



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

PLN-2039
04/2019

Project Title & No. Eden Dreams LLC Minor Use Permit ED19-190 (DRC2018-00183)

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.

Young Chen
Prepared by (Print)
Karen Nall
Reviewed by (Print)
DM

Signature
Karen Nall
Signature

9/17/19
Date
9/18/19
Date



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
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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:

A request by Eden Dreams LLC for a Minor Use Permit (DRC2018-00183) to establish three-acres (130,680-square-feet) of outdoor cannabis cultivation canopy area, 27,500-square-feet (22,000 sf canopy area) of indoor cannabis cultivation, 4,000-square-feet of ancillary cannabis processing (drying and curing), and 7,500-square-feet of ancillary cannabis nursery, within a new 40,000-square-foot greenhouse. In addition, site development will include construction of a new 5,000-square-foot processing/storage building, and associated improvements. The project will result in the disturbance of approximately 5-acres on an approximately 99.11-acre parcel.

This project is to be developed in two phases – Phase 1 would include the construction of a 40,000-square-foot greenhouse to house 27,500-square-feet (22,000 sf canopy area) of indoor cannabis cultivation, 4,000-square-feet of ancillary cannabis processing (drying and curing), and 7,500-square-feet of ancillary cannabis nursery. Phase 1 will also include construction of a new 5,000-square-foot processing/storage building, and approximately 1.75-acres of outdoor cannabis cultivation area. Phase 2 will include an additional 2-acres of outdoor cannabis cultivation. Outdoor cannabis cultivation canopy will be limited to 3-acres total. Project components are summarized in Table 1 and Figure 3.

Initial Study – Environmental Checklist

Table 1 – Project Summary

Project Component	Proposed Cannabis Activity	Quantity/Total Square Feet
Outdoor Cultivation	Cannabis Cultivation (outdoor)	163,350 sq.ft. (3.75-acres)
New Greenhouse (40,000 sf)	Cannabis Cultivation (indoor)	27,500 sq. ft.
	Ancillary Nursery	7,500 sq. ft.
	Drying/Curing	4,000 sq. ft.
New Processing Building (5,000 sf)	Ancillary Processing	3,750 sq. ft.
	Fertilizer Storage	650 sq. ft.
	Walkways/Flex Space	500 sq. ft.
	ADA Bathroom	100 sq. ft.
Total Area, All Uses		208,350 sq. ft. (4.78-acres)
Total Area of Disturbance		+/- 5 acres
Tree Removal		+/- 4.5 acres of olive orchard
Signage		None
Parking		17
Employees		16

Summary of Proposed Cannabis Canopy

Outdoor Cultivation	130,680 square-feet (3-acres)
Indoor Cultivation	22,000 square-feet
Ancillary Nursery	7,500 square-feet

Initial Study – Environmental Checklist

Other site improvements will include up to 5-portable restrooms during harvest season, and a 200-square-foot compost area. The project would employ up to 6 full-time employees with additional part-time staff during harvest season for a maximum of 16 employees; the project will operate seven days per week between the hours of 7:00 AM to 4:30 PM.

The proposed greenhouse, outdoor cultivation area and accessory structures would be located in a relatively level area at the north end of the project site surrounded by vineyards, olive trees and relatively dense stands of oak trees to the east and west (Figure 2). All exterior lighting would be shielded, directed downward, and would comply with California Green Building Code and California Title 24 outdoor lighting energy efficiency requirements. Project grading would occur on approximately 5 acres; graded materials are expected to be balanced on-site.

Cannabis cultivation uses would be secured within the new project buildings and behind an existing 5-foot pipe perimeter fence outfitted with a lockable access gate. In addition, the project proposes a 6 foot tall wood interior fence to surround the greenhouse and processing buildings and 6-foot deer fencing to surround outdoor cultivation areas.

Baseline Conditions

The project site currently contains an existing olive orchard and vineyards. Approximately 3-acres of olive trees would be removed to accommodate the new development. The site also contains an existing single-family residence, a bed and breakfast business and agricultural accessory structures. One of the agricultural accessory structures (approximately 15,000-square-feet) would be replaced by the 40,000-square-foot greenhouse building.

The project site contains gently sloping topography. Existing vegetation includes olive trees, grape vines and ornamental landscaping; the site also contains three discontinuous stands of oak woodland. An ephemeral drainage with sparse to dense stands of oaks borders the west property line (Figure 2).

