPreferredSM program; or CDFW. Approved soil binders/ dust suppressants shall be applied in such a manner as to avoid overspray outside of the target area.

- d. All temporary and permanent vegetation planting within 50 feet of habitat edge shall be compatible with existing habitat vegetation and shall not include any plants considered 'invasive' (as identified on the latest California Invasive Plant Council list).
- e. All proposed uses and/or structures shall be setback adequately from the riparian edge, per the approved plans.

Sources

See Exhibit A.

V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The City Boy Farms Project is located within an area of moderate archaeological sensitivity. Accordingly, a Phase I Archaeological Survey was prepared for the project site (Central Coast Archaeological Research Consultants (CCARC)) (April 2018). The following discussion is a summary of the findings and recommendations of that study.

Along the central California coast a suite of similar of cultural changes evident in the archaeological record, and often related to local and regional environmental changes, has framed the local chronology into six periods (King 1990) which are described below.

Paleoindian – Millingstone Period (10,000 to 5500 cal BP). Once considered an anomaly characterized only by projectile points in private collections (Bertrando 2004), the central coast now has a well-defined continuity of human coastal and nearshore adaptations over the past 10,000 years, with hints of occupation as early as 12,000 to 13,000 years ago (Jones et al. 2007; Jones et al. 2008a, 2008b). As suggested by the abundance of millingstones and high density of shellfish remains, the collection and processing of seeds and shellfish were important economic pursuits during the early Holocene. Except for interior locations, early Holocene sites

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along the central California Coast have components that contain shellfish assemblages that are dominated by estuarine and rocky intertidal species and they contain a limited range of marine fish compared to later periods. Significant information from the Cross Creek-Diablo Canyon complex has expanded our understanding of local central coast habitats. Jones et al. (2008a:195) suggest that by 10,000 years ago related, inter-dependent populations had distinctive settlement preferences, with inland people who made forays to the coast but specialized in hunting small game and collecting vegetal resources, and coastal inhabitants who exploited a wider variety of marine and terrestrial resources. To date, at least six coastal and pericoastal sites have radiocarbon dates Millingstone Period, some which extend into the Paleoindian Period.

Early Period (5500 to 3000 cal BP). The diachronic continuity of artifact assemblages and local adaptations led Greenwood (1972) and later Jones (1993) to apply Rogers's (1929) term "Hunting" Culture to Early, Middle, and Middle/Late Transition deposits along the central coast. The rise of new technology, particularly large quantities of stemmed and notched projectile points, and adaptive changes entailing greater emphasis on marine mammals and fish stimulated researchers to offer a range of explanations of cultural changes during this time. Favorable climatic conditions may have stimulated population growth, leading to subsistence intensification and giving rise to the adoption of mortars and pestles at the onset of the Early Period. This explanation seems possible, as researchers have suggested that the earliest mortars and pestles were not necessarily used for acorns (Glassow 1996). Perhaps mortars and pestles were used to process small terrestrial animals, shellfish, pulpy plant parts, as well as minerals such as ochre. Evidence of Early Period occupation on the central California Coast is extensive. Site distribution and radiocarbon date frequencies suggest that people during this interval may have been one of fairly mobile populations (Erlandson 1997; Glassow 1997; Joslin 2010).

Middle Period (3000 to 1000 cal BP). Diagnostic assemblages of the Middle Period consist of a wider range and density of artifact types. Perhaps most significant is the innovation of the circular shell fishhook during this interval and an increase in the use of net sinkers (Jones et al. 2007), signaling an increased importance of marine fish. Bone tools and ornaments are relatively abundant and include needles, pins, awls, strigils, whistles, spatulas, gorge hooks, and antler tines. Based primarily on large samples of excavated material from two sites situated on the San Simeon Reef (CA-SLO-175 and SLO-267), Jones (2003) assigned these Middle Period artifacts to the Little Pico II Phase. Along the north-central coast, many of the subsistence-settlement trends set in motion during the Early Period continue into the Middle Period, including an increased use of mortars and pestles, a great significant focus on small schooling fish and sea otters and a decreased dependence on shellfish (Jones and Ferneau 2002). Subsistence pursuits in general appear to reflect a broad-spectrum diet with distinct signs of local resource intensification over time.

Middle/Late Transition Period (1000 to 700 cal BP). Central California Coast populations experienced dramatic changes around the onset of the Middle/Late Transition, sometime after 1000 cal BP, evidenced in the increase use of arrow points, the disappearance of most stemmed points, and changes in bead types (Coddington and Jones 2007; Jones et al. 2007:139). Along the San Luis Obispo Coast site frequencies decline during the Middle/Late Transition (Jones 1995, 2003; Jones and Ferneau 2002, Jones et al. 2008c). Archaeological sites dating to this interval are quite rare, limited to two known deposits along the San Simeon Reef: Arroyo de los Chinos (CA-SLO-273/274H) and Little Pico Creek (CA-SLO-175); consequently, our understanding of this interval is still unfolding. Recent research at single-component sites located on the open coastline the Coon Creek site (CA-SLO-9), south of Estero Bay, and the Ravine Site (CA-SLO-2563) demonstrates that some sites were occupied during this interval and provides significant new information (Coddington and Jones 2007; Coddington et al. 2009; Joslin 2010). In a synthesis of Morro Bay sites, Mikkelsen et al. (2000) proposed that the productive estuary may have served as refugium during this period of environmental disruption. Located just south of Morro Bay, the Coon Creek site was a year-round residential base, where people procured rocky

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intertidal fish, shellfish, marine birds, marine mammals, and small terrestrial mammals with stemmed points, small leaf-shaped arrow points, notched line sinkers and circular shell fishhooks (Coddington and Jones 2007).

Late Period (700 cal BP to Historic). Compared to the Hunting Culture sites, Late Period assemblages are easily distinguished by new patterns of technology, subsistence, and settlement. Jones (1991) suggested that local populations along the coast recovered from the effects of the environmental changes during the Middle/Late Transition; however, they never returned to the maritime adaptations observed during the Middle Period. This contradicts earlier interpretations by Greenwood (1972, 1978), who argued for a more socially complex population reliant on littoral resources. The discovery of Late Period middens in Big Sur (Hildebrandt and Jones 1998; Wohlgemuth et al. 2002), San Simeon Reef (Joslin 2007; 2010), and Morro Bay (Joslin and Bertrando 2000) have improved our understanding of this interval prior to Spanish contact with local Chumash communities.

Ethnographic Context. Because of the location of the project area, the territory it encompasses may include a cultural boundary (Milliken and Johnson 2005:128, Figure 13). The area itself falls within lands believed to be occupied by the Salinan and/or Northern Chumash. Other groups in the general area include the Yokut (Tachi Yokut) to the east who were known to pass through the territory on trade and resource acquisition forays during historic times (Rivers 2000).

Population estimates are difficult to determine for prehistoric groups, especially in areas where the archaeological and ethnohistorical data is limited, such as in the project area. Early historic records are unreliable as they represent only those individuals absorbed by the mission system at a time when mortality rates were uncharacteristically high (attributed to the introduction of Old World diseases) (Heizer 1974).

Total population estimates for Salinan territory generally range between 2000 and 3000 individuals with an average of 1.2 persons per square mile (Bouey and Basgall 1991). Most of these are believed to have inhabited the western or Antofian district. The Southern Salinan area was less populated due, at least in part, to the impoverished environment. Despite this, the major village in this area, Cholaam, had a population of at least 314 persons, based on mission records (Orlins et al. 1993). Population estimates for the Chumash in San Luis Obispo County, based on mission baptismal records, indicate that no more than 1,400 to 2,000 resided there at the time of Spanish assimilation. Considering the high resource potential of the land surrounding Salinas River, it may be considered that the land adjacent to the project area was capable of supporting more dense populations elsewhere in the interior. In any case, the population densities were most certainly less than in coastal areas.

To the east of the project area, along the middle fork of the Huer Huero lies the archaeological site, CA-SLO-700. Earlier studies found the site contains a Late Period, possibly Protohistoric component. The site appears to contain a rich archaeological assemblage including evidence for at least 4 houses and possibly 6 more (Gibson 1984). Based on this evidence and its location, Gibson surmised that this location could be the remains of the historic period rancheria of Setjala or Chmimu. This represents perhaps the nearest historic rancheria to the project site. In theory that would probably place the project area within the tribal territory of that rancheria and late period remains in this area could be related to SLO-700.

Spanish explorers' descriptions of their encounters with Native Americans along the coast, including the number of individuals, village locations and whether or not they were abandoned villages and locations, and the activities in which people were engaged, provide key details about pre-contact settlement and subsistence systems (Jones 2003:30-33; Jones et al. 2008a:2287-2289; Milliken and Johnson 2005). A detailed analysis of ethnohistoric information collected by the 1767-1770 Portolá expeditions on the distribution of Native populations shows clear patterns, notably a year-round presence on the coast by at least small groups over the course of seasons or multiple seasons (Jones et al. 2008a:2289).

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Historic Context. Due to the low likelihood of encountering historic cultural resources, an expansive review of the local San Luis Obispo history is not provided here. For a detailed historic context, the reader is referred to primary sources such as Thompson and West (1883), and historical research conducted in the general vicinity (i.e., Bertrando 2003).

El Pomar – The Orchard. In 1886 the West Coast Land Company subdivided much of the land that was once sheep pasture. The Huer Huero Rancho that became part of Creston was subdivided as well. Over 4800 acres between the Salinas River and the Huer Huero were subdivided into 40 parcels in 1887. On 1400 acres near Creston, 7000 grape vines and 1700 fruit trees were planted in 1886. By 1887 the West Coast Land Company, headquartered in Templeton, had built two bridges and several roads to open up the land (Bertrando 2003:14).

Records Search. Archival research focused on primary and secondary sources to develop a general historic context and lot-specific information for the immediate project area. To identify previously recorded archaeological and historical sites, the author of this report reviewed archaeological site records, site location base maps, GIS layers and cultural resources survey and excavation reports on file at the Central Coast Information Center (CCIC), University of California, Santa Barbara. On 29 March 2018 the author of this report conducted an in-house records search included information on all surveys within a 0.25-mile radius of the current project area and sites within a 0.5-mile radius.

In addition to this research effort, I consulted the National Register of Historic Places (NRHP) via the National Register Information Service (NRIS), the official on-line database of the NRHP; the California Inventory of Historic Resources (California 1976); and the California Historical Landmarks (California 1995). The comprehensive records search revealed the current study area has not been surveyed, and no cultural resources are within or in the immediate vicinity of current study survey area.

Only one cultural resources study (Singer 2004) is documented within a 0.25-mile radius, for a small lot survey such as the current project. The documents reveal no resources were identified, in a similar environment and landform as the current study. Other intensive studies in the same region (i.e., Bertrando 2003, Gibson 1984) also failed to identify cultural resources in the same context as the present survey. Additionally, the author of this report has conducted studies in the vicinity of the study area, and knowledge on the current survey area suggests a low likelihood of archaeological deposits within the project area.

In accordance with AB 52 cultural resources requirements, outreach to numerous Native American tribes has been conducted: Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council. A response was received by the Northern Chumash Tribal Council requesting a copy of the archaeological report. No further consultation was requested.

Discussion

- (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?*

On 6 April 2018, the author of the Phase 1 study conducted an intensive survey of the City Boy Farms, Inc. acreage at 4225 S. El Pomar Road, Templeton, San Luis Obispo County California (APN 034-321-004). The location of the survey area is mapped on the attached Figure 1 Survey Area, APN mapping, associated plan layout, and presented in photographs. The properties are predominately vacant, with two existing barns in the eastern study area and a house pad in the central study area. The study area is bound to the north and east by a stream, to the west by a PG& E access road and metal fencing defines all parameters. The entire survey area, 25.43 acers, was systematically walked in 5-to- 10

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meter transects. Open areas of exposed soils were inspected along the access roads, grading, and in bioturbation that allowed for inspection of subsurface soils.

The field investigation identified no prehistoric or historic cultural materials located within the City Boy Farms Archaeological Survey. Although in an area characterized with moderate archaeological sensitivity, the landform has been severely altered during previous development, orchard installation and maintenance, grading, and construction of fencing, in addition to the adjacent road construction, ranching activities, and utility installation. The potential for intact archaeological deposits existing on the property is considered to be low. Surface soils are a culturally sterile clay loam, mixed with sub-rounded sandstone pebbles. Ground surface visibility was poor (10-30%) in areas of invasive grasses, and improved to moderate to good (50-75%) where native soils were exposed in rodent back dirt and along the fence lines and base of trees. On-site vegetation is characterized as invasive grasses with small stands of native California grasses and forb species (i.e., fiddleneck-*Amsinckia menziesii*), mature valley oaks (*Quercus lobata*). The survey thus confirms the records search conducted at the Central Coast Information Center, and the previous archaeological studies in the vicinity, that found no evidence of archaeological material in adjacent projects.

Based on the results of the records search and surface survey, the potential for archaeological or historic resources to be located on-site are low. AB 52 consultation outreach was conducted for this project, and no tribal cultural resources were identified.

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

No human remains have been associated with the project site. However, in the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required. This section requires that, in the event archaeological resources are encountered during project construction, construction activities cease, and the County Planning Department be notified of the discovery. If the discovery includes human remains, the County Coroner shall also be notified.

Conclusion

No significant impacts to archaeological, historical, or paleontological resources are expected, and no mitigation measures beyond compliance with the LUO are necessary to mitigate for the unlikely discovery of archaeological, historic, prehistoric, or human burials.

Mitigation

None are required.

Sources

See Exhibit A.

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VI. ENERGY

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

Setting

Electricity is provided to the project site by Pacific Gas and Electric Co.; the project site is not served by a natural gas service provider.

Discussion

- (a) *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

According to the project application materials, the proposed cannabis activities are expected to consume 810,000 kWh of electricity per year. The project is not expected to result in wasteful, inefficient or unnecessary consumption of energy resources because:

- The project will be constructed with fixtures and equipment that meets current building codes for energy efficiency and conservation.
- The project will be conditioned to meter electricity used for cannabis activities and to provide the Department of Planning and Building with quarterly energy usage monitoring reports based on those meter readings. Ongoing monitoring will ensure that project energy consumption remains consistent with the energy use estimate provided in the application.

- (b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

In 2011, the County adopted the Energy Wise Plan to serve as the climate action plan for the County. The Plan identifies energy conservation, transportation, land use, water use, and solid waste strategies to reduce community-wide GHG emissions. The project is consistent with County-wide GHG emissions reductions strategies associated with:

- Encouraging the use of energy efficient equipment in new development;
- Reducing methane emissions associated with solid waste through recycling and composting of green waste;
- The promotion of water conservation to reduce emissions associated with potable water use;

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- The project will incorporate the use of Best Management Practices in the cultivation of cannabis. These BMPs address water conservation, solid waste recycling, greenwaste composting, and the use of equipment that meets current energy conservation standards.
- Increasing opportunities for sequestration;

Conclusion

The project will have a less than significant impact on energy demand.

Mitigation

None are required.

Sources

See Exhibit A.

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VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project is not within a Geologic Study area combining designation and exhibits a low potential for liquefaction and landslide risk.

The Rinconada Fault passes about one mile to the west of the project site. Although the California Geological Survey classifies the Rinconada Fault as exhibiting Quaternary movement, recent studies for the Santa Ysabel Ranch in Paso Robles and the Chicago Grade Landfill in Templeton have shown features that suggest Holocene (within the past 10,000 years) movement. No ground rupture has been mapped in Holocene time on the Rinconada fault, although there have been historical small to moderate earthquakes (<5.9 magnitude) that have been recorded in the vicinity of the fault. It is possible that the shock waves produced by these small earthquakes did not have enough energy to break the ground surface or cause any displacement within the surface materials. The Rinconada Fault is considered capable of generating a maximum Mw 7.3 earthquake.

Grading on the project site within the proposed area of disturbance was the subject of an enforcement action by the County in June 14, 2018 (CODE2018-00211). Specifically, a series of terraces were graded into the east-facing slope within the area proposed for cannabis cultivation for which a stop-work order was issued in March 2019. The area of unpermitted grading was subsequently seeded with a mix of native grasses and the stop work order was lifted on April 19, 2019.

DRAINAGE – The project site is not located within a 100-year flood hazard area. Grading and drainage plans may be required for all construction and grading projects in accordance with LUO Sections 22.52.110 and 120. When required, these plans must be prepared by a civil engineer to address both temporary and long-term grading and drainage impacts.

SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local agency who monitors this program.

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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.*
 - (a-ii) *Strong seismic ground shaking?*
 - (a-iii) *Seismic-related ground failure, including liquefaction?*
 - (a-iv) *Landslides?*

The project site is not located within an Alquist-Priolo fault zone; the nearest potentially active earthquake fault is located about 1.1 miles to the west. As discussed in the setting, the potential hazard associated with liquefaction is considered low. All structures will be constructed in accordance with relevant provisions of the California Building Code and may be informed by a soils engineering analysis as determined by the Building Division. The project site does present any dangers associated with seismic activity, ground failure or liquefaction that cannot be addressed through the application of appropriate building codes.

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

The project will result in an area of disturbance of about 10 acres and will include 6,020 cubic yards of cut and fill for the construction of the greenhouse, manufacturing building, parking area, water tank and reservoir. As discussed in the Setting, unpermitted grading occurred on the project site and within the area of proposed cannabis activities. This area was subsequently seeded to prevent erosion and downslope sedimentation.

A preliminary grading plan has been included in the application which shows the existing and proposed grades along with an estimate of cut and fill. In accordance with LUO Section 22.52.120, the project will be conditioned to provide an erosion and sedimentation control plan to be reviewed and approved prior to building permit issuance. Implementation of the erosion and sedimentation control plan required by the LUO will ensure potential impacts associated with erosion and the loss of topsoil will 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?*

As discussed in the setting, the project site consists of gentle to steep slopes covered largely with non-native grasses and forbs. The soils associated with the project site are described in Section II Agriculture. According to the NRCS, these soils do not present significant constraints to building construction that would result in hazards associated with landslides, liquefaction, lateral spreading or other hazards off site. As discussed in the setting, the project site is not located in an area subject to unstable geologic conditions. In accordance with LUO Sections 22.52.110, and 120, the areas to be graded will be subject to approved grading and drainage plans and erosion and sedimentation control plan. Compliance with relevant provisions of the California Building Code will ensure potential impacts

Initial Study – Environmental Checklist

associated with site landslide, lateral spreading, subsidence, liquefaction or collapse will 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 soils associated with the project site are described in Section II Agriculture. None of the soils are considered expansive as defined by Table 18-1-B of the Uniform Building Code.

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

According to the NRCS Web Soil Survey, soils of the project site do not present significant limitations for the use of septic leach fields.

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

The project site is not located in an area of the County known to support significant paleontological resources.

Conclusion

The project is not expected to result in a significant impact relating to geology and soils.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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VIII. GREENHOUSE GAS EMISSIONS

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

Setting

Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature which is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the APCD's 2012 CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO₂/year (MT CO₂e/yr) will be the most applicable. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO₂e/yr was adopted for stationary source (industrial) projects.

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It should be noted that projects that generate less than the above thresholds described above will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be “regulated” either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

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

Discussion

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

Using the GHG threshold information described in the Setting section and based on the project description, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project’s potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provides guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not ‘cumulatively considerable’, no mitigation is required. Because this project’s emissions fall under the threshold, no mitigation is required.

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

In 2011, the County adopted the Energy Wise Plan to serve as the climate action plan for the County. The Plan identifies energy conservation, transportation, land use, water use, and solid waste strategies to reduce community-wide GHG emissions. The project is consistent with County-wide GHG emissions reductions strategies associated with:

- Encouraging the use of energy efficient equipment in new development;
- Reducing methane emissions associated with solid waste through recycling and composting of green waste;
- The promotion of water conservation to reduce emissions associated with potable water use;
- The use of Best Management Practices to minimize the use of water, promote recycling and composting;
- Increasing opportunities for sequestration;

Conclusion

The project is not expected to result in a significant impact relating to greenhouse gas emissions.

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Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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IX. HAZARDS AND HAZARDOUS MATERIALS

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

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Setting

To comply with Government Code Section 65962.5 (known as the “Cortese List”) the following databases/lists were checked in May 2019 for potential hazardous waste or substances occurring at the project site:

- List of Hazardous Waste and Substances sites from Department of Toxic Substances Control (DTSC) EnviroStor database
- List of Leaking Underground Storage Tank Sites by County and Fiscal Year from Water Board GeoTracker database
- List of solid waste disposal sites identified by Water Board with waste constituents above hazardous waste levels outside the waste management unit
- List of “active” Cease and Desist Orders (CDO) and Cleanup and Abatement Orders (CAO) from Water Board
- List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by DTSC

The database review concluded that the project site is not located in an area of known hazardous material contamination.

According to CalFire’s San Luis Obispo County Fire Hazard Severity Zone map, the project site is in a State Responsibility Area for fire service and is located in a ‘high’ fire hazard severity zone. The closest fire station to the project site is CalFire Station 50 in Creston, which is approximately six miles to the east. According to the Safety Element Emergency Response Map, average emergency response time to the project site is 10 to 15 minutes.

The project is not within the Airport Review Area. The closest airport to the site is the Paso Robles Municipal Airport, which is located approximately seven miles to the north. The schools nearest the project site are located within the City of Atascadero, approximately 4 miles to the west.

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 and will be enforced through mandatory quarterly monitoring. 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;

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- 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 D. 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. Accordingly, the applicant proposes the following material handling, storage and waste management measures which would ensure the safe use and handling of chemical/industrial materials:

- Fertilizers will be stored and properly labeled in a 10 x 10 foot locked metal shed.
- All pesticide products will be registered with the Agriculture Department, including those products classified as 25 (b) pursuant to the Federal Insecticide, Fungicide and Rodenticide Act.
- Employees will have appropriate applicator's license issued by the Agriculture Department, will adhere to the agricultural use requirements of the label and shall employ all personal protective equipment prescribed on the label. City Boy Farm's will comply with all posting requirements of the protection standard for the restricted entry interval stated on the label.
- City Boy Farm's will store pesticides in a locked space away from all cultivation areas. Pesticide Storage Area (PSA) is clearly marked on City Boy Farms' facility layout and was specifically located for Biosecurity Purposes.

As discussed in the Setting above, the project site is not found on the 'Cortese List' (a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5). The project is not expected to conflict with any regional emergency response or evacuation plan.

The County's Environmental Health Division also reviewed the project (Ghiglia 2019). Based on a summary of the materials to be used on site, a hazardous materials business plan would not be required.

- (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?*

Implementation of the required hazardous materials storage and response plan will ensure potential impacts associated with upset and accidents will be less than significant. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws. Additionally, the construction contractor would be required to implement BMPs for the storage, use, and transportation of hazardous materials during all construction activities. The project site contains sensitive riparian habitat areas as described in Section IV - Biological Resources which could be impacted from upsets or spills of potentially hazardous substances. Mitigation measures HAZ-1 and HAZ-2 have been recommended to reduce potential impacts associated with hazards created by reasonably foreseeable upset or accident conditions during project construction. Therefore, impacts would be less than significant with mitigation.

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

Based on the project description, the project is not located within one-quarter mile of a 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?*

As discussed above, the project is not located on a site included on the list compiled pursuant to Government Code Section 65962.5.

- (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 project is not located within an area governed by an Airport Land Use Plan or within two miles of a public airport.

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

Based on the project description and location, the project is not expected to 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?*

The project includes the construction of one 5,000-gallon water tank, and three 10,000-gallon steel water tanks to be used for the storage of potable water and for fire suppression. The project is located within a State Responsibility Area but is not located within a “very high” severity risk area which could present a significant fire safety risk. The project was reviewed by CalFire. In their letter of May 13, 2019, CalFire recommends fire protection requirements relating to fire sprinklers, vehicular access, water storage, fire pumps and hydrants, emergency access and addressing. The project will be conditioned to comply with the recommendations of CalFire which is expected to reduce potential impacts relating to the exposure of people and structures to wildfires to a less than significant level.

Conclusion

The project will not result in significant impacts associated with hazards or hazardous materials.

Mitigation

HAZ-1 All project-related spills of hazardous materials within or adjacent to the project corridor shall be cleaned-up immediately. Spill prevention and clean-up materials shall be onsite at all times during construction.

HAZ-2 During construction activities, the cleaning and refueling of equipment and vehicles shall occur only within a designated staging area. This staging area shall conform to all applicable 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 avoid potential leaks or spills.

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Sources

See Exhibit A.

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X. HYDROLOGY AND WATER QUALITY

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

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Setting

DRAINAGE – The project site is not located within a 100-year flood hazard area. Grading and drainage plans may be required for all construction and grading projects in accordance with LUO Sections 22.52.110 and 120. When required, these plans must be prepared by a civil engineer to address both temporary and long-term grading and drainage impacts.

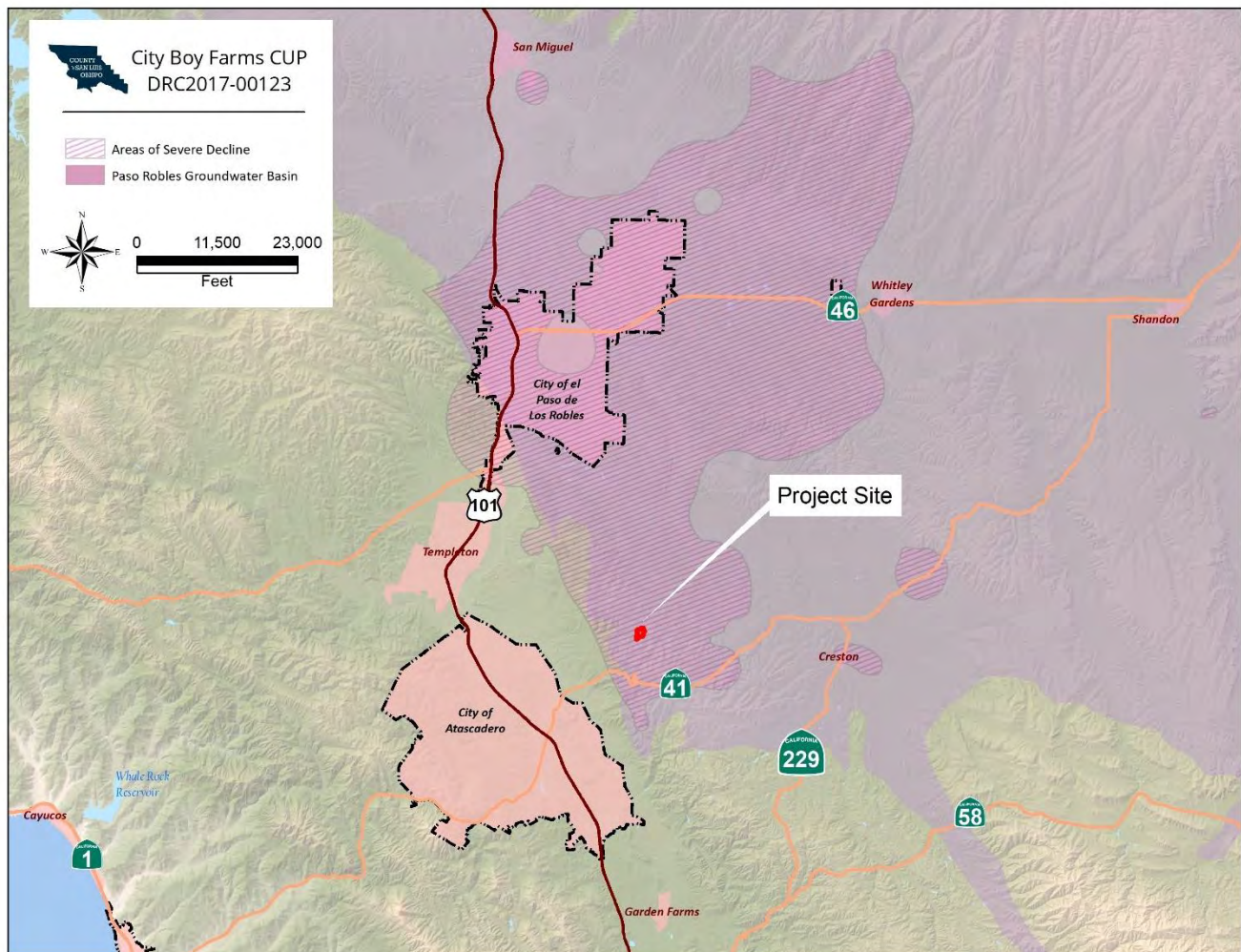
SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local agency who monitors this program.

WATER DEMAND -- LUO Section 22.40.050 C.1. requires all applications for cannabis cultivation to include a detailed water management plan that discusses the proposed water supply, conservation measures and any water offset requirements. In addition, Section 22.40.050 D. 5. requires that a cultivation project located within a groundwater basin with a Level of Severity III (LOS III) provide an estimate of water demand prepared by a licensed professional or other expert, and a description of how the new water demand will be offset. For such projects, the water use offset ratio is 1:1. If the project is within an Area of Severe Decline the offset requirement is 2:1, unless a greater offset is required by the review authority through the permit review process.

The project site is located within the Paso Robles Groundwater Basin (LOS III Basin) and within an Area of Severe Decline (Figure 11). Therefore, the water use offset requirement is 2:1. Offsets may be obtained by participating in a County-approved water conservation program for the respective groundwater basin. An applicant may choose to offset their water use by removing existing irrigated crops on the same site and must document that the replacement of the existing crop will result in a water demand that is equal to, or less than, the current demand.

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Figure 11 - Project Location in Relation to Areas of Severe Decline



Discussion

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

The project includes a preliminary grading plan which shows the final contour lines of the proposed metal manufacturing building and greenhouse. The project will be conditioned to provide final grading, drainage, erosion and sedimentation control plans for review and approval prior to building permit issuance as required by LUO Sections 22.52.100, 110 and 120. Lastly, mitigation measure BIO-10 discussed in Section IV. Biological Resources are recommended to protect surface 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?*

To satisfy LUO requirements, the project description includes a water offset study prepared by Wallace Group Engineering. The study provides an estimate of existing and projected water demand as well as a strategy for achieving the required 2:1 offset. As described in the offset study, the project

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proposes to achieve the water offset by paying an in-lieu water offset fee based on a future water demand of 7.29 AFY. Water use is required to be metered and this data will be provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity (7.29 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.

Lastly, the conditions of approval will 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?*
- (c-ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*
- (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?*
- (c-iv) *Impede or redirect flood flows?*

The project application materials include a preliminary grading plan which shows the final contour lines for the proposed metal manufacturing building and greenhouse. The project will be conditioned to provide final grading, drainage, erosion and sedimentation control plans for review and approval prior to building permit issuance as required by LUO Section 22.52.100, 110 and 120.

The project site is not located within a 100-year flood plain and the amount of increased impervious surfaces is not expected to exceed the capacity of stormwater conveyances or increase downslope flooding.

- (d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*
- As discussed in the project description, the project site is not located within a 100-year flood hazard area. The project site is located approximately 25 miles inland from the Pacific Ocean and is not located in the Coastal Zone.
- (e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The project will be conditioned to comply with relevant provisions of the CCRWQCB Basin Plan.

Initial Study – Environmental Checklist

Conclusion

The project will result in less than significant impacts associated with water supply, water quality and hydrology.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XI. LAND USE AND PLANNING

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

Setting

The proposed project is subject to the following Planning Area Standard(s) as found in the County's LUO:

1. LUO Chapter 22.94 – North County Planning Area
2. LUO Section 22.94.040 - El Pomar-Estrella Sub-area

Under the County's Cannabis Activities Ordinance (Ordinance 3358), Cannabis Cultivation is allowed within the Agricultural land use category. The purpose of the Agricultural land use category is to recognize and retain commercial agriculture as a desirable land use and as a major segment of the county's economic base. The Agriculture land use allows for the production of agricultural related crops, on parcel sizes ranging from 20 to 320 acres.

Discussion

- (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?*

The project is surrounded by agricultural uses. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land uses (e.g., County LUO, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CalFire for Fire Code, California Fish and Wildlife for the Fish and Game Code, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used). The project is consistent and/or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Conclusion No inconsistencies were identified, and therefore, no additional measures beyond application of existing plans and regulations is necessary.

Initial Study – Environmental Checklist

Mitigation

No mitigation measures are necessary

Sources

Exhibit A

Initial Study – Environmental Checklist

XII. MINERAL RESOURCES

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

Setting/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?*
- (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 San Luis Obispo County Mineral Designation Maps indicate the site is not located in a Mining Disclosure Zone or Energy/Extractive Area. Therefore, the project would not result in the preclusion of mineral resources.

Conclusion

No impacts to the availability of mineral resources of state, regional, or local importance are anticipated.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The Noise Element of the County's General Plan includes projections for future noise levels from known stationery and vehicle-generated noise sources. Based on the Noise Element's projected future noise generation from known stationery and vehicle-generated noise sources, the project is within an acceptable threshold area. The nearest airport to the project site is the Paso Robles Municipal Airport, located approximately nine miles north of the project. The project site is located outside of the 55, 60, 65, 70, and 75 dBA contours, as identified on the Noise Contour Maps generated for the Paso Robles Airport (City of Paso Robles 2007).

The project is subject to the County's standards for exterior noise provided in LUO Section 22.10.120 (Table 7). Section 22.10.120 B. sets forth standards that apply to sensitive land uses that include (but are not limited to) residences.

Table 7 -- Maximum Allowed Exterior Noise Level Standards

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime ¹ 10 pm. To 7 a.m.
Hourly Equivalent Sound Level (Leq, dB)	50	45
Maximum Level, dB	70	65

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

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The project is located approximately 2.75 linear miles from the Atascadero Urban Reserve and is bordered by residences on larger parcels to the west, south, and east and smaller parcel to the north. Consequently, noise levels on the project site and in the vicinity are low and there are no sources of loud noises beyond those associated with home ownership, traffic on SEPR, seasonal agriculture operations. The nearest noise-sensitive land uses are single family residences located approximately 125-300 feet west, north, and northeast of the project site.

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

Construction Impacts

Construction activities may involve the use of heavy equipment for grading and for the delivery and movement of materials on the project site. The use of construction machinery will also be a source of noise. Construction-related noise impacts would be temporary and localized. County regulations (County Code Section 22.10.120.A) limit the hours of construction to daytime hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends.

Operational Impacts

The project is not expected to generate loud noises or conflict with the surrounding uses. Based on equipment specification information provided by the applicant, noise resulting from the use of wall- or roof-mounted HVAC and odor mitigation equipment would be expected to generate noise levels of approximately 57 dBA at 20 feet from the source. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. Therefore, project related noise sources producing 57 dB at 20 feet will be perceived to produce about 51 dB at the nearest property line, assuming a distance of 40 feet. The resulting noise is anticipated to be below the maximum allowable nighttime level (65 dB) and below the average hourly equivalent noise level (45dB).

After completion of the construction period, the project would not generate loud noises or conflict with surrounding uses; therefore, impacts related to temporary increases in ambient noise and exposure of people to severe noise or vibration would be less than significant.

Noise generated by vehicular traffic on SEPR would be comparable to background noise levels generated by surrounding agricultural operations and existing vehicular traffic. Operation of the project would not expose people to significant increased groundborne noise levels or vibrations long term.

- (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?*

As discussed in the Setting, the project site is located approximately 9 miles south of the Paso Robles Airport, and is not located in any of the airports identified noise contours or located beneath any designated Aircraft Flight Paths. Due to the proximity of the site away from the Airport, the project would not subject workers to excessive aviation related noise levels.

Initial Study – Environmental Checklist

Conclusion

No significant noise impacts are anticipated.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XIV. POPULATION AND HOUSING

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

Setting. 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 provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

- (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?*

Discussion. As discussed in the project description, the single-family residence which previously existed on the project site was destroyed by fire in 2009. There are no other residences on the project site. The proposed project would not result in the removal of, or the construction of, any housing.

Mitigation/Conclusion. The project would not result in the need for a significant amount of new housing; and would not displace existing housing. The project would be conditioned to provide payment of the housing impact fee for commercial projects. No significant population/housing impacts are anticipated, and no mitigation measures are necessary.

Initial Study – Environmental Checklist

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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff

Location: (Approximately 5.2 miles to the northwest)

Fire: Cal Fire (formerly CDF)

Hazard Severity: High

Response Time: 10-15 minutes

Location: (Approximately 5.7 miles to the east)

School District: Templeton Unified School District.

Fire Services

Police Services

Schools, Parks, Other Facilities

As discussed in Section 14. *Population/Housing* of this initial Study, the project would not induce the construction of any habitable structures and would not increase population. As such, the project would not

Initial Study – Environmental Checklist

generate development or changes in land use intensities that would change or increase existing demand, there would be no impact on schools, parks, or other governmental facilities.

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 site is located within 5.7 miles from San Luis Obispo County Fire Station 43. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is ten to fifteen minutes (San Luis Obispo County 1999). According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a "high" severity risk area for fire.

Although not anticipated, the potential for fire to occur at the project's construction site is possible. It is expected that the electrical, plumbing, and mechanical systems in the proposed structures would be properly installed in compliance with all California Fire Code, California Building Code, Public Resources Code and any other applicable fire laws, thereby reducing the potential for a fire. The construction site would also be subject to County requirements relative to water availability and accessibility to firefighting equipment. Adherence to these requirements during construction would reduce the potential for fire hazards during construction. The projects incremental impacts to Fire Department services would be insignificant and would not require new or altered facilities to service the site.

Police protection?

A Security Plan has been prepared by the applicant in accordance with San Luis Obispo County Code 22.40.040 – 22.40.130 and the San Luis Obispo County Sheriff's Office Requirements. The Security Plan sets forth specific security measures and protocols for perimeter security, facility access, lighting, video surveillance, alarm systems, and fire security. The Security Plan is subject to review and approval by the San Luis Obispo County Sheriff's Office prior to issuance of a County business licenses. 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 San Luis Obispo County Sheriff's Office; therefore, impacts related to police services would be less than significant.

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Schools?

Parks?

Other public facilities?

As discussed in Section 14. Population/Housing of this initial Study, the project would not induce the construction of any habitable structures and would not increase population. As such, the project would not generate development or changes in land use intensities that would change or increase existing demand, there would be no impact on schools, parks, or other governmental facilities.

Conclusion

Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address the project's contribution to cumulative impacts and will reduce the cumulative impacts to less than significant levels.

Mitigation

No significant public service impacts are anticipated, and no mitigation measures are necessary.