Ordinance Modification: The project includes a request for a modification from the parking standards 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 requirement of one parking space per 500 square feet of building floor area. The drying, curing, trimming, grading, and other processing activities are assumed to generate a parking demand comparable to “Ag Processing” which requires one parking space per 1,000 square feet of use area. With the application of these parking standards, the project would require 67 parking spaces. The project proposes 15 parking spaces. Up to 16 employees may be on site at various times during the day and year with carpooling programs proposed. Two of the employees live on site, where separate parking spaces will be provided. Therefore, 15 spaces are considered sufficient to meet the parking demand of the project.

Ordinance Modification: The project also includes a request for a modification from the setback provisions set forth in Section 22.40.050.D.3 of the County LUO.. The project proposes to reduce the required outdoor cannabis cultivation setback to the western property line from 300 feet to 100 feet. Compliance with the required setback would result in the outdoor cultivation area being located on a steeper slope 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 and discreet location that provides better screening from offsite views.

Ordinance Modification: The project includes a request for a modification from the screening and fencing provisions set forth in Section 22.40.050.D.6 of the County LUO. The project proposes 6-foot deer fencing for outdoor cannabis cultivation. As provided by the applicant, to access the outdoor cannabis cultivation area,

Initial Study – Environmental Checklist

there are three gates, and two existing perimeter fences. The proposed outdoor cannabis cultivation area is screened by existing topography, and vegetation.

ASSESSOR PARCEL NUMBER(S): 034-321-003

Latitude: 35 degrees 31' 40.4" N **Longitude:** 120 degrees 37' 10.2" W **SUPERVISORIAL DISTRICT #** 5

B. Existing Setting

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

Land Use Category: Agriculture
Combining Designation: Renewable Energy
Parcel Size: 99.11-acres
Topography: Gently sloping to gently rolling
Vegetation: Agriculture (Olive Orchard and Vineyards), Trees
Existing Uses: Agriculture uses (Olive Orchard and Vineyard), Bed and Breakfast, Single-Family Residences

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)

Initial Study – Environmental Checklist

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 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.