Sources

Exhibit A

Initial Study – Environmental Checklist

XVI. RECREATION

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

Setting/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?*
- (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 County's Parks and Recreation Element does not show a potential trail through the project site. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

The proposed project is not a residential project or large-scale employer and would not result in a significant population increase. Construction and operation of the proposed project would not have any adverse effects on existing or planned recreational opportunities in the County. The proposed project would not create a significant need for additional park, Natural Area, and/or recreational resources; nor does it include the construction or expansion of recreational facilities.

Conclusion

No significant recreation impacts are anticipated.

Mitigation

No mitigation measures are necessary.

Sources

Exhibit A

Initial Study – Environmental Checklist

XVII. TRANSPORTATION

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

Setting

The project site is located on SEPR, a regional collector serving ranchlands to the east of the City of Atascadero. Traffic counts taken on SEPR east of Templeton Road in 2017 revealed an afternoon peak hour volume of 88 vehicles and 776 average daily trips. The County has established the acceptable Level of Service (LOS) on roads for rural areas as "C" or better. SEPR is a County maintained road.

Discussion

(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)?*

As described in the project's traffic study prepared by Rick Engineering Company (2018), the proposed project is estimated to generate 42 average daily trips (ADT) during normal operations and 72 ADT during the harvest. The trip generation study concludes that the project will not generate any additional PM peak hour trips on a typical weekday (see Table 3).

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Table 3– Project Trip Generation Estimates

		ADT	PM Peak Hour Trips (5:00-6:00 PM) ^{1, 2}			Off-Peak PM Trips (6:00-7:00 PM)		
			In	Out	Total	In	Out	Total
Typical Operations								
Cultivation - 1st Shift Employees (6AM - 3PM)	5 Daily	10	-	-	-	-	-	-
Cultivation - 2nd Shift Employees (9AM - 6PM)	5 Daily	10	-	-	-	0	5	5
Manufacturing - Employees (7AM - 4PM)	4 Daily	8	-	-	-	-	-	-
Dispensary Deliveries - Employees (9AM - 6 PM) ³	1 Daily	12	-	-	-	0	1	1
Delivery Vehicles	2 Weekly ⁴	2	-	-	-	-	-	-
Total	-	42	0	0	0	0	6	6
Harvest Operations								
Cultivation - 1st Shift Employees (6AM - 3PM)	10 Daily	20	-	-	-	-	-	-
Cultivation - 2nd Shift Employees (9AM - 6PM)	15 Daily	30	-	-	-	0	15	15
Manufacturing - Employees (7AM - 4PM)	4 Daily	8	-	-	-	-	-	-
Dispensary Deliveries - Employees (9AM - 6 PM) ³	1 Daily	12	-	-	-	0	1	1
Delivery Vehicles	2 Weekly ⁴	2	-	-	-	-	-	-
Total	-	72	0	0	0	0	16	16
Notes:								
AM and PM peak volumes based on information provided by client regarding employees, scheduling, and carpooling activities.								
¹ Actual peak hour of adjacent roadway (S. El Pomar Road) is 5-6 PM based on actual 5-day weekday ADT counts collected on April 21, 2018 and April 23, 2018 through April 26, 2018.								
² These PM trips are excluded since they occur outside the actual PM peak hour(5-6pm).								
³ Assumes six (6) deliveries per day. Delivery trips are anticipated to occur outside the PM peak hour.								
⁴ One (1) delivery vehicle has been assumed every day to conservatively estimate the daily trips.								
* Carpooling incentive will be provided. However, carpooling reduction was conservatively not applied.								

Referrals were sent to County Public Works. Per the memo from David Grim, dated March 1, 2019, the department reviewed the project for the potential impacts to County maintained roads and recommended improvements to the existing SEPR project site access driveway approach to current B-1a and A-5 standards. In addition, the project is subject to the County Road Fee for Templeton Area B Road Fee Area, which addresses cumulative impacts to County roads in the area. No significant traffic-related concerns were identified. Nonetheless, based on the relatively low trip generation, 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.

- (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?*

Access to the site is provided by Quail Hollow Lane (a private road) through a locked access gate. The project does not propose any features that would delay or disrupt emergency vehicles or result in unsafe conditions. The project was also reviewed by CalFire for fire protection access requirements. In a response dated May 13, 2019, Cal Fire indicated the existing access road must be improved to provide a minimum edge to edge all-weather driving surface of no less than 24 feet wide. Cal Fire

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noted that most of the existing access road appeared to meet the required 24-foot width. In addition, CalFire classified the access road as a fire lane once onsite and requested road improvements to provide a minimum edge to edge all-weather driving surface of no less than 20 feet wide.

Conclusion

The project will be conditioned to pay the Templeton Area B Road Improvement Fee based on the latest adopted area fee schedule. Additionally, the project will be conditioned to comply with all CalFire requirements. No other significant traffic impacts were identified.

Mitigation

No mitigation measures above what are already required by existing regulations are necessary.

Sources

See Exhibit A.

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XVIII. TRIBAL CULTURAL RESOURCES

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

Setting

The project is located in an area historically occupied by the Obispeno Chumash and Salinan. No historic structures are present and no paleontological resources are known to exist in the area.

Central Coast Archaeological Research Consultants (CCARC) prepared a Phase I Cultural Resources Survey/Report dated April 2018. CCARC reviewed archaeological site records, site location base maps, GIS layers, and cultural resource surveys and excavation reports on file at the Central Coast Information Center (CCIC), at the University of California, Santa Barbara. CCARC also conducted a records search that included information on all surveys and sites within a .025-mile radius of the project site and sites within a 0.5-mile radius. In addition, CCARC consulted the National Register of Historic Places (NRHP) via the National Register Information Service (NRIS), the official online database of the NRHP, the California Inventory of Historic Resources, and the California Historical Landmarks. The searches identified one cultural resource. However, the study did not reveal any built environment properties or archaeological sites within the study area or

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within a 0.25-mile radius of the project area. Additionally, CCARC noted other intensive studies in the same region which also failed to identify cultural resources in comparison to the present survey. Finally, as mentioned on page thirty of this report, CCARC conducted an intensive survey of the project site for the presence of cultural/archaeological resources and did not find any prehistoric or historic cultural resources.

In accordance with AB 52 cultural resources requirements, outreach to numerous Native American tribes has been conducted: Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council. A response was received by the Northern Chumash Tribal Council requesting a copy of the archaeological report. No further consultation was requested.

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

The project is located in an area of moderate archeological sensitivity. However, the CCARC record search and field survey did not identify any prehistoric or historic materials located on or near the project site. Therefore, significant impacts are not anticipated.

Conclusion

No archaeological monitoring is recommended during grading activities unless previously undiscovered cultural materials are unearthed. Per County LUO Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area shall halt until they can be examined by a qualified archaeologist and appropriate recommendations made.

Mitigation

No significant impacts to cultural resources are expected to occur, and no additional mitigation measures are necessary.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XIX. UTILITIES AND SERVICE SYSTEMS

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

Setting/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?*

Wastewater disposal will be provided by an existing septic leach system. Water supply is provided by an on-site well. Water storage for domestic consumption and fire suppression is provided by one 5,000-gallon and three 10,000-gallon water storage tanks with a combined capacity of 15,000 gallons. The project will require the relocation of existing water storage tanks on the project site. The impacts of relocating these structures has been included in the topical analyses of this MND.

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

Future water demand associated with the project is quantified in Section X. Hydrology and Water Quality. According to the project application materials, the existing on-site well can produce 20.5 gallons per minute which is sufficient to supply the water demand associated the proposed cannabis activities (7.29 AFY).

- (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?*

Not applicable. The project will be served by an on-site septic system.

- (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?*

The nearest landfill to the site is the Chicago Grade Landfill, located approximately 800 feet to the west. 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. Operation of the project would generate solid waste that would be stored on-site until hauled. The cannabis waste would be composted or chipped and used as recyclable material. In addition, non-recyclable waste such as pesticide containers, fertilizer containers, packaging materials, and other solid non-toxic refuse waste, would be disposed of on-site and hauled to a landfill by an employee, once the waste has been made unrecognizable. Waste associated with the project would be routinely disposed of, and since operation of the project is not expected to generate a substantial amount of solid waste, impacts are considered less than significant.

Conclusion

The project will have a less than significant impact on utilities and service systems.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XX. WILDFIRE

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

Setting

The California Department of Forestry and Fire Protection (CalFire) provides mutual and automatic aid supporting the County of San Luis Obispo. The nearest CalFire station (Station 50) is located six miles to the east at 6055 Webster Road in the community of Creston. According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is located in a High Fire Hazard Severity Zone.

Discussion

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

Based on the project description, the project is not expected to substantially impair an adopted emergency response plan or evacuation plan.

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- (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?*

The project site is located in a rural area of the county where small-to-large scale agricultural operations are the predominant land uses. Topography of the project site is gently to steeply sloping and the existing structures are located at the top of a small knoll. Daytime prevailing winds are generally from the northwest. Existing vegetation includes non-native grasses and forbs and relatively dense oak and riparian vegetation along two ephemeral creeks. Accordingly, the fire hazard is considered High.

The project was reviewed by CalFire. In their letter of May 13, 2019, CalFire recommends fire protection requirements relating to fire sprinklers, vehicular access, water storage, fire pumps and hydrants, emergency access and addressing. Compliance with the recommendations of CalFire is expected to reduce potential impacts relating to the exposure of people and structures to wildfires to a less than significant level.

Conclusion

Compliance with the recommendations of CalFire is expected to reduce potential impacts relating to the exposure of people and structures to wildfires to a less than significant level.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>(a) <i>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?</i></p> <p>The proposed project does not have the potential to substantially degrade the quality of the environment. Potential impacts to biological resources have been identified but would be mitigated to a level below significant. Compliance with all the mitigation measures identified in Section IV (Biological Resources) will ensure that project implementation will 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, or reduce the number or restrict the range of a rare or endangered plant or animal. Implementation of the project will not eliminate important examples of</p>				

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the major periods of California history or pre-history. Therefore, the anticipated project-related impacts are less than significant with incorporation of the mitigation measures included in Section 4.

- (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 potential for adverse cumulative effects were considered in the response to each question in sections 1 through 20 of this form. In addition to project specific impacts, this evaluation considered the project's potential for incremental effects that are cumulatively considerable. As described in Section 1, 3, and 4, there were determined to be potentially significant effects related to aesthetics, air quality, and biological resources. However, the mitigation measures included in each of these sections would reduce the effects to a level below significance. As a result of this evaluation, there is no substantial evidence that, after mitigation, there are cumulative effects associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

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

In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in Sections 3. Air Quality, 7. Geology & Soils, 9. Hazards & Hazardous Materials, 10. Hydrology and Water Quality, 11. Land Use and Planning, 13. Noise, 14. Population & Housing, 15. Public Services, 17. Transportation, and 19. Utilities and Service Systems. Potential impacts related to air quality have been identified but would be mitigated to a level below significant. For the remaining issues, there is no substantial evidence that adverse effects to human beings are associated with this project. Therefore, the project has been determined not to meet this Mandatory Finding of Significance.

Sources

See Exhibit A.

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Exhibit A - Initial Study References and Agency Contacts

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

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

** "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 Planning and Building Department.

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

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

Project-Specific Studies

Rick Engineering Company – Traffic Division, Traffic Study for City Boy Farms, June 7, 2018

Kevin Merk Associates, LLC, Biological Resources Assessment for Proposed Agricultural Project at 4225 South El Pomar Road, July 11, 2018

Terra Verde Environmental Consulting, LLC, Biological Resource Assessment for proposed Cannabis Cultivation Project at 4337 South El Pomar Road, September 2018

Central Coast Archaeological Research Consultants, Cultural Resources Survey of City Boy Farms, April 2018

Criterion Environmental Inc, Cannabis Odor Analysis and Odor Abatement Plan for City Boy Farms, April 25, 2019

BSK Associates Laboratory, Water Analysis, July 7, 2017

Wallace Group, Water Demand Evaluation for Proposed Cannabis Cultivation, 4225 South El Pomar Road, July 25, 2019

Miller Drilling Co., Well Test Report for 4225 South El Pomar Road, August 24, 2017

Other County References

United States Department of Agriculture, Natural Resource Conservation Service. Web Soil Survey. Available at <<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>> Accessed June 2019

California Department of Conservation (DOC). 2015. Fault Activity Map of California (2010) Available at <<http://maps.conservation.ca.gov/cgs/fam/>> Accessed on: June 2019.

San Luis Obispo County. 1999. General Plan Safety Element.
<https://www.slocounty.ca.gov/getattachment/893b6c58-7550-4113-911c-3ef46d22b7c8/Safety-Element.aspx>
accessed May 2019

San Luis Obispo County Air Pollution Control District (SLOAPCD). 2019. SLO APCD NOA Screening Buffers. Available at
<<https://www.google.com/maps/d/viewer?mid=1YAKJBzVkw1bZ4rQ1p6b2OMyvIM&ll=35.66407615333322%2C-120.44668446503107&z=11>> Accessed on June 3, 2019

City of Paso Robles. 2007. Paso Robles Airport Land Use Plan. Available at
<https://www.prcity.com/354/Airport-Land-Use-Plan> Accessed on: June 2019

County Department of Public Works. Traffic Count Data. Available at
<<https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Transportation/Traffic-Count-Data.aspx>> Accessed on: June 2019

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Exhibit B - Mitigation Summary

The applicant has agreed 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.

Aesthetics

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

- a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
- b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;
- c. Any exterior path 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. Exterior path lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and
- d. Any exterior lighting used for security purposes shall be motion activated, 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, and shall be of the lowest-lumen necessary to address security issues.

Air Quality

AQ-1 **Dust Control.** The project proposes grading areas that are greater than 4 acres in size and within 1,000 feet of a sensitive receptor. The following measures shall be implemented to minimize nuisance impacts and to significantly reduce fugitive dust emissions:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD’s limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder should consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of

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water used for dust control. Please refer to the San Joaquin Valley Air District for a list of potential dust suppressants;

- c. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. Permanent dust control measures identified in the approved project plans (e.g., revegetation and landscape plans, etc.) shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air Pollution Control District (APCD) (*project manager add following as applicable* – “and for applications within close proximity to sensitive habitats, CA Department of Fish and Wildlife (CDFW)-compliant stabilizing methods shall be used”);
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CA Vehicle Code Section 23114;
- j. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- l. All PM₁₀ mitigation measures required should be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons whose responsibility

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is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact Tim Fuhs at 805-781-5912).

AQ-2

Standard Construction Measures. Based on Air Pollution Control District's (APCD) CEQA Handbook (2012), to reduce nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment, the applicant shall incorporate into the project the following "standard" construction mitigation measures:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets 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;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-3

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

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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. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

Biological Resources

BIO-1 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-2 Native Trees (Oaks) –Minimizing Impacts. When trees are proposed for removal or to be impacted within their driplines/ canopies, 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

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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 (Figure 1). 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-3

Native Tree (Oaks) – Replacement/Planting. If any oak tree is impacted or removed on site, these are considered individual oak trees with replacement planting to be conducted on-site.

- a. 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.
 - 2. For each tree identified for removal, four (4) seedlings will be planted.
- b. 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;

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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.

BIO-4 **Monitoring.** To guarantee the success of the new 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. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator 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 Environmental Coordinator.

BIO-5 **Sensitive Bats - Pre-construction Maternity Colony or Hibernaculum Surveys.** To minimize project impacts on bats, no more than 15 **days prior to grading or improvements** near or the removal of trees or other structures, the Applicant shall retain a County- qualified biologist, holding a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle bats, to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If active maternity roosts or hibernacula are found, the structure, tree or tower occupied by the roost shall be avoided (i.e., not removed), if feasible. If avoidance of the maternity roost is not feasible, the biologist shall survey (through the use of radio telemetry or other CDFW-approved methods) for nearby alternative maternity colony sites. If the biologist determines, in consultation with the CDFW and County, that there are alternative roost sites used by the maternity colony and young are not present then no further action is required, and it will not be necessary to provide alternate roosting habitat.

BIO-6 **American Badger - Pre-construction survey and avoidance measures.** To minimize project-related impacts to the American Badger, **no more than 30 days prior to the site disturbance**, the Applicant shall retain a County- qualified biologist to conduct pre-construction surveys for American badger within suitable habitat on the project site. If present, occupied badger dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season (15 February through 1 July) and a minimum 200-foot buffer established. The extent of buffers shall be flagged in the field utilizing a method highly visible by construction crews. Buffers may be modified with the concurrence of the CDFW. Maternity dens shall be flagged for avoidance,

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identified on construction maps, and a biological monitor shall be present during construction to monitor for adequate protection of all identified dens and to ensure that all flagging is kept in good working order.

BIO-7 Silvery Legless Lizard - Pre-Construction Surveys and Avoidance Measures. The Applicant shall retain a County- qualified biologist to conduct pre-construction surveys immediately **prior to ground disturbance** (i.e., the morning of the commencement of). If silvery legless lizard is found within the area of disturbance, the biologist will relocate the animals to a pre-approved location outside the project or work area with suitable habitat. The candidate locations for species relocation will be identified **prior to ground disturbance** and based on the size and type of habitat present, the potential for negative interactions with resident species, and species range.

BIO-8 Avoidance of Nesting Birds – During project construction: To avoid impacts to nesting birds, including special status species such as the sharp shinned hawk and species protected by the Migratory Bird Treaty Act, any tree or shrub removal should be limited to the time period between September 1 and February 14, if feasible. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction survey for active bird nests within the limits of the project shall be conducted by a qualified biologist and the following measures incorporated.

Surveys shall be conducted within two weeks prior to any construction activities proposed to occur between February 15 and August 31. If no active nests are located, ground disturbing/construction activities may proceed. If active nests are located, then all construction work shall be conducted outside a non-disturbance buffer zone to be developed by the project biologist based on the species (i.e., 50 feet for common species and at least 500 feet for raptors and special status species), slope aspect and surrounding vegetation. No direct disturbance to nests shall occur until the young are no longer reliant on the nest site as determined by the project biologist. The biologist shall conduct monitoring of the nest until all young have fledged.

BIO-9 Drainage Modifications. All reasonable construction and grading efforts shall be made to maintain the historic drainage patterns and surface flow volumes for all (oak) trees to remain that are within 50 feet of the construction limits. If historic flows cannot be maintained for affected tree roots, a drainage plan shall be prepared that shows the new patterns on impacted trees and the reason for drainage pattern change. The Plan shall be submitted to the County for review.

The applicant agrees that if the County determines the change in surface flow is significant, that they will prepare a replanting plan to install onsite, in-kind replacement trees (at up to 4:1 replacement ratio) in an area to be left undisturbed in the future. Additional maintenance and monitoring of existing and/or replacement trees may also be required.

BIO-10 Sensitive Habitat Protection - Avoidance. There shall be no cutting, alteration or disturbance of the existing riparian habitat as identified on habitat map in the Biological Resource Assessment prepared for the project site by Kevin Merk Associates in July 2019 (Exhibit A). Furthermore:

- a. Adequate measures (e.g., highly visible temporary fencing, etc.) shall be installed prior to any construction to clearly delineate that this habitat will be avoided.

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- b. Best Management Practices for sedimentation and erosion control shall be applied to prevent sediment from entering into this habitat.
- c. Any soil binders used within 50 feet of top of bank/riparian edge must be compatible with riparian habitats. Only soil binders/dust suppressants that have been approved for use in and adjacent to stream and lake habitats by one of the following: United States Environmental Protection Agency (EPA) under the Environmental Technology Verification (ETV) program; the United States Department of Agriculture (USDA) BioPreferredSM program; or CDFW. Approved soil binders/ dust suppressants shall be applied in such a manner as to avoid overspray outside of the target area.
- d. All temporary and permanent vegetation planting within 50 feet of habitat edge shall be compatible with existing habitat vegetation and shall not include any plants considered 'invasive' (as identified on the latest California Invasive Plant Council list).
- e. All proposed uses and/or structures shall be setback adequately from the riparian edge, per the approved plans.

Hazards and Hazardous Materials

- HAZ-1** All project-related spills of hazardous materials within or adjacent to the project corridor shall be cleaned-up immediately. Spill prevention and clean-up materials shall be onsite at all times during construction.
- HAZ-2** During construction activities, the cleaning and refueling of equipment and vehicles shall occur only within a designated staging area. This staging area shall conform to all applicable 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 avoid potential leaks or spills.

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September 10, 2019

Via Email and U.S. Mail

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Via Email Only

Ian Landreth, Project Manager, ILandreth@co.slo.ca.us
Ramona Hedges, rhedges@co.slo.ca.us

Re: City Boy Farms Project (CUP: DRC2017-00123, ED #19-043)
Document Access and Extension Requests

Dear Mr. Savage, Mr. Keith and Ms. Hedges:

We are writing on behalf of San Luis Obispo County Residents for Responsible Development (“the Coalition”) to request that San Luis Obispo County (“County”) extend the public review and comment period on the Initial Study¹ and Mitigated Negative Declaration (“MND”) for the City Boy Farms Project, Conditional Use Permit: DRC2017-00123 and Environmental Determination #19-043 (“Project”) due to the County’s failure to provide access to all documents referenced in the MND during the entire comment period, as required by the California Environmental Quality Act.²

¹ County of San Luis Obispo, Department of Planning and Building, Initial Study – Environmental Checklist: City Boy Farms, Conditional Use Permit DRC2017-00123 (ED19-0043) (Aug. 16, 2019).

² Pub. Resources Code §§ 21000 *et seq.*
4705-003j

September 10, 2019

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On September 5, 2019, we submitted a request for immediate access to any and all documents referenced or relied upon in the MND,³ as well as a request for immediate access to any and all public records referring or related to the Project.⁴ The former request was made pursuant to the California Environmental Quality Act,⁵ Public Resources Code § 21092(b)(1), which requires that all documents *referenced* in an environmental review document be made available to the public for the entire comment period.⁶ The latter request was made pursuant to the California Public Records Act § 6253(a), which requires public records to be “open to inspection at all times during the office hours of the state or local agency” and provides that “every person has a right to inspect any public record.”⁷

CEQA affords the public a right of access to the reference documents and supporting evidence that the lead agency is relying on to support the conclusions and findings in an Initial Study and MND.⁸ It is well settled that a CEQA document may not rely on hidden studies or documents that are not provided to the public.⁹ The courts have held that the failure to provide even a few pages of a CEQA document for a portion of the CEQA review period invalidates the entire CEQA process, and that such a failure must be remedied by permitting additional public comment.¹⁰

Although the County included comment letters from several government agencies with the Initial Study and MND when the public comment period opened,¹¹ most reference documents cited in Exhibit A of the Initial Study remain

³ Letter from Janet Laurain, Adams Broadwell Joseph & Cardozo to Guy Savage, Assistant County Administrative Officer, San Luis Obispo County, et al. re: Request for *Immediate Access* to Documents Referenced in Mitigated Negative Declaration – City Boy Farms, CUP: DRC2017-00123; Environmental Determination #19-043 (Sept. 5, 2019).

⁴ Letter from Janet Laurain, Adams Broadwell Joseph & Cardozo to Guy Savage, Assistant County Administrative Officer, San Luis Obispo County, et al. re: Request for *Immediate Access* to Public Records – City Boy Farms Project, CUP: DRC2017-00123; Environmental Determination #19-043 (Sept. 5, 2019) (*hereinafter* “Initial Study”).

⁵ Pub. Resources Code §§ 21000 *et seq.*

⁶ Pub. Resources Code § 21092(b)(1) (emphasis added).

⁷ Gov. Code § 6253(a).

⁸ Pub. Resources Code § 21092(b)(1); Cal. Code Regs. § 15087(c)(5).

⁹ *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818, 831 (“Whatever is required to be considered in an EIR must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in the report.”).

¹⁰ *Ultramar v. South Coast Air Quality Man. Dist.* (1993) 17 Cal.App.4th 689, 699.

¹¹ County of San Luis Obispo, Citizen Self Service, Plan Number: DRC2017-00123, Attachments, https://energov.sloplanning.org/EnerGov_Prod/SelfService#/plan/24DDB2AF-B7A6-4170-98F6-4705-003j

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unavailable.¹² In response to our September 6, 2019 request, the County provided access to some, but not all, documents identified in Exhibit A.¹³ Additional documents were provided on September 9, 2019.¹⁴

The County has yet to provide the September 2018 Biological Resources Assessment completed by Terra Verde Environmental Consulting, LLC.¹⁵ In addition, our office is unable to access the documents which were included in the Staff Report electronic folder produced on September 9, 2019. Lastly, the County omitted the air quality data assumptions and spreadsheet model referenced by the San Luis Obispo Air Quality Pollution Control District.¹⁶

The reference documents are essential to the Coalition's and other public citizens' ability to meaningfully review the MND and provide informed comments on the CEQA document. By failing to make all documents referenced in the Initial Study and MND "readily available" during the entire comment period, the County is violating the procedural mandates of CEQA, to the detriment of the Coalition and other members of the public who wish to review and comment on the Initial Study and MND.

To remedy these deficiencies, the County must provide additional time for the public to review the Initial Study and MND. Accordingly, we request:

- 1) the County immediately provide access to all reference documents, including, but not limited to, those materials identified above; and

0747EBD28F1F?tab=attachments (last accessed Sept. 9, 2019); *see also* Office of Planning and Research, CEQAnet, City Boy Farms Conditional Use Permit DRC2017-00123, <https://ceqanet.opr.ca.gov/2019089069/2> (last accessed Sept. 9, 2019).

¹² See Initial Study at pp. 93-94.

¹³ Email from Ramona Hedges, County of San Luis Obispo, Department of Planning and Building to Janet Laurain re: FW: Ramona Hedges Shared the Folder "Adams Broadwell Joseph & Cardozo #1" With You (Sept. 6, 2019).

¹⁴ Email from Ramona Hedges, County of San Luis Obispo, Department of Planning and Building to Janet Laurain re: FW: Ramona Hedges Shared the Folder "Adams Broadwell Joseph & Cardozo #2" With You (Sept. 9, 2019).

¹⁵ Initial Study at p. 94.

¹⁶ *Id.* at pp. 28-30; *see also* Letter from Jackie Mansoor, Air Quality Specialist, San Luis Obispo County Air Pollution Control District to Ian Landreth, Count of San Luis Obispo, Department of Planning and Building re: APCD Comments Regarding the Conditional Use Permit for CB Farms Cannabis Project (DRC2017-00123) (July 23, 2019).

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- 2) the County extend the public review and comment period for the Initial Study and MND for at least 30 days from the date on which the agency releases *all* the referenced documents for public review.

Given the short time before the current comment deadline expires, please contact me as soon as possible with your response to this request, but no later than close of business on **September 13, 2019**.

Please feel free to call or email with any questions. Thank you for your prompt attention and response to this matter.

Sincerely,



Andrew J. Graf

AJG:lj1



COUNTY OF SAN LUIS OBISPO

DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES

Martin Settevendemie, Agricultural Commissioner / Sealer of Weights & Measures

DATE: June 4, 2019
TO: Ian Landreth, Project Manager
FROM: Lynda L. Auchinachie, Agriculture Department
SUBJECT: City Boy Farms Conditional Use Permit DRC2017-00123 (2033)

The applicant is requesting a conditional use permit to allow for three one-acre outdoor cannabis cultivation sites, 22,000 square feet of indoor cannabis cultivation area within proposed 30,000 square feet of greenhouse structures, an 8,000 square foot manufacturing facility, and 115,000 square feet of nursery area. The approximately 25-acre project site is located within the Agriculture land use category near Templeton.

The proposal has been reviewed for ordinance and policy consistency as well as potential impacts to on and off-site agricultural resources and operations. The following recommendations and conditions of approval should be considered:

- To minimize impacts to agricultural resources, reduce the total square footage of structures.
- Cannabis cultivation grading activities shall be consistent with the conservation practices and standards contained in the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG). Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site drainage and erosion and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Section 22.52.150C of the Land Use Ordinance.
- Prior to commencing permitted cultivation activities, the applicant shall consult with the Department of Agriculture regarding potential licensing and/or permitting requirements and to determine if an Operator Identification Number (OIN) is needed. An OIN must be obtained prior to any pesticides being used in conjunction with the commercial cultivation of cannabis; "pesticide" is a broad term, which includes insecticides, herbicides, fungicides, rodenticides, etc., as well as organically approved pesticides.
- Throughout the life of the project, best management water conservation practices shall be maintained.
- Minimize the number of parking spaces to minimize impacts to agricultural resources.

The above comments and recommendations are based on the Agriculture Department's application of policies in the San Luis Obispo County Agriculture Element, the Conservation and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA) and on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture. The Agriculture Department is a referral agency to the Planning and Building Department. Comments and recommendations are specific to agricultural resources and operations and are intended to inform the overall decision-making process.

If you have any questions, please call me at 805.781.5914.

Department of Agriculture / Weights & Measures

2156 Sierra Way, Suite A | San Luis Obispo, CA 93401 | (P) 805-781-5910 | (F) 805-781-1035
agcommslo@co.slo.ca.us | slocounty.ca.gov/agcomm



COUNTY OF SAN LUIS OBISPO
Department of Public Works
Colt Esenwein, *Director*

FINAL REFERRAL

Date: March 1, 2019
To: Ian N. Landreth, Planning and Building
From: David E. Grim, Development Services
Subject: **Public Works Final Comments on DRC2017-00123 CB Farms CUP, El Pomar Rd., Templeton, APN 034-321-004**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

RICK Engineering contacted Public Works on 10/2/2018 requesting we not accept their 7/7/18 project traffic report because their client has failed to pay for the services provided.

Public Works Comments:

- A. Public Works has amended our comments and recommendations based on our understanding of the revised project description:
 - 3 acres outdoor cultivation
 - 175,870 square feet nursery/greenhouse
 - 8,000 square feet industrial/manufacturing/processing building
- B. The project site driveway approach should be reconstructed to current County standards to protect the County public road from edge of pavement damage and minimize tracking soil and rocks onto the roadway surface.
- C. The proposed project is within a drainage review area. Drainage plan may be required at the time of future building permit submittal by Public Works. The applicant should review Chapter 22.52.110 or 23.05.040 of the Land Use Ordinance.
- D. The proposed project is within the Templeton Area B Road Fee Area. Payment of Road Improvement Fees is required prior to future building permit issuance, and 30-days after project approval.
- E. The project is located outside a Stormwater Management Area. However, if the project site disturbs 1.0 acre or more the applicant may be required to enroll for coverage under California's Construction General Permit, which may include preparation of a project Stormwater Control Plan even though its located outside a Stormwater Management Area.
- F. The site is within the Paso Robles groundwater basin and is therefore subject to the Sustainable Groundwater Management Act (SGMA). However, the Groundwater Sustainability Agency responsible for overseeing SGMA compliance has not completed the planning efforts that will define the need for any groundwater mitigation requirements. In the interim, consideration of the project's impacts on the groundwater basin should be included in the project's CEQA analysis.

Recommended Project Conditions of Approval:

Access

1. **Prior to commencing permitted activities**, the applicant shall submit to the Department of Public Works an encroachment permit application, plans, fees, and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plans are to include, as applicable:
 - a. Reconstruct the existing South El Pomar Road project site access driveway approach to current B-1a and A-5 standards.
2. **Prior to commencing permitted activities**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the Public Works Inspector and in accordance with the County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.
3. **Prior to commencing permitted activities**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
4. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; landscaping; agricultural operations; etc. without a valid Encroachment Permit issued by the Department of Public Works.

Fees

5. **Prior to commencing permitted activities**, and in accordance with Title 13.01 of the County Code, the applicant must pay to the Department of Public Works the Templeton Area B Road Improvement Fee based on the latest adopted area fee schedule and the following project description and trip rates:
 - a. 3 acres outdoor cultivation (6.00 ADT; 0.60 pht)
 - b. 176,580 square feet nursery/greenhouse (47.67 ADT; 4.77 pht)
 - c. 8,000 square feet industrial/processing/manufacturing/service (39.68 ADT; 3.2 pht, based on ITE 110 – General Light Industrial)

Based on the above project description and trips, the fee is estimated at \$72,519 (8.57 pht x \$8,462/pht). The fee schedule is subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of payment.

Drainage

6. **At the time of application for construction permits**, the applicant may be required to submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance.
7. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

G:\Development\DEVSEV Referrals\Land Use Permits\CUP\DRC2017\DRC2017-00123 CB Farms CUP Templeton\DRC2017-00123 CB Farms CUP Templeton_Version 3_DEG.docx



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
MARVIN A. ROSE, INTERIM DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 7/15/2019
TO: Environmental Health, Air Pollution Control District
FROM: Ian Landreth (805-781-1298 or ilandreth@co.slo.ca.us)

PROJECT NUMBER & NAME: DRC2017-000123 CB FARMS

PROJECT DESCRIPTION: Proposed Conditional Use Permit for Cannabis Activities to include indoor greenhouse cultivation (22,000sqft grow area; 6,850sqft nursery; 37,350sqft building total), additional indoor nursery (160sq; existing 160sq building), 3 acres outdoor cultivation, manufacturing (8,000sqft), nursery outdoors (139,230sqft), and non-storefront dispensary (600sqft) on El Pomar Road in Templeton.

APN(S): 034-321-004

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART I: IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
☐ NO (Please go on to PART III.)

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Please see attached.
7-30-19 Ke Ghiglia x5551
Date **Name** **Phone**



**COUNTY OF SAN LUIS OBISPO HEALTH AGENCY
PUBLIC HEALTH DEPARTMENT**

Michael Hill *Health Agency Director*

Penny Borenstein, MD, MPH *Health Officer/Public Health Director*

July 30, 2019

To: Ian Landreth, 805-781-1298, ilandreth@co.slo.ca.us
SLO County Planning and Building

From: Environmental Health
Kealoha Ghiglia, 805-781-5551, klghiglia@co.slo.ca.us *kg*

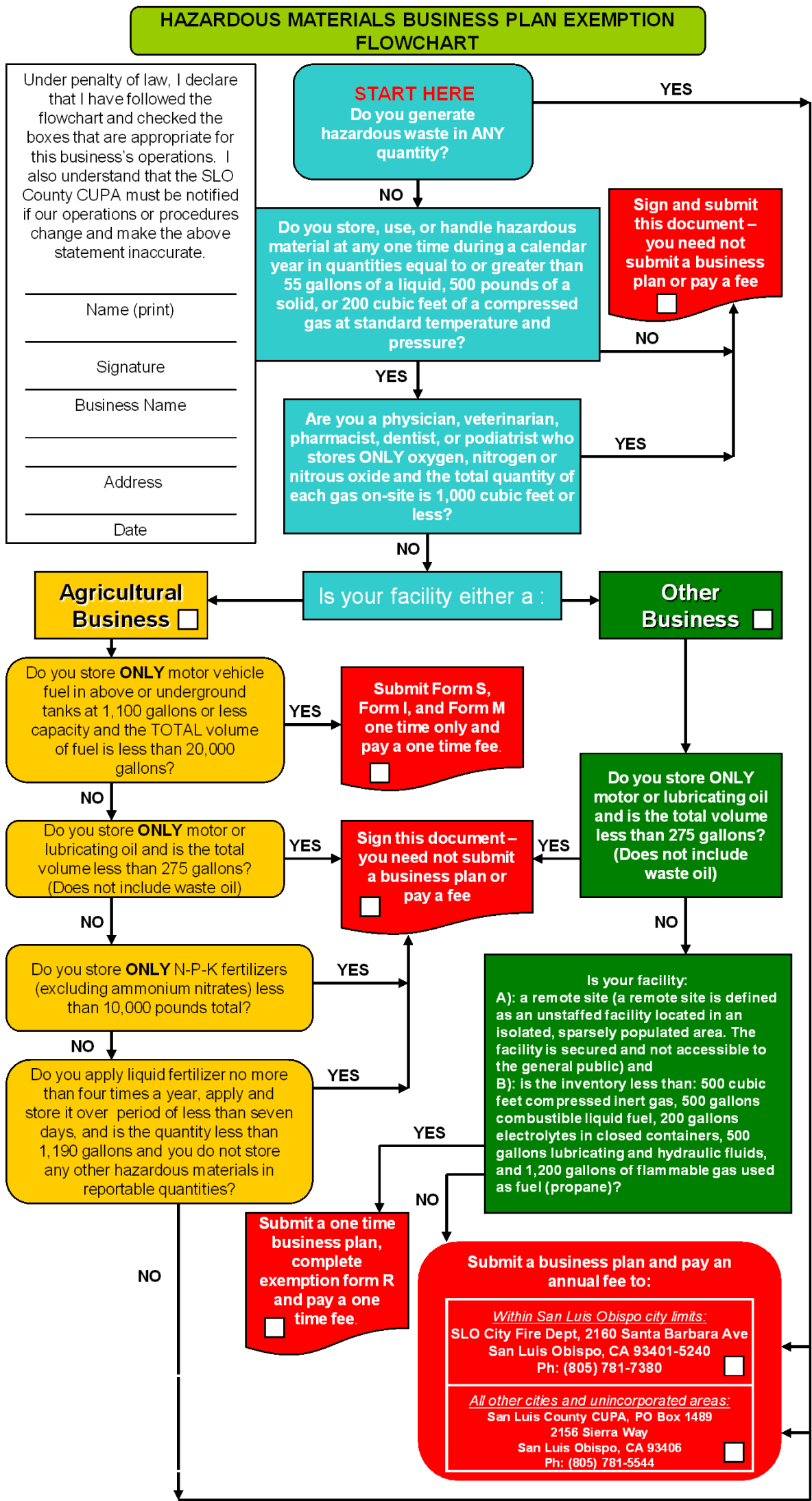
RE: DRC2017-00123 CB Farms Cannabis CUP for Cultivation, Manufacturing, and Non-Storefront Dispensary

Applicant to return attached Hazardous Materials Declaration Flowchart to this office. Be advised that threshold levels are 55 gallons, 500 pounds or 200 cubic feet and common materials include (but are not limited to): fuel, paint, lubricants, pesticides, pool chemicals and compressed gases (such as CO₂). If extraction is proposed, the applicant is also advised to discuss the extraction process and materials with the hazardous materials inspector. Contact Matheson Bliss at (805) 781-5557 or msbliss@co.slo.ca.us with any questions regarding this form and send completed form directly to her.

Applicant/property owner is advised that if the on-site population (including all uses served by water system) reaches 25 persons or more for at least 60 days per year, including residents and employees, any domestic water supply would be required to permit as a public water system. If the property does not currently meet the threshold to become a public water system, but onsite population increases at a later date, property owner/manager to contact this office to determine if a public water system is required. Please be advised for future planning purposes that water system requirements will be reviewed if/when any building permit application is submitted. Applicant or property owner/manager to contact Kealoha Ghiglia at klghiglia@co.slo.ca.us or (805) 781-5551 for questions regarding water supply.