Initial Study – Environmental Checklist

Figure 1: Project Vicinity



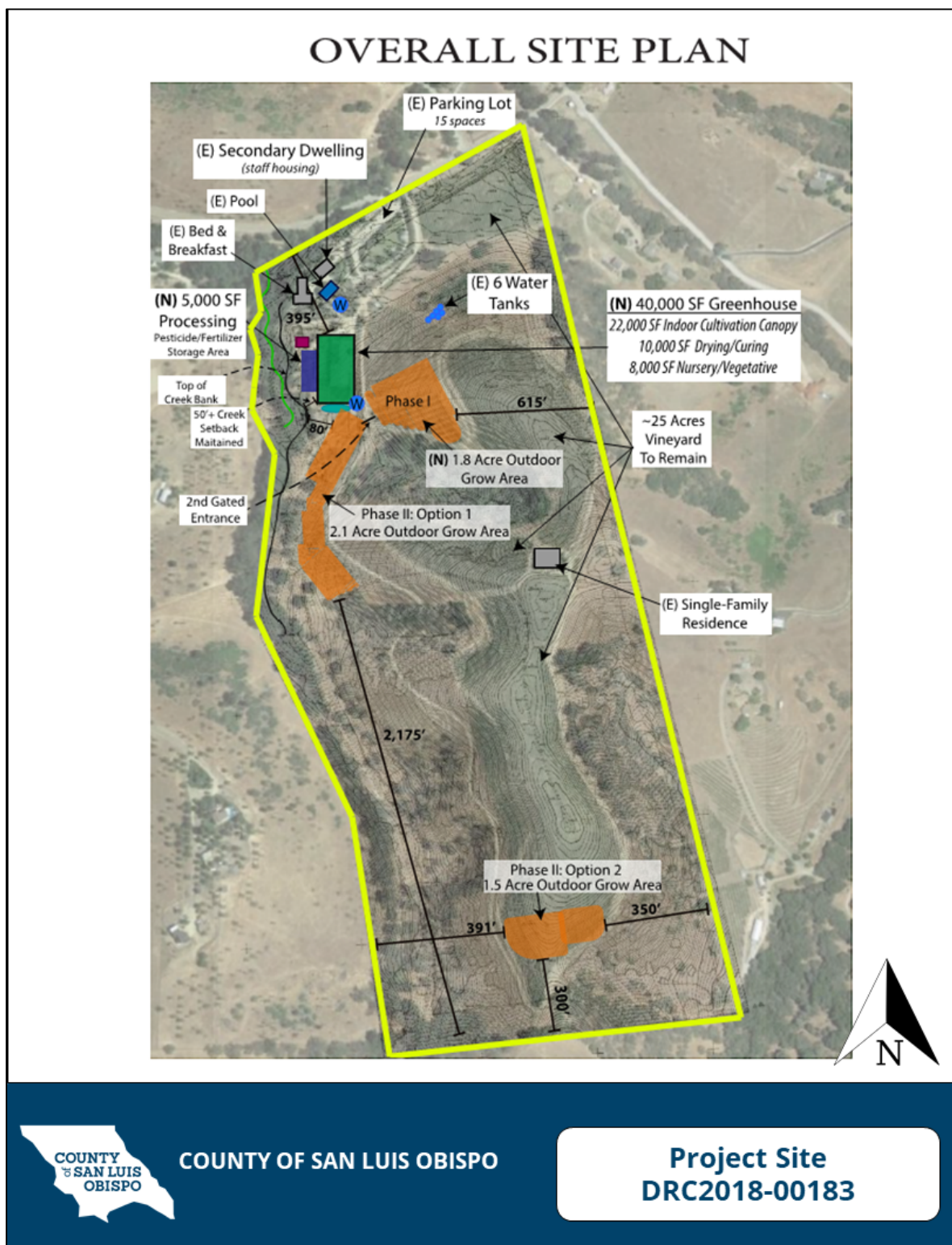
Initial Study – Environmental Checklist

Figure 2: Project Site



Initial Study – Environmental Checklist

Figure 3 – Site Plan



Initial Study – Environmental Checklist

C. Environmental Analysis

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

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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. Traffic counts taken on South El Pomar Road east of Templeton Road in 2017 revealed an afternoon peak hour volume of 88 vehicles. South El Pomar Road 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 South El Pomar Road is not subject to the County's Scenic Protection Standards.

The project site is located east of the Chicago Grade Landfill in an area intermixed with rural residential and agricultural land uses. The baseline visual components include an existing bed and breakfast, vineyards, olive orchards, existing storage barn, and other agricultural accessory structures. 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 to high degree of visual interest. As it passes over the

Initial Study – Environmental Checklist

Chicago Grade, South El Pomar Road offers views of the community of Templeton and the emerging foothills beyond to the west.

Discussion

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

For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public.

The project site is located in a rural area of the County where South El Pomar Road, serves as the primary vantage for public views. The proposed project is cannabis cultivation and related activities and therefore is consistent with the surrounding rural, agrarian landscape.

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

The project site is not visible from any State or locally-designated scenic highways. Therefore, the project would not result in a substantial adverse effect on a scenic vista, and impacts would be less than significant.

(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, South El Pomar Road 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 fronting the project site. Traffic speeds on South El Pomar Road in the vicinity of the project site are about 55 miles per hour which means that it would take travelers about 11 seconds to pass by the project site, assuming the width of the project site is about 1,100 feet. However, views of the project site from South El Pomar Road are largely obscured by the intervening topography and vegetation. 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.

The project site is also partially visible from surrounding properties to the west. If seen, the architecture of the proposed building would look agrarian in nature, fitting in with surrounding landscapes.

- *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.

Initial Study – Environmental Checklist

The project site is located about 2 miles east of the Atascadero City Limits 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 scale and character of the proposed new construction will not significantly detract from the integrity or uniqueness of the larger landscape. The design and location of the proposed buildings and outdoor cultivation area will incorporate features that are typical of agricultural activities in the area.

- *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 cannabis greenhouse (40,000 sf), processing building (5,000 sf) and other development associated with cannabis activities will largely complement the setting consistent with the visual character of the surrounding agricultural lands. In addition, the proposed cannabis facility will replace an existing agricultural accessory structure. 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?*

The 40,000-square-foot greenhouse, 5,000-square-foot processing/storage building, and bed and breakfast building will be equipped with motion-activated outdoor security lighting. The lighting would be placed at the eave or roof ridgeline height of the structures (approximately 10 feet above grade) with down-focused flood beams. The purpose of this lighting is to provide visibility for access and security, as expected. Due to the rural, agrarian nature of the area, artificial lighting that escapes the project site could adversely impact both nearby residents and wildlife species. With implementation of AES-1, impacts would be less than significant with mitigation.

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.

Initial Study – Environmental Checklist

- 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.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

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"/>

Setting

The project site is located within the Agriculture land use category and is currently used for the cultivation of wine grapes and olives. The project site is located within the El Pomar Agricultural Preserve and is subject to a Land Conservation Act (LCA) contract. This project and the existing contract were reviewed by Agricultural Preserve Review

Initial Study – Environmental Checklist

Committee (APRC) on March 25, 2019 who determined that the proposed cannabis activities are compatible with the land conservation contract and the Williamson Act.

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.