Environmental Health Services

2156 Sierra Way, Suite B | San Luis Obispo, CA 93401 | (P) 805-781-5544 | (F) 805-781-4211
www.slopublichealth.org/ehs



COMMON HAZARDOUS MATERIALS

- Lubricants
- Solvents
- Compressed Gases
- Fuel
- Pesticides
- Paint

COMMON HAZARDOUS WASTES

- Crank Case Oil
- Used Anti-Freeze
- Paint
- Used automotive batteries
- Spent solvents

Not sure?

Please contact The County of San Luis Obispo
Public Health Department
Division of Environmental Health
at
(805) 781-5544



Air Pollution Control District
San Luis Obispo County

Via Email

July 23, 2019

Ian Landreth
County of San Luis Obispo Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
ilandreth@co.slo.ca.us

SUBJECT: APCD Comments Regarding the Conditional Use Permit for CB Farms
Cannabis Project (DRC2017-000123)

Dear Mr. Landreth:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at El Pomar Road in Templeton. The proposed project includes a Conditional Use Permit for cannabis activities including:

- (3) outdoor nurseries totaling 139,230 square feet;
- 3 acres of outdoor cultivation;
- 37,350 square foot greenhouse;
- 8,000 square foot manufacturing building;
- 600 square foot non-storefront dispensary;
- 65 x 65 x 10 feet deep reservoir.

The proposal includes an odor neutralizing component for the outdoor growing activities on the northern portion of the property and the greenhouses would have carbon filters for odor mitigation.

The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE

Construction Phase Impacts - Below Threshold

The APCD evaluated the construction impacts of this project to assess potential air quality impacts using a spreadsheet model for estimating construction emissions related to the development of land uses. The construction phase impacts will likely be less than the APCD's significance threshold values identified in Table 2-1 of the [CEQA Air Quality Handbook](#) (April 2012). **Therefore, with the exception of the requirements below, the APCD is not requiring other construction phase mitigation measures for this project.**

Developmental Burning

APCD Rule 501 prohibits developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the APCD Engineering & Compliance Division at 805-781-5912.

Dust Control Measures

This project is within 1,000 feet of residential dwellings. Construction activities can generate fugitive dust, which could be a nuisance to residents and businesses in close proximity to the proposed construction site. **Projects with grading areas that are greater than 4-acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD's 20% opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).**

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. **When drought conditions exist and water use is a concern, the contractor or builder should consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.** Please refer to the following link from the San Joaquin Valley Air District for a list of potential dust suppressants: [Products Available for Controlling Dust](#);
- c. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface

- at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114;
 - j. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
 - l. All PM₁₀ mitigation measures required should be shown on grading and building plans; and
 - m. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact Tim Fuhs at 805-781-5912).

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.

The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the [CEQA Air Quality Handbook](#) (April 2012).

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generators; and
- Internal combustion engines.

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering & Compliance Division at 805-781-5912 for specific information regarding permitting requirements.

APCD Comments for CB Farms Cannabis Project
July 23, 2019
Page 4 of 5

OPERATIONAL PHASE

Operational Phase Impacts - Below Threshold

Based on the APCD's evaluation, the operational phase would likely be less than the APCD's significance threshold values identified in Table 3-2 of the [CEQA Air Quality Handbook](#) (April 2012). **Therefore, with the exception of the requirements below, the APCD is not requiring other operational phase mitigation measures for this project.**

Operational Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements and should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the [CEQA Air Quality Handbook](#) (April 2012).

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generators;
- Small scale manufacturing;
- Boilers;
- Internal combustion engines;
- Sterilization units(s) using ethylene oxide and incinerator(s); and
- Cogeneration facilities.

Most facilities applying for an Authority to Construct (ATC) or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do an additional health risk assessment. **To minimize potential delays, prior to the start of the project, please contact the APCD Engineering & Compliance Division at 805-781-5912 for specific information regarding permitting requirements.**

Operational Phase Permit - Manufacturing/Processing of Cannabis

The APCD has determined that all cannabis processing facilities are subject to permitting requirements and must complete and submit an application for an APCD Cannabis Manufacturing/Processing ATC prior to commencing the manufacturing/processing of cannabis products. Please contact the APCD at 805-781-5912 for more information. In addition, all facilities shall have a manufacturing license with the California Department of Public Health Manufactured Cannabis Safety Branch prior to applying for an ATC.

Nuisance – Manufacturing/Processing of Cannabis

As defined in APCD's Rule 402 and with the exception of Section 41705, a person shall not discharge, from any source whatsoever, such quantities of air contaminant or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or public, or which cause or have a natural tendency to cause, injury or damage to business or property. The APCD has jurisdiction over nuisance related to odors and air contaminant emissions emanating from the

APCD Comments for CB Farms Cannabis Project
July 23, 2019
Page 5 of 5

manufacturing/processing of cannabis and from masking/neutralizing agents used to control or eliminate cannabis manufacturing/processing odors. Verified nuisance odors may result in enforcement action which could include the requirement for odor controlling devices. **For nuisance concerns related to the manufacturing/processing of cannabis, please contact the APCD Engineering and Compliance Division at 805-781-5912 or online at: slocleanair.org/air-quality/complaints.php.**

Operational Phase Permit – Masking/Neutralizing Agents for Indoor/Outdoor Agricultural Growing of Cannabis

The APCD has jurisdiction over nuisance related to odors and air contaminant emissions emanating from masking/neutralizing agents used to control or eliminate cannabis odors. Verified nuisance odors may result in enforcement action which could include the requirement for odor controlling devices. **If masking or neutralizing agents will be used related to indoor/outdoor cannabis agricultural crops, to determine permit applicability, please contact APCD Engineering and Compliance Division at 805-781-5912 or online at: slocleanair.org/air-quality/complaints.php.**

Nuisance – Agricultural Growing of Cannabis

The California Department of Food and Agriculture has identified cannabis as an agricultural product, therefore the APCD recognizes cannabis as an agricultural crop. The California Health and Safety Code Section 41705 specifically exempts APCD's jurisdiction over nuisance related to odors emanating from the growing of agricultural crops. However, as a controlled substance, crop waste from the agricultural growing of cannabis is not eligible for agricultural burning. **For nuisance concerns related to the agricultural growing of cannabis, please contact the San Luis Obispo County Code Enforcement at 805-781-5600 or online at: slocounty.ca.gov/Departments/Planning-Building/Code-Enforcement/Report-Suspected-Code-Violation.aspx.**

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5983.

Sincerely,



JACKIE MANSOOR
Air Quality Specialist

JNM/jjh

cc: Jason Kallen, Applicant

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CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805.543.4244 • Fax: 805.543.4248
www.calfireslo.org



RECEIVED

17 MAY 2019

Scott M. Jalbert, Unit Chief

May 13, 2019

PLANNING & BUILDING

San Luis Obispo County
Department of Planning & Building
County Government Center
San Luis Obispo, CA. 93408

Subject: DRC2017-00123 (City Boy Farms)
4225 S. El Pomar Drive (Quail Hollow Lane) near Templeton, CA.

Mr. Landreth,

CAL FIRE/San Luis Obispo County Fire Department has recently reviewed the New Project Referral information and the Site Plan for the proposed Conditional Use Permit to allow for a 30,000 square foot greenhouse structure (22,000 square foot grow area), an 8,000 square foot manufacturing facility, 3 acres of outdoor cannabis cultivation and approximately 115,000 square feet of outdoor nursery operations.

The project site is located upon lands classified as State Responsibility Area (SRA) for purposes of wildland firefighting. This specific geographic area has a **"High"** Fire Hazard Severity Zone rating.

Special Concerns:

The cumulative effects of commercial development and/or special event type programs within areas such as this continues to place challenges upon CAL FIRE/County Fire's ability to provide effective and efficient emergency services within rural areas.

The nearest CAL FIRE/County Fire station (#50-Creston) is located at 6055 Webster Road near the community of Creston, CA. This station has an approximate 9 mile vehicular travel distance and 12 minute response time to the proposed project site. A minimum of 2 fulltime firefighters are on duty at this station throughout the entire year.

The following are requirements that must be satisfied prior to final inspection and occupancy.

- A Registered Fire Protection Engineer (F.P.E.) shall provide input in order to determine whether or not a commercial fire sprinkler system shall be required within the proposed 30,000 square foot greenhouse structure. The San Luis Obispo County Department of Planning & Building shall also provide input in making the determination. A comprehensive written technical analysis of all fire suppression system related components is required and must be provided to CAL FIRE/County Fire prior to building permit application. This comprehensive technical analysis shall include the following: fire sprinklers, underground piping, fire hydrants, water storage tanks and the fire pump.

- The proposed 8,000 square foot manufacturing facility shall require a commercial fire sprinkler system. A Registered Fire Protection Engineer shall determine the appropriate classification of fire sprinkler system to be installed within the proposed manufacturing facility. An occupancy classification change to any existing structure shall require the installation of an appropriately designed, installed and inspected fire sprinkler system.
- If the greenhouse structure satisfies all San Luis Obispo County Dept. of Planning & Building requirements for such structures, fire sprinklers shall not be required.
- **VEHICULAR ACCESS** – The existing access road (Quail Hollow Lane) must be improved to provide a minimum edge to edge all-weather driving surface of no less than 24-feet wide. Overall, this existing access road appears to provide the required 24-foot width for most of the roadway length from S. El Pomar Drive to the property gate. Once onsite, the access road shall be classified as a fire lane. The onsite fire lane must provide a minimum edge to edge all-weather driving surface of no less than 20-feet wide. The existing gate must provide a minimum 24-foot width between posts. Paving is required for all portions of the access road and fire lane exceeding a 12% grade.
- **WATER STORAGE** - “Poly” and or plastic style water storage tanks shall not be allowed. Multiple or “daisy chained” tanks are not allowed to be utilized to provide water held in storage dedicated to fire suppression purposes unless designed by a Registered Fire Protection Engineer and approved by CAL FIRE/County Fire. The Registered Fire Protection Engineer shall determine the amount of water required to be held in storage dedicated to fire suppression purposes for the entire site. Existing water storage tanks located onsite, will not satisfy relevant code(s) for the current proposal. If fire sprinklers are required within the greenhouse, this must be accounted for within the comprehensive technical analysis provided by the Registered Fire Protection Engineer.
- **FIRE PUMP/HYDRANTS** – Pressurized fire hydrants are required onsite and shall be placed in compliance with relative code(s). Fire hydrants must provide (2) 2-1/2 inch male connections and (1) 4-inch male connection. All connections must be National Standard threads.
- **ALARMS/DETECTION** – Where required, commercial fire sprinkler system(s) shall be monitored in accordance with all relative standards set forth within N.F.P.A. 72 and 13. A properly designed and installed heat/smoke detection system may be required within certain structures. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically monitored for integrity and to ensure valves are locked in the open position. Monitoring shall be provided by a central station listed by Underwriters Laboratories for receiving fire alarms.
- **OCCUPANCY CLASSIFICATION** – An occupancy classification change to any existing structure located onsite shall require the installation of an appropriately designed and installed commercial fire sprinkler system.
- **EMERGENCY ACCESS** – A Knox Corporation key switch shall be installed on all electric vehicular gates and rapid entry Knox boxes shall be attached to commercial structures (where required and agreed upon). The Knox boxes shall be located where approved by County Fire.

- **ADDRESSING** – Address numbers and placement shall meet current commercial standards. The minimum address numbering size of 8-inch tall numbers with a ½ inch stroke shall be placed at the entrance to the proposed project. Numbering shall contrast to their background. Building identification may be required due to the size of the proposed project site. Proper signage shall be required onsite in order to properly identify access and egress routes.

CAL FIRE/County Fire and the applicant recently conducted an onsite consultation to discuss the specific requirements of the current project proposal.

The proposed project will require final inspection(s) prior to occupancy and/or business operations being conducted. Please contact this office at (805)593-3490 to schedule the final inspections once all requirements have been satisfied.

If I may be of additional assistance regarding this matter, please do not hesitate to contact me at (805)543-4244, extension 3425.

Sincerely,



Clinton I. Bullard

Fire Inspector

C: Kallen, Applicant/Agent
Hayden Family Trust, Landowner



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Central Region
 1234 East Shaw Avenue
 Fresno, California 93710
 www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
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PLANNING & BUILDING

**Subject: Conditional Use Permit Application (DRC2017-00123 CB Farms)
 PROJECT REFERRAL
 Indoor and Outdoor Cannabis Cultivation (PROJECT)**

Dear Ms. Cummings:

The California Department of Fish and Wildlife (CDFW) received a Project Referral for a Conditional Use Permit Application from San Luis Obispo County for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State (Fish & Game Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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need to exercise regulatory authority as provided by the Fish and Game Code. For example, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

Bird Protection: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include §§ 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, § 15380), CDFW recommends it be fully considered in the environmental analysis for this Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Jason Kallen, City Boy Farms

Objective: The Project proponent seeks a Conditional Use Permit to construct an indoor and outdoor cannabis cultivation area. The Project plans to include an indoor greenhouse (22,000 square foot [SF] grow area; 30,000 SF building total), 3.12 acres outdoor cultivation (136,080 SF), manufacturing facility (8,000 SF), nursery outdoors (115,750 SF), and gravel parking lot (13,500 SF).

Location: The Project is located on a 25.59-acre parcel at 4225 South El Pomar Road, Templeton, California, 93465; Assessor's Parcel Number 034-321-004, Agriculture zoned, in San Luis Obispo County.

Timeframe: Unspecified.

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COMMENTS AND RECOMMENDATIONS

CDFW offers the following recommendations to assist San Luis Obispo County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

I. Environmental Setting and Related Impact

Would the Project 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 CDFW or the United States Fish and Wildlife Service (USFWS)?

Review of the California Natural Diversity Database (CNDDB) reveals records for several special status species within the vicinity of the Project area including, but not limited to, the State Candidate for listing as Endangered tricolored blackbird (*Agelaius tricolor*); the State and federally Endangered least Bell's vireo (*Vireo bellii pusillus*); the State Threatened and federally Endangered San Joaquin kit fox (*Vulpes macrotis mutica*); the State Species of Special Concern and federally Threatened California red-legged frog (*Rana draytonii*); the following State Species of Special Concern including the northern California legless lizard (*Anniella pulchra*), western pond turtle (*Emys marmorata*), western spadefoot (*Spea hammondi*), American badger (*Taxidea taxus*), and burrowing owl (*Athene cunicularia*); the California Rare Plant Rank 1B.1 dwarf calycadenia (*Calycadenia villosa*), mesa horkelia (*Horkelia cuneata* var. *puberula*), and spreading navarretia (*Navarretia fossalis*); and the following California Rare Plants Ranked 1B.2: Lemmon's jewelflower (*Caulanthus lemmonii*), Eastwood's larkspur (*Delphinium parryi* ssp. *eastwoodiae*), yellowflowered eriastrum (*Eriastrum luteum*), Santa Lucia dwarf rush (*Juncus luciensis*), and shining navarretia (*Navarretia nigelliformis* ssp. *radians*) (CNDDB 2018).

Review of aerial imagery indicates that portions of the Project area consist of an orchard, existing building, open areas streams, and agriculture lands with grasslands to the west. The grasslands to the west and streams located on the parcel have the potential to support special status species. The Project has the potential to impact biological resources. An analysis of potential impacts and recommended mitigation measures summarized by species follows below.

CDFW recommends that the Project area be assessed by a qualified biologist to determine if sensitive biological resources are present on or in the vicinity of the Project area and that results of this assessment be included in an Initial Study (IS). To determine if the species mentioned above are present and if they could be impacted by

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the proposed Project, CDFW recommends that the IS include focused biological surveys conducted by qualified biologists, during appropriate survey period(s), well in advance of any ground disturbance and prior to Project implementation. Results of the IS can be used to identify appropriate subsequent CEQA documents and any potential permitting needs for this Project.

COMMENT 1: Tricolored blackbird (TRBL)

Issue: TRBL are known to occur within 4.5 miles of the Project area (CDFW 2011). Review of aerial imagery indicates that the Project area is bordered by a stream to the east, containing of vegetation, which could serve as habitat to TRBL. TRBL are known to breed near fresh water, preferably in emergent wetland with tall, dense cattails or tules, but also in thickets of willow, blackberry, wild rose, and tall herbs (Zeiner et al. 1990a).

Specific impact: Without appropriate avoidance and minimization measures for TRBL, potential significant impacts associated with the Project activities could include nest and/or colony abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Evidence impact would be significant: The Project site contains elements that have the potential to support TRBL nesting colonies. As mentioned above, TRBL are known to breed near fresh water, preferably in emergent wetland with tall, dense cattails or tules, but also in thickets of willow, blackberry, wild rose, and tall herbs (Zeiner et al. 1990a). Potential nesting habitat is present adjacent to the Project area. For this reason, depending on timing, disturbance to nesting colonies could cause abandonment, significantly impacting TRBL populations (Meese et al. 2014).

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)

To evaluate potential impacts to TRBL, CDFW recommends conducting the following evaluation of the subject parcel and its vicinity and implementing the following mitigation measures.

Mitigation Measure 1: TRBL Surveys

CDFW recommends that construction be timed to avoid the normal bird-breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL buffer in accordance with CDFW's *Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015* (CDFW 2015) no more than 10 days prior to the start of

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implementation to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

Mitigation Measure 2: TRBL Take Avoidance

If an active TRBL nesting colony is found during preconstruction surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's *"Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015"* (CDFW 2015). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time, and for this reason, the colony should be reassessed to determine the extent of the breeding colony within 10 days of Project initiation.

Mitigation Measure 3: TRBL Take Avoidance

In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid take, or if avoidance through the implementation of the no-disturbance buffer referenced above is not feasible, to acquire an Incidental Take Permit (ITP), pursuant to Fish and Game Code § 2081(b), prior to any ground-disturbing activities.

COMMENT 2: least Bell's vireo (LBV)

Issue: LBV are known to occur within 8 miles of the Project area (CDFW 2003). Suitable LBV habitat includes rivers and streams with dense riparian vegetation. Riparian vegetation often used include shrubs and trees including willows, mulefat, wild rose, cottonwoods, and other dense vegetation. Review of aerial imagery indicates that the Project area is bordered by a blue line stream to the east, which consist of trees and vegetation that could serve as habitat to LBV.

Specific impact: Without appropriate avoidance and minimization measures for LBV, potential significant impacts associated with the Project's construction could include nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Evidence impact is potentially significant: Breeding habitat loss resulting from urban development, water diversion, and spread of agricultural is the primary threat to LBV. In addition, high rates of brood parasitism by brown-headed cowbirds have caused reductions in breeding populations (USFWS 1998). Little suitable habitat for LBV remains in San Luis Obispo County. Review of aerial imagery indicates that the

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Project area is bordered by a blue line stream to the east, which consists of trees and vegetation, which could serve as habitat to LBV. Depending on timing, disturbance to nesting activities can cause abandonment of the nest, significantly impacting LBV populations. Due to these reasons, the following mitigation measures would be required to avoid potential to significant impacts to LBV.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)

To evaluate potential impacts to LBV, CDFW recommends conducting the following evaluation of the subject parcel and its vicinity and implementing the following mitigation measures.

Mitigation Measure 4: LBV Surveys

CDFW recommends that construction be timed to avoid the normal bird-breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for LBV in accordance with USFWS' "*Least Bell's Vireo Survey Guidelines*" (USFWS 2001) prior to the start of implementation of ground- or vegetation-disturbing activities to evaluate presence/absence of LBV and to evaluate potential Project-related impacts.

Mitigation Measure 5: LBV Avoidance

If a LBV is found during surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with USFWS' "*Least Bell's Vireo Survey Guidelines*" (USFWS 2001). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon parental care for survival.

Mitigation Measure 6: LBV Take Avoidance

In the event that a LBV is detected during surveys, and implementation of the no-disturbance buffer above is not feasible, consultation with CDFW is warranted to acquire an ITP, pursuant to Fish and Game Code § 2081(b), prior to any ground-disturbing activities.

COMMENT 3: San Joaquin Kit Fox (SJKF)

Issue: SJKF have been documented to occur within 8 miles of the Project area (CDFW 1990). Review of aerial imagery indicates that the Project area is bordered

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by grassland habitat to the west, which could serve as habitat to SJKF. SJKF den in right-of-ways, vacant lots, etc., and populations can fluctuate over time. Presence/absence in any one year is not necessarily a reliable indicator of SJKF potential to occur on a site. SJKF may be attracted to project areas due to the type and level of ground-disturbing activities and the loose, friable soils resulting from intensive ground disturbance. As a result, there is potential for SJKF to occupy or colonize the Project area.

Specific impact: Without appropriate avoidance and minimization measures for SJKF, potential significant impacts associated with the Project's construction could include den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

Evidence impact is potentially significant: Habitat loss resulting from agricultural, urban, and industrial development is the primary threat to SJKF (Cypher et al. 2013). The Project area contains potentially suitable SJKF habitat. Therefore, subsequent ground-disturbing activities have the potential to significantly impact local SJKF populations.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to SJKF, CDFW recommends conducting the following evaluation of the subject parcel and implementing the following mitigation measures.

Mitigation Measure 7: SJKF Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its immediate vicinity contains suitable habitat for SJKF.

Mitigation Measure 8: SJKF Surveys

CDFW recommends that a qualified biologist assess presence/absence of SJKF and/or their dens by conducting surveys within 200 feet of the Project area, following the USFWS "*Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance*" (USFWS 2011). Pre-construction surveys are also recommended, and CDFW advises conducting these surveys in all areas of potentially suitable habitat no less than 14 days and no more than 30 days prior to beginning of ground-disturbing activities.

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Mitigation Measure 9: SJKF Take Authorization

SJKF detection warrants consultation with CDFW to discuss how to avoid take, or if avoidance is not feasible, to acquire an ITP prior to ground-disturbing activities, pursuant to Fish and Game Code § 2081(b).

COMMENT 4: California red legged frog (CRLF)

Issue: CRLF have the potential to occur in the vicinity of the Project area. CRLF requires a variety of habitats including aquatic breeding habitats and upland dispersal habitats. Breeding sites of CRLF are in aquatic habitats including pools and backwaters within streams and creeks, ponds, marshes, springs, sag ponds, dune ponds and lagoons. Additionally, CRLF frequently breed in artificial impoundments such as stock ponds (USFWS 2002). Breeding sites are generally found in deep, still or slow-moving water (greater than 2.5 feet) and can have a wide range of edge and emergent cover amounts. CRLF can breed at sites with dense shrubby riparian or emergent vegetation, such as cattails or overhanging willows or can proliferate in ponds devoid of emergent vegetation and any apparent vegetative cover (i.e., stock ponds). CRLF habitat includes nearly any area within 1-2 miles of a breeding site that stays moist and cool through the summer; this includes non-breeding aquatic habitat in pools of slow-moving streams, perennial or ephemeral ponds, and upland sheltering habitat such as rocks, small mammal burrows, logs, densely vegetated areas, and even, man-made structures (i.e. culverts, livestock troughs, spring-boxes, abandoned sheds) (USFWS 2017). Review of aerial imagery indicates that the Project area is bordered by a blue line stream to the east, which could serve as habitat to CRLF.

Specific impact: Without appropriate avoidance and minimization measures for CRLF, potentially significant impacts associated with the Project's construction could include exposure to fertilizers and pesticides including herbicides and fungicides, which may pose contamination threats to the CRLF and direct mortality.

Evidence impact is potentially significant: Habitat loss from growth of cities and suburbs, mining, overgrazing by cattle, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to CRLF (USFWS 2017). Potential suitable sheltering habitat for CRLF may occur within or adjacent to the Project site. Therefore, subsequent ground-disturbing activities have the potential to significantly impact CRLF.

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Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to CRLF, CDFW recommends conducting the following evaluation of the subject parcel and implementing the following mitigation measures.

Mitigation Measure 10: CRLF Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment of the property and assessment of CRLF locality records in the vicinity of the Project site.

Mitigation Measure 11: CRLF Surveys

CDFW recommends that a qualified wildlife biologist conduct surveys for CRLF within 48 hours prior to commencing work (two night surveys immediately prior to construction or as otherwise required by the USFWS) in accordance with the *USFWS Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog* (USFWS, 2005) to determine if CRLF are within or adjacent to the project area.

Mitigation Measure 12: CRLF Avoidance

If any CRLF are found during preconstruction surveys or at any time during construction, construction should cease and the CDFW contacted to discuss a relocation plan for CRLF by a qualified biologist.

CDFW recommends that initial ground-disturbing activities be timed to avoid the period when CRLF are most likely to be moving through upland areas (November 1 and March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends a qualified biologist monitoring construction activities daily for CRLF.

COMMENT 5: Burrowing Owl (BUOW)

Issue: BUOW inhabit open grassland containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. The Project area is bordered by grass land habitat that has the potential to support BUOW. Therefore, there is potential for BUOW to colonize the Project site.

Specific impact: Without appropriate avoidance and minimization measures for BUOW, potential significant impacts associated with the Project's construction could include burrow collapse, inadvertent entrapment, nest abandonment, reduced

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reproductive success, reduced health and vigor of eggs and/or young, and direct mortality of individuals.

Evidence impact is potentially significant: Habitat loss and degradation are considered the greatest threats to BUOW in California's Central Valley (Gervais et al. 2008). The Project area is bordered by grass land habitat that has the potential to support BUOW. Therefore, subsequent ground-disturbing activities associated with the Project has the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)

To evaluate potential impacts to BUOW, CDFW recommends conducting the following evaluation of the subject parcel and its vicinity and implementing the following mitigation measures.

Mitigation Measure 13: BUOW Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its vicinity contains suitable habitat for BUOW.

Mitigation Measure 14: BUOW Surveys

CDFW recommends that a qualified biologist conduct surveys for BUOW following the California Burrowing Owl Consortium's "*Burrowing Owl Survey Protocol and Mitigation Guidelines*" (CBOC 1993) and CDFW's *Staff Report on Burrowing Owl Mitigation*" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable. In addition, CDFW advises that surveys include a 500-foot buffer around the Project area.

Mitigation Measure 15: BUOW Avoidance

CDFW recommends no-disturbance buffers, as outlined in the "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive

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methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Mitigation Measure 16: BUOW Passive Relocation and Mitigation

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return.

COMMENT 6: Western pond turtle (WPT)

Issue: WPT have been documented to occur within 4 miles of the Project area (CDFW 2005). Review of aerial imagery indicates that the Project area is bordered by a blue line stream to the east, which could serve as habitat to WPT.

Specific impact: Without appropriate avoidance and minimization measures for WPT, potential significant impacts associated with the Project's construction could include den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

Evidence impact is potentially significant: Habitat loss resulting from agricultural and urban development is the primary threat to WPT, as well as possible impacts of competition and predation by introduced species (Thomson et al. 2016). The Project area is bordered by a blue line stream to the east, which could serve as habitat to WPT. WPT are known to nest in the spring or early summer within 100 meters of a

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water body, although nest sites as far away as 500 meters have also been reported (Thomson et al. 2016). Therefore, subsequent ground-disturbing activities have the potential to significantly impact WPT populations.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact Shortcoming)

To evaluate potential impacts to WPT, CDFW recommends conducting the following evaluation of the subject parcel and implementing the following mitigation measures.

Mitigation Measure 17: WPT Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation to determine if the Project area or its immediate vicinity contains suitable habitat for WPT.

Mitigation Measure 18: WPT Surveys

Because the timeframe for construction is unspecified, CDFW believes the Project does have the potential to impact WPT. Because of this, CDFW recommends that a qualified biologist conduct focused surveys for WPT 10 days prior to Project implementation. In addition, CDFW recommends that focused surveys for nests occur during the egg-laying season (March through August) and that any nests discovered remain undisturbed until the eggs have hatched.

Mitigation Measure 19: Relocation of WPT

CDFW recommends that if any WPT are discovered at the site immediately prior to or during Project activities, they be allowed to move out of the area on their own.

COMMENT 7: Other State Species of Special Concern

American badger, western spadefoot, northern California legless lizard, coast range newt

Issue: American badger can inhabit grassland habitats with dry friable soils, suitable for excavating dens (Zeiner et al. 1990b). Western spadefoot occur in grassland in playas and alkali flats (Thomson et al. 2016). Northern California legless lizard are found primarily in areas with sandy or loose organic soils or where there is plenty of leaf litter (Zeiner et al. 1990c), coast range newt can inhabit oak, chaparral, and grasslands. In the terrestrial phase, they live in moist to dry habitats under woody or leafy debris, in rock crevices, or in animal burrows. In the aquatic phase, they are found in ponds, streams, and reservoirs (Thomson, et al. 2016).

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The subject parcel is within the range of all four of the species mentioned above. All four species have been documented to occur in the vicinity of the parcel, and the parcel and/or the adjacent blue line stream and/or grassland likely support the habitat elements mentioned above. Therefore, the subject parcel is suitable for occupation or colonization by these species.

Specific impact: Without appropriate avoidance and minimization measures for American badger, western spadefoot, northern California legless lizard, coast range newt, potentially significant impacts associated with the Project's construction could include den/burrow abandonment, which may result in reduced health or vigor of eggs and/or young, and/or direct mortality.

Evidence impact is potentially significant: Habitat loss is a primary threat to all four of the species mentioned above (Zeiner et al. 1990b and c and Thomson et al. 2016). The open areas on the Project site and adjacent grasslands to the west could serve as habitat to American Badger. Therefore, subsequent ground-disturbing activities have the potential to significantly impact American Badger populations.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)

To evaluate potential impacts to these species, CDFW recommends conducting the following evaluation of the subject parcel and its vicinity and implementing the following mitigation measures.

Mitigation Measure 20: Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation to determine if the Project area or its immediate vicinity contains suitable habitat for the species mentioned above.

Mitigation Measure 21: Species of Special Concern Surveys

If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for each species and their requisite habitat features to evaluate potential impacts resulting from ground-disturbance.

Mitigation Measure 22: Avoidance

Avoidance whenever possible is encouraged via delineation and observing a 50-foot no-disturbance buffer around burrows and dens.

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COMMENT 8: Special status plants

Issue: Eight special status plants meeting the definition of rare or endangered under CEQA § 15380 are known to occur in the vicinity of the Project area including the following California Rare Plants Ranked 1B.1 dwarf calycadenia (*Calycadenia villosa*), mesa horkelia (*Horkelia cuneata* var. *puberula*), and spreading navarretia (*Navarretia fossalis*); and the following California Rare Plants Ranked 1B.2 Lemmon's jewelflower (*Caulanthus lemmonii*), Eastwood's larkspur (*Delphinium parryi* ssp. *eastwoodiae*), yellowflowered eriastrum (*Eriastrum luteum*), Santa Lucia dwarf rush (*Juncus luciensis*), and shining navarretia (*Navarretia nigelliformis* ssp. *radians*) (CNDDDB 2018).

Specific impact: Without appropriate avoidance and minimization measures for special status plants, potential significant impacts associated with the Project's construction could include inability to reproduce, direct mortality, and habitat modification.

Evidence impact is potentially significant: The Project site is bordered by a blue line stream to the east and grasslands to the west, which may provide suitable habitat for special status plant species. As a result, ground-disturbing activities have the potential to significantly impact special status plant species.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)

To evaluate potential impacts to special status plant species, CDFW recommends conducting the following evaluation of the subject parcel and its vicinity and implementing the following mitigation measures.

Mitigation Measure 23: Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation to determine if special status plant species or their habitats are present on or in the vicinity of the Project and propose appropriate mitigation measures to avoid impacts to those resources.

Mitigation Measure 24: Special Status Plant Surveys

If suitable habitat is present, CDFW recommends that the Project site be surveyed for special status plants by a qualified botanist following the "*Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*" (CDFW, 2018). This protocol, which is intended to maximize

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detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period.

Mitigation Measure 25: Special Status Plant Avoidance

CDFW recommends special status plant species be avoided whenever possible by delineation and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special status plant species.

Mitigation Measure 26: Special Status Plant Take Authorization

If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special status plant species.

II. Environmental Setting and Related Impact

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT 9: Lake and Streambed Alteration

Issue: Review of aerial imagery indicates that there are streams located within the Project Area.

Specific impact: Work within or adjacent to stream channels has the potential to result in substantial diversion or obstruction of natural flows; substantial change or use of material from the bed, bank, or channel (including removal of riparian vegetation); deposition of debris, waste, sediment, toxic runoff or other materials into water causing water pollution and degradation of water quality.

Evidence impact is potentially significant: The Project area contains streams. Project activities within or adjacent to the blue line stream may be subject to CDFW's lake and streambed alteration regulatory authority, pursuant Fish & Game Code § 1600 et seq. Activities within or adjacent to this feature has the potential to not only impact resources on-site, but also up and downstream resources.

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Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)

Notification of Lake and Streambed Alteration

Based on aerial imagery, the Project site contains streams. CDFW has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code § 1600 et seq. Section 1602(a) of the Fish and Game Code requires an entity to notify CDFW before engaging in activities that would substantially change or use any material from the bed, channel, or bank of any stream or substantially divert or obstruct the natural flow of a stream. Project activities are proposed that may involve activities that are jurisdictional under Fish and Game Code § 1602. CDFW recommends coordination with CDFW staff prior to ground-breaking activities on-site or submit a Lake or Streambed Alteration Notification to determine if the activities proposed within the stream are subject to CDFW's jurisdiction. Please note that CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement.

Additionally, Business and Professions Code 26060.1 (b)(3) includes a requirement that California Department of Food and Agriculture cannabis cultivation licensees demonstrate compliance with Fish and Game Code § 1602 through written verification from CDFW. CDFW recommends submission of a Lake and Streambed Alteration Notification to CDFW for the proposed Project prior to initiation of any cultivation activities.

Editorial Comments and/or Suggestions

Subsequent CEQA Documents: If the results of the IS indicate that significant environmental impacts will occur as an outcome of Project implementation and cannot be mitigated to less than significant levels, a Mitigated Negative Declaration (MND) would not be appropriate. Further, when an MND is prepared, mitigation measures must be specific and clearly defined and cannot be deferred to a future time. The specifics of mitigation measures may be deferred, provided the lead agency commits to mitigation and establishes performance standards for implementation, when an Environmental Impact Report (EIR) is prepared. Regardless of whether an MND or EIR is prepared, CDFW recommends that mitigation measures be fully addressed and made enforceable conditions of Project approval in the CEQA document prepared for the Project.

Nesting birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include §§ 3503

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(regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

The Project area likely provides nesting habitat for birds. CDFW encourages Project implementation occur during the bird non-nesting season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct preconstruction surveys for active nests no more than 10 days prior to the start of ground disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by a project. In addition to direct impacts (i.e. nest destruction), noise, vibration, odors, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends the work causing that change cease and CDFW consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

ENVIRONMENTAL DATA

CEQA requires that information developed in EIRs and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during

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Project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the Project to assist San Luis Obispo County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Heather Rodriguez, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014 extension 243, or by email at Heather.Rodriguez@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

cc: Holley Kline
United States Fish and Wildlife Service
2800 Cottage Way, Suite W-2605
Sacramento, California 95825

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Fwd: DRC2017-00123 CB FARMS, North County E-Referral, Conditional Use Permit, Templeton

Vanderwier, Julie <julie_vanderwier@fws.gov>

Mon 3/19/2018 4:41 PM

To: Brandi Cummings <bcummings@co.slo.ca.us>;

Cc: Leilani Takano <leilani_takano@fws.gov>;

hi brandi. i can't readily identify issues we would have with this given that the blue-line stream won't be altered, there would be no use of pesticides, we aren't aware of (or expect) any federally-listed species to occur on or near the parcel. one thing of note is that a bald eagle has been seen in the "pomars" not that far from this parcel; i saw it myself on el pomar drive near neal spring (3-ish miles to the northwest of the site). issues related to any potential for effects to foraging/breeding/nesting of bald and/or golden eagles (something more common) should be addressed. if you have any questions, give me a buzz.

julie

julie m. vanderwier, fish and wildlife biologist
ventura fish and wildlife office
u.s. fish and wildlife service
2493 portola road, suite b
ventura, california 93003
805.677.3400

'It would not be much of a universe if it wasn't home to the people you love.' -- stephen hawking

----- Forwarded message -----

From: **Mail for PL_Referrals Group** <plreferrals@co.slo.ca.us>
Date: Tue, Mar 13, 2018 at 11:49 AM
Subject: DRC2017-00123 CB FARMS, North County E-Referral, Conditional Use Permit, Templeton
To: Brandi Cummings <bcummings@co.slo.ca.us>
Cc: "Kate B. Shea" <kbshea@co.slo.ca.us>

County of San Luis Obispo Department of Planning & Building

DRC2017-00123 CB FARMS, North County E-Referral, Conditional Use Permit, Templeton
APN(s): 034-321-004

This application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your agency or community group, we are notifying you of the availability of a referral on the project.

[**DIRECT LINK to CB FARMS Referral Package**](#)

Link to webpage for all referral packages on new website (07/26/2017 and later):

<http://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Informational/Planning-Referrals.aspx>

Link to Archive Referrals: <http://archive.slocounty.ca.gov/planning/referrals.htm>

Community Advisory Groups: You will want to contact the applicant and/or agent for the project to request a presentation to your group, or simply to answer questions about the project. The telephone number and address for the applicant/agent are provided in the link below.

Please comment on all issues associated with this project **within 14 days** of receiving this e-mail
(Community Advisory Groups: please respond within 60 days)

Direct your comments to the project manager(s):

Brandi Cummings (805-781-1006 or bcummings@co.slo.ca.us)

Referral Response:

As part of your response to this referral, please answer the following questions:

Are there significant concerns, problems or impacts in your area of review?

If Yes, please describe the impacts along with any recommendations to reduce the impacts in your response.

If your community has a "vision" statement in the Area Plan - does the community feel this project helps to achieve that vision? If No, please describe.

What does the community like or dislike about the project or proposal?

Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?

Does the community believe the road(s) that provide access to the site is(are) already overcrowded?

Does the community wish to have a trail in this location?

If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?

Please feel free to include information or questions other than those listed above. You may also choose to respond that you have no comments regarding the proposal.

COUNTY OF SAN LUIS OBISPO

DEPARTMENT OF PLANNING & BUILDING

Hilary Brown

AA III - Current & Environmental Planning

(p) 805-788-2009

hbrown@co.slo.ca.us

TEMPLETON AREA ADVISORY GROUP
Addressing the Area's Land Use Planning Since 1994

TO: Kate C. Shea, Senior Planner

C: TAAG board members, applicants or agents, Vicki Janssen, Micki Olinger

FROM: Chris Cobey, TAAG Chair

SUBJECT: Report of significant actions at TAAG's regular April 18, 2019, meeting¹

DATE: April 26, 2019

At its regular April 18, 2019, meeting, TAAG's board took initial action on one project application referred to it by the County Planning Department for review and comment, and reviewed the status of a second project previously considered.

1. Application of [Sarmiento](#) (DRC 2019-00036): Proposed variance associated with major grading of driveway over existing ranch road, on grades in excess of 30%; driveway is for access to proposed single family residence at 6490 Rocky Canyon Road in Atascadero. The application was posted on the agenda for consideration at this meeting. A query of the audience requesting identification of any audience members who wished to speak on this application, or who wished to hear a presentation by the applicant, elicited no responses.

The TAAG board unanimously recommended that the application as submitted to TAAG be **referred back to the County without specific recommendation**, as recommended by TAAG's Project Review Committee (PRC) in its chair's April 4, 2019, report to the TAAG board.

2. Review of the [CB Farms](#) (DRC2018-00123) application previously made. The proposed application had been summarized by the Planning Department as: "[p]roposed Conditional Use Permit for Cannabis Activities to include indoor greenhouse cultivation (22,000sq grow area; 30,000sq building total), 3 acres outdoor cultivation, manufacturing (8,000sq), and nursery outdoors (115,000sq) on El Pomar Road in Templeton."

TAAG had initially reviewed at this application at its May 2018 meeting as one of the first proposed cannabis projects it had ever reviewed.

More critical written comments against the project were received by the time of the meeting by the TAAG board than favorable comments. At the meeting, all but one of the 14 speakers offering public comment opposed the project. Of those in the audience not speaking during the public comment period and requested at the end of public comment on the project to show their support or opposition to the project by a show of hands, a substantial majority (at least a dozen), indicated opposition; one hand was raised in favor of the project.

¹ This report is provided in compliance with TAAG Bylaws, Art. VII, sections 1(b) and (f).

The expressed reasons for opposition to the application included:

- the visibility of the proposed cannabis grow and proposed associated structures from South El Pomar Road and from neighboring properties,
- the anticipated smell to nearby residents during at least portions of the cannabis growing season,
- the unclear efficacy of containing the intermittent smell of the plants within greenhouses,
- neighborhood incompatibility of the project,
- nearness of the project to an adjacent parcel on which youth activities (horse training) are held, and
- possible negative effects on groundwater availability due to increased well water extraction for irrigation of the proposed commercial crop, in an area where at least some residences rely on well water for personal use.

The applicant's agent (Jason Kallen) was personally present at the meeting, and was invited by the chair to provide a presentation about the application and the status of the project, and also to make any comments he wished about the public comments made at the meeting about the application. Mr. Kallen declined both invitations.

Two motions were made on this project. The first motion was to **convey** with this report a three-page **summary of the reasons** recommended by the chair of the Cannabis Project Review Committee (CPRC) committee as **identified deficiencies** with the proposed project (summary attached to transmitting email). That motion **passed** on a vote of the seven delegates eligible to vote in favor of the motion, and none opposed or abstaining (7-0).

The second motion was to recommend to the County **disapproval** of the proposed project. That motion **passed** on a vote of the seven delegates eligible to vote in favor of the motion, and none opposed or abstaining (7-0).

At the meeting, Delegate Larry Fluer announced he was resigning from the board effective May 31, 2019.

A reflection of the board's actions and summary of any public discussion on the referred applications considered at this meeting may be found in the [minutes](#) for the meeting to be posted on the TAAG website, shortly after the TAAG meeting approving the draft minutes (usually, the month following the meeting).

Additional analysis from the PRC or CPRC on the referred applications (recommendation to the TAAG board; analysis of suggested Planning Department factors) may be found in the committee chair reports, located on TAAG's website on its [Committee Reports](#) page, in the report dated prior to the date of this TAAG regular meeting. Chair reports of other committees may also be found on the Committee Reports page of the website.

Any member of the TAAG board attending the meeting may be contacted for further information about the actions taken at the meeting.

-o0o-



September 16, 2019

County of San Luis Obispo
Ian Landreth, Project Manager
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040
email: ilandreth@co.slo.ca.us

Re: Initial Study/Mitigated Negative Declaration (SCH#2019069069) – City Boy
Farms Conditional Use Permit (CUP) DRC2017-00123

Dear Mr. Landreth:

Thank you for providing the California Department of Food and Agriculture (CDFA) CalCannabis Cultivation Licensing Division (CalCannabis) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH#2019089069) prepared by the County of San Luis Obispo for the proposed City Boy Farms CUP DRC2017-00123 Project (Proposed Project).

CDFA has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. CDFA 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(a)(2).) All commercial cannabis cultivation within California requires a cultivation license from CDFA. For a complete list of all license requirements, including CalCannabis Licensing Program regulations, please visit: https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text_01162019_Clean.pdf.

CDFA expects to be a Responsible Agency for this project because the project will need to obtain an annual cultivation license from CDFA. In order to ensure that the IS/MND is sufficient for CDFA's needs at that time, CDFA requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package they submit to CDFA. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in the County of San Luis Obispo.



CDFA offers the following comments concerning the IS/MND.

General Comment (GC)

GC 1: Request for Electronic Copy

The graphics provided in the IS/MND are difficult to read in the scanned version provided by the State Clearinghouse. Further, the color and/or pattern demarcations for figures, such as those shown in Figure 10, "Habitats of the Project Site" (IS/MND, p. 38), are not easily discernible when scanned in black and white. CDFA requests that in the future, the County provide an electronic version of each IS/MND to CDFA at the same time as it files the document with the State Clearinghouse. Documents may be sent to Crystal D'Souza, staff counsel at: crystal.dsouza@cdfa.ca.gov.

GC 2: Acknowledgement of CDFA Regulations

The IS/MND acknowledges that CDFA is responsible for the licensing of cannabis cultivation and responsible for regulation of cannabis cultivation and enforcement, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and CDFA regulations related to cannabis cultivation (Bus. & Prof. Code, §26102). The IS/MND's analysis would also benefit from discussion of the protections for environmental resources provided by CDFA's regulations. In particular, the impact analysis could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts on the following resource topics:

- Aesthetics (See 3 California Code of Regulations §8304(c); §8304(g).)
- Air Quality and Greenhouse Gas Emissions (See §8102(s); §8304(e); §8305; §8306.)
- Biological Resources (See §8102(w); §8102(dd); §8216; §8304(a-c); §8304(g).)
- Cultural Resources (See §8304(d).)
- Hazards and Hazardous Materials (See §8102(q); §8106(a)(3); §8304(f); §8307.)
- Hydrology and Water Quality (See §8102(p); §8102(v); §8102(w); §8102(dd); §8107(b); §8216; §8304(a and b); §8307.)
- Noise (See §8304(e); §8306.)
- Utilities and Service Systems (See §8102(s); §8108; §8308.)
- Energy (See §8102(s); §8305; §8306.)
- Cumulative Impacts (related to the above topics).

Specific Comments and Recommendations

In addition to the general comment provide above, CDFA provides the following specific comments regarding the analysis in the IS/MND.

THIS SECTION IS INTENDED TO BE LEFT BLANK

Comment No.	Page No(s).	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
1	6	Existing Setting	Other Approvals That May be Required to Implement the Project	The IS/MND's Project Description (pg. 2) indicates the Proposed Project would include the operation of a non-storefront dispensary. Retail sale of cannabis and/or cannabis products requires a state license from the Bureau of Cannabis Control (BCC). The IS/MND could be improved by listing the BCC as an agency whose approval may be required, and the types of licenses that will be required from the BCC for the Proposed Project.
2	17	Aesthetics	Section 22.40.050 D.6. states that cannabis plants shall not be easily visible from offsite and that they must be screened by a secure fence at least 6 feet in height.	The IS/MND would be improved if it indicated what document, regulation, or ordinance this requirement is referencing.
3	25	Agriculture and Forestry Resources	Cannabis is not considered agricultural crop production.	This IS/MND states that cannabis cultivation is not considered an agricultural crop. MAUCRSA defines cannabis as an agricultural product (Bus. & Prof Code § 26069(a)). If San Luis Obispo County has a local policy or ordinance that prohibits cannabis from being considered an agricultural product, the IS/MND would be improved by citing such a provision.

Comment No.	Page No(s).	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
4	28	Air Quality	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 (PM ₁₀). 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 PM ₁₀ threshold.	The IS/MND indicates that access to the property is via Quail Hollow Lane, which appears to be unpaved (p. 11). The document also indicates that the Proposed Project would result in 42 average vehicle trips per day and 72 average vehicle trips per day during the harvest. The IS/MND would be improved if it addressed possible air quality impacts from regular cultivation and processing operations, including vehicle traffic.
5	28	Air Quality	As conditioned, and with incorporation of the recommended mitigation measures, impacts related to consistency with the SLOAPCD's Clean Air Plan are considered be less than significant.	This statement indicates that impacts will be less than significant with mitigation; however, the "Less than Significant Impact" box is checked. The document would be improved if the language and the check box were made consistent.
6	29	Air Quality	Mitigation Measures AQ-1 and AQ-2 is recommended to ensure construction related emissions will result	This statement indicates that impacts will be less than significant with mitigation; however, the "Less than Significant Impact" box is checked. The document would be improved if

Comment No.	Page No(s).	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
			in a less than significant impact.	the language and the check box were made consistent.
7	42	Biological Resources	The Project site is not expected to block or restrict movement of wildlife as the property is already fenced. Therefore, impacts related to interference with the movements of resident or migratory fish or wildlife species would be less than significant.	The IS/MND would be improved if it also provided an analysis of any bird and fish migratory movements because fencing does not typically hinder the movements of these types of species.
8	59	Greenhouse Gas Emissions	...the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions.	The IS/MND would be improved if the Proposed Project's GHG emissions were quantified and the analysis supporting this conclusion was included.
9	75	Noise	Therefore, project related noise sources producing 57 dB at 20 feet will be perceived to produce about 51 dB at the nearest property line, assuming a distance of 40 feet. The resulting noise is anticipated to be below the	The IS/MND would be improved if it explained why the maximum allowable average hourly noise level of 45 dB at night would be met if the noise sources would produce 51dB at the property line.

Comment No.	Page No(s).	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
			maximum allowable nighttime level (65 dB) and below the average hourly equivalent noise level (45dB)	
10	86	Tribal Cultural Resources	In accordance with AB 52 cultural resources requirement, outreach to numerous Native America tribes has been conducted.	The IS/MND would be more informative if additional information was provided on the AB 52 consultation. Helpful information could include dates that the tribes were contacted and information on whether any tribes, other than the Northern Chumash Tribal Council, responded.
11	87	Utilities and Service Systems	Wastewater disposal will be provided by an existing septic leach system.	The IS/MND would be improved if more information was provided on the existing septic leach system and whether it has the capacity to meet the demands of the Proposed Project.
12	90	Wildfire	Compliance with the recommendations of CalFire is expected to reduce potential impacts relating to the exposure of people and structures to wildfires to a less than significant level.	The IS/MND should include information on whether the recommended conditions from CalFire will be imposed as a condition of approval and/or a mitigation measure. If this is a mitigation measure, it should be identified as such.

Comment No.	Page No(s).	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
13	92	Mandatory Findings of Significance	N/A (General Comment)	Figure 1 identifies active cannabis applications in the vicinity of the Proposed Project; however, the IS/MND could be improved by identifying any other existing cannabis growing operations and analyzing whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects.
14	94	Project-specific Studies and Other References	In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:	In order to ensure that CDFA has supporting documentation for the IS/MND, CDFA requests that a copy of all project-specific studies listed on Page 43 be provided to the applicant so such items can be included with an application package submitted to CDFA.

Conclusion

CDFA appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 263-0801 or via e-mail at kevin.ponce@cdfa.ca.gov.

Sincerely,



Lindsay Rains
Licensing Program Manager


SLO County Dept. of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

SUBJECT: Letter of Support – Setback Modification

To Whom It May Concern:

Our names are William and Deanna Hayden and we are the owners of 4225 South El Pomar Drive in Templeton (APN 034-321-004). We are writing to you to express our support for the setback modification request proposed on Elizabeth Ross's project at 4339 South El Pomar Drive (APN 034-321-003). We approve of this request and understand the setback will be reduced from 300' to 100'.

Thank you,

A handwritten signature in dark ink, appearing to read "Deanna C. Hayden" followed by a large, sweeping flourish that extends to the right.

William and Deanna Hayden
10/4/19

From: Eric Hughes
Sent: Thursday, July 23, 2020 6:44 PM
To: Cassidy McSurdy; Ian N. Landreth; Steve Mc Masters; Xzandrea D. Fowler; Robert Fitzroy
Cc: Young L. Choi
Subject: FW: [EXT]letter of objection to DRC2018-00183

Not sure if everyone saw this email. Please let me know if we need to discuss.

Regards,
Eric

[Eric Hughes](#) | Senior Planner
County of San Luis Obispo Planning and Building
976 Osos Street, Room 300, San Luis Obispo, CA 93408
(p) 805-781-1591 ehughes@co.slo.ca.us

From: Vicki Janssen <vjanssen@co.slo.ca.us>
Sent: Thursday, July 23, 2020 2:20 PM
To: BOS_LA_Cannabis <BOS_LA_Cannabis@co.slo.ca.us>
Cc: Micki Olinger <molinger@co.slo.ca.us>
Subject: FW: [EXT]letter of objection to DRC2018-00183

Please note the last paragraph regarding removing from the Planning Commission Aug 21st agenda. Thank you

VICKI JANSSEN, Legislative Assistant
First District Supervisor John Peschong
1055 Monterey St., D430
San Luis Obispo, CA 93408
(805)781-4491/Fax (805) 781-1350
vjanssen@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Robert Danielson <robtlexdanielson@gmail.com>
Sent: Thursday, July 23, 2020 1:01 PM
To: John Peschong <jpeschong@co.slo.ca.us>
Cc: Robert & Alexis Danielson <robtlexdanielson@gmail.com>
Subject: [EXT]letter of objection to DRC2018-00183

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Thursday, July 23, 2020

Dear Supervisor John Peschong,

I write to strongly oppose Eden's Dream request for a Minor Use Permit (MUP) (DRC2018-00183) to allow commercial cannabis cultivation at APN: 034-321-003. This project is adjacent to my home where my family has lived for 31 years, APN: 034-321-007.

Your SLO Board of Supervisors (BoS) is scheduled to consider Phase III proposed Title 22 ordinance amendments on August 18, 2020. These amendments are essential for the wellbeing of our communities. Especially important to the community is that no cannabis cultivation site shall be located within 1500 ft of another cannabis cultivation site (Title 22.40.050, section D.1.b Location). Also important to the community is that no cannabis cultivation site shall be within 1500 ft. from any existing offsite residence under separate ownership (Title 22.40.050, section D.3.b. Setbacks). Since these amendments are so blatantly needed, I expect that most if not all of these amendments will be adopted, but will not take effect for 30 days!

Just 3 days after the BoS adopts the proposed ordinance changes, but before the ordinance changes take effect, the Planning Department plans to place Eden's Dream MUP on the August 21, 2020 agenda for immediate adoption. This plan is deceitful. The Planning Department's plan has the appearance of a strong bias by the Planning Department to approve *neighborhood* cannabis cultivation requests despite strong community opposition.

Templeton Communities have already expressed strong opposition to an almost identical project named City Boy Farms (DRC2017-00123). The Templeton Area Advisory Group (TAAG) has considered and opposed this project. Many citizens have spoken at hearings, and written letters of opposition to the Planning Department and to the BoS. Attorney, Pearl Kan, of Wittwer / Parkin wrote a letter to Ian Landreth, Project Manager of the SLO County Department of Planning and Building on October 21, 2019 pointing out deficiencies in the applicable Mitigated Negative Declarations (MNDs). She requested and Environmental Impact Report to address the MND deficiencies.

Pending the BoS's ruling on the Phase III proposed ordinance changes on August 18, 2020, the Eden's Dream MUP request should be taken off the Planning Commission's agenda on August 21, 2020!

Respectfully,

Robert A. Danielson, MD, FACS (ret.)

From: Cassidy McSurdy
Sent: Monday, July 13, 2020 4:36 PM
To: Young L. Choi
Cc: Eric Hughes; Steve Mc Masters
Subject: FW: [EXT]"I would like to request a hearing on DRC2018-00183."

FYI re: Eden Dreams!

Cassidy McSurdy, Planner
COUNTY OF SAN LUIS OBISPO
PLANNING & BUILDING
e: cmcsurdy@co.slo.ca.us
p: 805-788-2959

From: County of SLO Planning Dept. <planning@co.slo.ca.us>
Sent: Monday, July 13, 2020 3:44 PM
To: Cassidy McSurdy <cmcsurdy@co.slo.ca.us>
Cc: Ian N. Landreth <ilandreth@co.slo.ca.us>
Subject: FW: [EXT]"I would like to request a hearing on DRC2018-00183."

Hello,

This came in through the general email box.
Cassidy, you are listed on that plan number.
Ian, you are mentioned by name in the email.

Thank you,

Genae Sarver
Administrative Assistant III
gsarver@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

The information contained in this e-mail, including any attachments, may be privileged, confidential, and/or exempt under applicable law, and covered by the Electronic Communications Privacy Act, 18 U.S.C. sections 2510-2521. This email is intended only for the use of the individual(s) or entity to which it is addressed, and the privileges and exemptions are not waived by virtue of this having been sent by e-

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From: Robert Danielson <robtlexdanielson@gmail.com>
Sent: Sunday, July 12, 2020 1:13 PM
To: County of SLO Planning Dept. <planning@co.slo.ca.us>
Cc: Robert & Alexis Danielson <robtlexdanielson@gmail.com>
Subject: [EXT]"I would like to request a hearing on DRC2018-00183."

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www.slocounty.ca.gov/Departments/Planning-Building/Boards-and-Commissions.aspx

Dear Sir:

"I would like to request a hearing on DRC2018-00183." The APN is 034-321-003.

The reasons have been repeatedly and exhaustively communicated to you in many possible forms. The reasons are, but not limited to:

- Water
- Odor & Odor Mitigation
- Setbacks
- Visibility
- Security
- Overall Neighborhood Compatibility.

The Mitigated Negative Declarations have been found to be deficient by Wittwer / Parkin LLP in a letter sent to Ian Landreth, Project Manager, County of San Luis Obispo, Department of Planning & Building on October 21, 2019 regarding DRC2017-00123, APN 034-321-004. Therefore, an Environmental Impact Report is required.

Sincerely yours,

Robert A Danielson, MD, FACS ret.

APN 034-321-007

Young L. Choi

From: Drew Van Duren <dvandure@gmail.com>
Sent: Tuesday, February 19, 2019 9:29 AM
To: Megan Martin
Cc: Ian N. Landreth; Young L. Choi
Subject: Re: [EXT]cannabis growing in SLO county

Thank you, Megan.

We will be involved with this all the way through because the risks are so high and appear to be ignored. Please observe that both the United Kingdom, Sweden and several other countries have reversed their course on marijuana legalization because of the proven causation (not just association) of mental illness and violence in pot users and the downward trend those countries had been experiencing. They've succeeded in reversing those trends. To imagine that we would not be looking at these data points in our county is absolutely striking to me. To imagine we'd rubber stamp drug cultivation and dealing next door to families is even more striking.

Thank you,
Drew

On Feb 19, 2019, at 9:16 AM, Megan Martin <mamartin@co.slo.ca.us> wrote:

Drew,

Thank you for your comments and concerns on these two projects. I have included the project managers in my response so they may include this correspondence as a part of the public record. Please contact Ian Landreth for all questions related to DRC2017-00123. Please contact Young Choi for all questions related to DRC2018-00183.

Sincerely,

Megan Martin
Supervising Planner
County Of San Luis Obispo
Planning & Building
976 Osos Street, Rm. 300, SLO, 93408
(p) 805-781-4163

From: Drew Van Duren <dvandure@gmail.com>
Sent: Sunday, February 17, 2019 10:18:29 AM
To: Megan Martin
Subject: [EXT]cannabis growing in SLO county

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Ms. Martin,

I'm writing to communicate our serious concerns about growth, cultivation and processing of psychotropic drugs in our beautiful San Luis Obispo neighborhoods. To date, two cannabis growing applications are in process right next to our family's property in Templeton. I'm reaching out to the board of supervisors and planning commissioners, too.

Our family absolutely and unequivocally opposes the large, commercial growing of cannabis next door to my family's property. The many nuisance, security, social, environmental and personal risks do not warrant the presence of such an operation near any residence. The specific applications are DRC2018-00183 and DRC2017-00123. I am also communicating with the Templeton Area Advisory Group (TAAG) on the issue, though now there is evidence that the pot farmers and their friends are working to 'stack the TAAG' in the upcoming March 2nd election.

San Luis Obispo county is today of one of the most sought after, beautiful places to live in California and the country. Allowing marijuana growth and sales besmirches that reputation.

Please consider the following:

1. Allowing the marijuana cultivation is terrible for drug addicts and recovering addicts in the neighborhood. We have a family member who lives in the family's home on South El Pomar Road right next to the two applicant marijuana farms; he is a recovering drug addict. It is unbearable to imagine the increased risk to him if the county allows cultivation of his vice to go in right next door! Surely, the county's drug and rehab councilors would consider this a bad idea. He's made significant progress, but if the pot farms are approved, he'll wake up every morning, look down the hill at the cannabis weeds or the high walls surrounding them, and ponder what he's missing. Additionally, our niece lives part time across the street and is struggling with drugs; she also comes up to our family's property on occasion. No doubt, the presence of a large marijuana grow will exacerbate her condition, too.

Title 22 provisions for protecting so-called 'sensitive establishments' such as schools and addiction treatment centers seem to be mere platitudes. Why should addicts living in residences be exempt from protection? Title 22 should have been much broader to include residences where addicts live and spend the majority of their lives. As written, my family members are now at high risk. Better yet, Title 22 should never have been updated with any provisions for cannabis land use.

2. Cannabis is a psychotropic, hallucinogenic drug, period, and compelling families and children to live next to marijuana grows is insanely irresponsible and immoral – it's just bad public policy. San Luis Obispo's meager, arbitrary requirement for a 300 ft. standoff and a 1000 ft. separation from schools, treatment facilities, etc. should be much greater and apply to ANY CHILDREN, ANY ADDICTS, ETC., especially in their place of residence. My children love to explore and play on my family's property adjoining the TWO cannabis applicants' parcels. Our other neighbor has a toddler who plays on and near the easement between themselves and one of the proposed marijuana farms. We hold our kids' birthday parties there, exactly overlooking the proposed cultivation, processing and storage sites. It's not good for kids, period!

3. Marijuana grows just plain stink. The stench of marijuana is disgusting, far worse than cigarette smoke. Simply drive around the industrial parts of Denver, and you will know what I mean. Now, unfortunately, some San Luis Obispo county citizens are also facing this reality thanks to the county allowing marijuana to take root here. Citizens around the state are also facing this problem, especially in Sonoma, where victims of the skunky smell are filing lawsuits to get their local government to back down.

Unless there is 100% containment of the stench, we will be forced to roll dice with changing weather and wind directions unique to our neighborhood. Particulate dispersion of these compounds is almost impossible to contain and some members of the family get physically ill when they smell it.

My academic background is in aerospace engineering, aerodynamics and control theory (though for the last decade I have worked in the cybersecurity field). Never in a million years during my education could I have imagined I would need to explain to others how the effects of hilly terrain, weather conditions, wind direction and the aerodynamics of ground effect, rotors and vortices affect the flow, dispersion and concentration of marijuana compounds. I can state authoritatively that any science asserting that stench levels "will be fine" is absolute rubbish because the studies don't factor the boundary conditions, local topography, and effects of weather/wind, all of which are unique to a given site. A single sample at a specific location and time is almost never successful in catching offending odors (e.g., as may be done by code enforcement). It simply can't be adequately predicted. Odors travel thousands of feet, even more than a mile. Surely, our neighborhood character will suffer from marijuana stench.

What recourse will our family have if the county approves grants the pot growers' application and they turn out to emit the foul odors? Do we ask the county to lower our property's assessed value? Do we request the county to revoke the growing permit or change the rules after a permit is issued?

4. Marijuana, legal or illegal, attracts or causes crime, and the proposed marijuana farms are cash businesses that enhance the crime potential. Cannabis always has—and always will be associated with the criminality and the black market even if the so-called legal growers don't wish it. It is guilty of association and proximity. Local government desires for tax revenue all but ensure that the price of so-called 'legal' marijuana will remain higher than the black market, which will drive—with or without the legal grower's choice—theft, black market sales, and more criminal activity. Overall prices of the weed will fall, however, as is happening in the 'legalized' states (additionally, adult usage in those states is WAY up, as are the number of emergency room marijuana toxicity cases, psychiatric treatment and 'drugged' driving). Contrary to what we're being told by the pot lobby, violent crime rates are noticeably **increasing**—not decreasing—in the first four 'legal' cannabis states (twice the rate of increase, in fact, for them when compared to the national average, from 2014 and onward). The revenue generated from hundreds or thousands of marijuana plants will result in growers generating and storing cash levels akin to a local bank's cash reserves. In other words, given our rural agricultural location and high quantities of cash, these facilities are high value targets for criminal theft and property incursions both on the target property AND on neighboring properties. The risk is even higher because we have longer

law enforcement response times in the rural, agriculturally zoned parts of the county. Anecdotally, a friend of mine who lives near Grass Valley in the Sierra foothills describes frequent gun battles between legal and illegal elements of this sad, so-called industry. The cannabis 'emerald triangle' has also seen these effects worsen. Is San Luis Obispo asking its residents to be caught in the crossfire of cannabis and crime?

5. Neighborhood character will suffer despite the non-impact provisions of Title 22. Visible changes are required to secure these grows against criminal incursions: high fences, excessive lighting, cameras, and even armed personnel roaming around. One need only look at similar operations in other so-called 'legal states' where cannabis farms resemble veritable Fort Knox installations. Note, too, the increased risk to anyone in the neighborhood where any armed personnel involved in the grow also consume marijuana (many do), a drug known to make people paranoid, nervous and irate. Will the physical and personnel security requirements needed to secure marijuana farms change the character of our neighborhood? They have, they do, and you bet they will.

Our family's property is a place where our children like to explore, celebrate birthdays, holidays, and enjoy other family parties year-round. They do go near the fence line, right along it in fact. Do we now have to tell our children to respect a large standoff distance on our family's side of the property line for safety reasons? Is this consistent with any principal of 'peaceful enjoyment' of a family property?

Title 22 talks about 'not impacting the neighborhood's character' but Section 22.40.040B has no provisions limiting the concentration of pot operations among multiple parcels in a neighborhood (only on a single parcel). Now, our family alone faces not one, but two applications for growing this psychotropic drug on neighboring land. One of them is for three, 1-acre sites, in fact! How many other families will experience exactly the same thing? A single pot cultivator negatively changes the neighborhood in contrast to Title 22 provisions. Multiple marijuana businesses across multiple parcels will decimate the character of the neighborhood.

Ours is not a unique situation in rural Templeton or any other San Luis Obispo community. Forcing ANY family to live next to such operations is inexcusable. The increased risks are far too great.

San Luis Obispo has been our state and nation's leader in establishing socially responsible, health-conscious and environmentally responsible regulations. The state of California and our entire country have followed our lead on banning indoor smoking, smoking in public, water quality, and many other noble goals in support of good environmental stewardship and quality of life. It is tragic to see San Luis Obispo reversing course and marching head-long into very uncertain and risky effects of cannabis. Mandating that any neighborhood tolerate self-serving drug dealers (promoting themselves now as legitimate businesses) working the production, distribution or sale of such a dangerous drug is just plain wrong.

Twenty years ago, most of the state attorneys general in the United States successfully sued the tobacco industry for the horrific, cumulative effects and costs related to tobacco on public health. San Luis Obispo county now receives \$3.5 million a year as part of those settlements. The burgeoning marijuana industry will be guilty of much much more, and we can preempt this

Attachment 9

now. Let San Luis Obispo lead the way by not allowing marijuana to take root in the first place. Proposition 64, as tragic and misguided as it was, did not force local governments to permit this.

Please don't sell out our community. Please don't sell out our families.

Please hear our cry.

Respectfully,
Drew Van Duren

Attachment 9
Dan and Kristen Gemeny
5220 Overhill Lane
Templeton CA, 93465

October 17, 2019

San Luis Obispo County Planning Commission and County Supervisors
976 Osos St, Room 200
San Luis Obispo, CA 93401

Sent via email to all County Planning Commissioners and County Supervisors (see attached distribution list)
Send via email to Young Choi, Planning Commission Project Manager, ychoi@co.slo.ca.us and Brandi Cummings, Project Manager, bcummings@co.slo.ca.us

Re: Thursday, October 24, 2019 Planning Commission Meeting
Agenda Item 6 – Continued hearing to consider a request by **CB Farms** for a Conditional Use Permit (DRC2017-00123)
County File Number: DRC2017-00123 Assessor Parcel Number: 034-321-004
Supervisory District: District 5 Date Accepted: 02/14/19

Dear Members of the Planning Commission and County Supervisors,

WE ARE DAN AND KRISTEN GEMENY. We enjoy living in Templeton in the South El Pomar / Baggins Hill residential rural neighborhood next to the proposed CB (City Boy) Farms cannabis growing, processing, manufacturing and non-storefront dispensary facilities.

We are submitting this letter **in opposition** to the **Applicant's (CB Farms) request for a conditional use permit to grow, process and distribute cannabis**. As we are located downwind and in very close proximity, we will be negatively impacted by the applicants planned use for the property.

OUR FAMILY LIFE. Our family visits us often. Our home and property here in Templeton have become known as their "happy place". This is their respite from suburban and city life. This will sadly end if our chosen rural aesthetic and relaxing environment becomes "industrialized" as home to this CB Farms large cannabis project.

OUR NEIGHBORHOOD CHARACTER. The CB Farms project includes massive greenhouse and product manufacturing buildings which are incompatible with our neighborhood and surrounding area of rolling oak tree filled hills and vineyards. In addition, this proposed facility will be located within 30 feet on the west side project property line from the adjacent existing horseback riding training and cattle ranch property. Children are participating daily in training to ride and work with horses at this adjacent facility and on other horse properties in our neighborhood.

Further, given the potential human health effects on sensitive receptors located within 1000 feet of a cannabis growing facility from odors and noxious fumes, increased fire potential, increased noise pollution, impacts on air quality, and increased crime, **this project is most certainly inconsistent with the County's commitment under Sec. 22.40.010 to "protect neighborhood character"**.

DENSITY AND COMPATIBILITY. This is a cumulative issue. The Ordinance ignores the aspect of density. Currently there are at least 3 projects known at this time in the proposal/approval pipeline with the County. We are predominantly downwind of two of them and less than a mile away from all three. The **cumulative impact** of

the CB Farms proposed CUP for Cannabis Activities and all of the others in the surrounding area have NOT been addressed by the county and MUST be considered prior to any approvals. CEQA requires a cumulative analysis, our neighborhoods deserve it, and we demand it. These are the proposed cannabis projects we currently are aware of in approval process:

- **CB Farms**, DRC2017-00123 (*.3 miles away*)
4225 S. El Pomar Road
- **Eden Dreams LLC**, AKA Caldwell_Smyth, DRC2018-00183 PR-2019-00021 (*.2 miles away*)
4339 S. El Pomar Road
4345 S. El Pomar Road
4337 S. El Pomar Road
- **World Realty Services LLC**, DRC2019-00072 (*.8 miles away*)
2750 Raptor Ridge Trail

We stress that there is not enough known at this time of the impacts to neighbors nor the effect of mitigation measures. Therefore, the Planning Commission and Board should consider what short term and long term impacts the growing of cannabis will bring to a rural and residential neighborhood prior to approving any projects in proximity to neighborhoods. This is especially true where there are multiple grows in close proximity to a single neighborhood.

ENTRUSTED TO PROTECT PEOPLE, COMMUNITIES AND ENVIRONMENT: We have entrusted our SLO County Supervisors, Planning Commissioners and Planning Commission staff to protect us. Your approval of this project will be in **direct conflict** with the purpose stated in the County Ordinance, Title 22, Chapter 22.40 – Cannabis Activities, specifically the statement to protect the public health safety and welfare... protect neighborhood character, and minimize potential for negative impacts on people, communities and the environment:

“22.40.010 – Purpose of Chapter The purpose of this Chapter is to **protect the public health, safety, and welfare**, enact strong and effective regulatory and enforcement controls in compliance with State law and federal enforcement guidelines, **protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment in the unincorporated areas of San Luis Obispo County”**

INABILITY TO ENFORCE: While the intent of 22.40.010 is to put in place land use controls for the above, there are no criteria, measures or measurement technology to enforce these controls. Nor does the County have staff or the process to respond to violations of these controls in a timely manner to be able to see, hear, smell, measure or experience the nature or degree of the violation.

ODOR & ODOR MITIGATION – OUTDOOR CULTIVATION The CB Farms project proposes 3 acres of outdoor cultivation. The smell (stench) of cannabis plants at CB Farms will limit our freedom to use our property for what we love about Templeton. Using the beautiful outdoor spaces for entertaining, recreation, leisure, property work and gardening will have to cease when we are confronted with the smell of the cannabis terpenes and associated chemicals or scent masking flavors. It’s a myth that the smell is bad only during harvest. Indeed the terpenes are present during the complete growing, harvesting and processing season.

- Proven outdoor odor control doesn't exist. Nor should we as neighbors have to put up with perfumed essential odors or mix of perfume and cannabis meant to mask the odor.
- County ordinance states that cannabis odors 'shall not be detectable offsite'. With any outdoor grow and any non-sealed indoor grows, residents all around the property will detect the noxious fumes with constantly changing wind conditions. Our property regularly is directly downwind of the proposed CB Farms cannabis farm. Being subject to these smells is unacceptable.
- Experience throughout California and other states such as Colorado, Oregon and Washington who have allowed outdoor cannabis production for several years has confirmed that outdoor cultivation odors cannot be mitigated to prevent detection offsite. Marc Byer, CEO Of Byer's Odor Mitigation Systems, has testified at SLO County Planning Commission and Supervisor hearings that there are no existing outdoor cannabis odor system that are appropriate or effective in elimination odor detection off site.

ODOR CONTROL – INDOOR CULTIVATION (GREENHOUSES) For indoor grows, Byers odor mitigation has not proven to work and emits perfumed substance outside.

- The CB Farms project proposes a 37,000 sq. ft. greenhouse operation. This greenhouse will be equipped with a "Byer's Odor control system or a similarly designed system." The Byer's system has been employed at various locations in Santa Barbara County with **questionable odor control results**. The odor masking spray material is known to drift or be blown to neighboring properties. The CEO of Byer's has stated at SLO County Cannabis project approval hearings that his system's odor masking material, cannot used within a greenhouse because the odor mitigation material is detrimental to the marijuana crops and other regular agricultural crops, if allowed to settle on agricultural crops Well documented and publicized complaints and experience regarding the effectiveness of carbon filter systems and the Byers or similar exterior odor masking systems have demonstrated on countless occasions their ineffectiveness in eliminating offsite odor detection. The Byers system is accused of creating other offensive types of odors generated by the system's operation in addition to failing to eliminate cannabis skunk like odor from being detected offsite. Alternatively, a **SEALED greenhouse** system for CB Farms greenhouse operations should be required. While the Ordinance allows a "fully enclosed" greenhouse, the term "fully enclosed" is not defined in the ordinances.

NOISE POLLUTION: Most greenhouses require the intake and exhaust of exterior air utilizing large noisy fan systems in order to control interior temperatures and humidity. This is a disturbance to the quiet neighborhood.

LIGHT POLLUTION: Additional lighting for security, operations, growing processes and parking creates light pollution impacting our night sky.

SECURITY: Security guards, access gate(s), cameras and other security controls are NOT compatible with rural, residential, agricultural areas. This neighborhood is a safe-haven for children and families. The presence of high security industrial operations is a threat to kids just being kids. It makes a strong statement about the expectation of crime associated with cannabis farm projects in the area when an armored guard house and numerous other security controls are required (as they should be). To date our neighborhood has been crime free.

Attachment 9
Dan and Kristen Gemeny
5220 Overhill Lane
Templeton CA, 93465

SUMMARY. We are concerned that the growth of cannabis and establishing large processing/manufacturing and non-storefront dispensary facilities will detrimentally effect our community, aesthetic, clean air, health and our safety.

Please deny this application due to these concerns, lack of control, lack of standards for what is allowable for odor, security and safety, and the County's inability to effectively and promptly enforce violations.

Thank you for your consideration,

Dan and Kristen Gemeny
5220 Overhill Lane
Templeton, CA 93465

Eric Hughes

From: Gogi Van Duren <vandufam@gmail.com>
Sent: Friday, July 31, 2020 10:34 AM
To: Eric Hughes
Subject: [EXT]RE: Proposed project of Eden Dreams DRc2018-00183

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

July 31, 2020

Planning Department of San Luis Obispo, CA

RE: Proposed project of Eden Dreams DRc2018-00183

Dear Mr. Hughes:

I express my opposition to this project for the following reasons.

- 1: This project would build a 40,000 sq. ft. building to house some of their operations. This is 25 times bigger than my home of 1600 sq. ft. This is a large-scale industrial operation that does not belong in a neighborhood consisting of homes and small farms.
- 2: Odor problems from cannabis farms are a serious problem as we all know. This project is proposing both large scale outdoor and indoor planting and processing. That will produce a great deal of noxious skunk type odor. The proposed carbon scrubbing filtration system have proven ineffective repeatedly. Santa Barbara County residents will tell you they simply do not work. Venting to the outside defeats the purpose, generating unacceptable noise pollution and additional chemical pollution attempting to block venting odors.
- 3: This large-scale operation will be clearly visible from nearby residents. Fencing will not work because the neighbors' homes look down onto the property.
- 4: The setback as requested is inadequate. It should be at least 2000 ft. from the neighbors' property lines.
- 5: Cannabis grows are not land-use compatible with existing traditional and small farm businesses in the neighborhood. Nor are they compatible with the vineyards, tasting rooms, and many other aspects of the larger community that make it a special place to live.
- 6: With regard to water use, many of the residents in this area are already having to drill deeper, more expensive wells and some have even had to truck in water. Allowing a large-scale industrial project as proposed will exacerbate this already serious problem.

The community has been very clear that they do not want this or other cannabis farms near their homes. The community advisory groups have also been clear on these issues. There is no reason why this project should be forced upon our community. Approving this project would be inconsistent with your own cannabis ordinance, not to mention irresponsible. You would be doing great harm to those who have built a special community.

Sincerely yours,

Anthony Van Duren