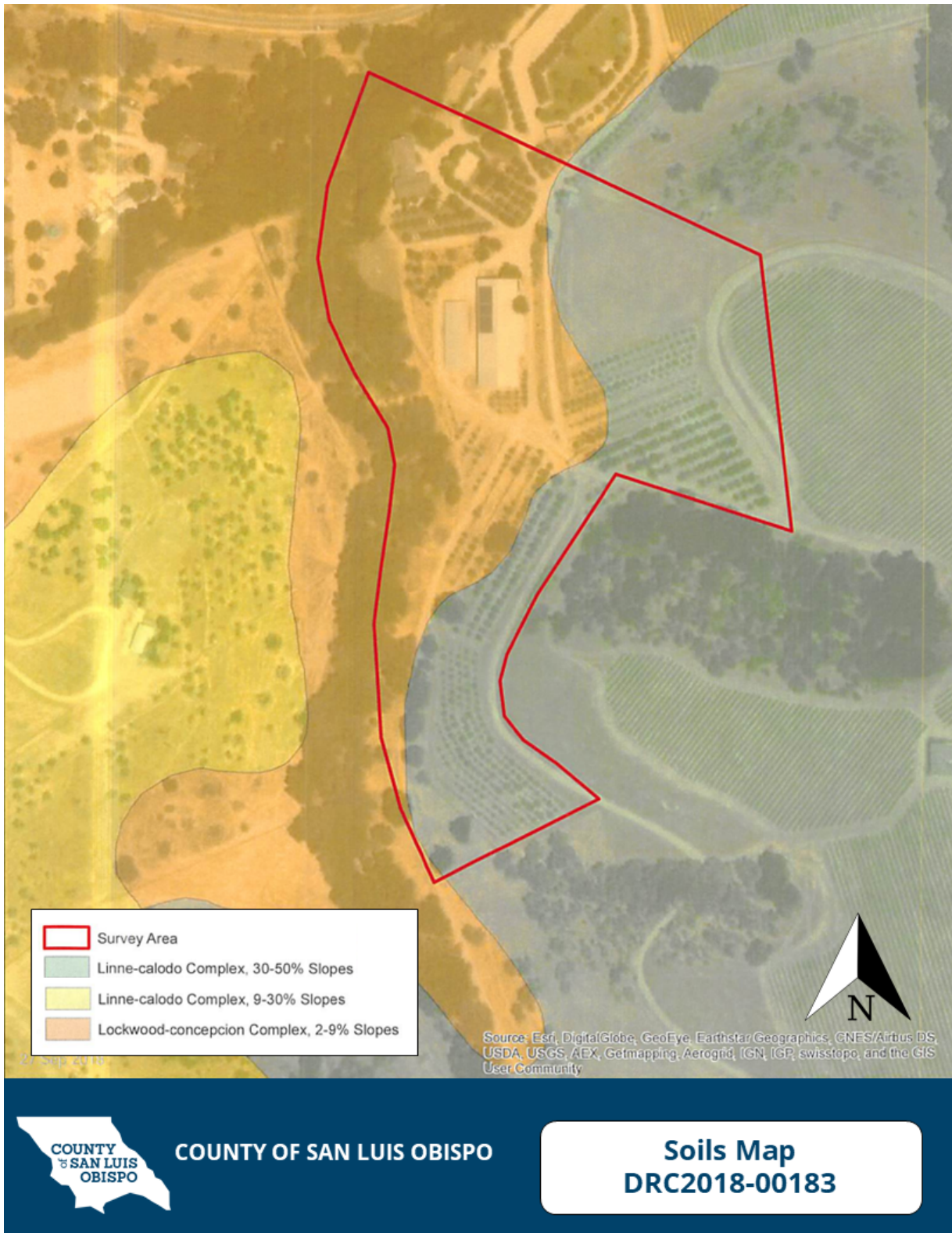
Lockwood Concepcion complex (2 - 9% slope):

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.

Initial Study – Environmental Checklist

Figure 3: Soils of the Project Site



Initial Study – Environmental Checklist

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 new 40,000-square-foot facility and 5,000-square-foot facility building would be placed on slab foundations, which would result in the permanent conversion of 1.10 acres to a non-agricultural use (commercial cannabis operations), and the semi-permanent conversion of 0.15 acre to a non-agricultural use (parking area). The area of disturbance is located in the western portions of the site on the Lockwood Concepcion soil complex with 2-9 percent slopes which is considered *Farmland of Statewide Importance* by Table SL-2 of the Conservation and Open Space Element. Project impacts to Farmland of Statewide Importance are considered less than significant because:

- The project will result in the permanent conversion of 1.25 acres of the 99.11-acre site which will have no effect on the cultivation potential of the remaining portions of the site. The areas proposed for outdoor cannabis activities can be readily converted to conventional crop production in the event that cannabis activities are removed.
- The existing vineyards on the project site will be retained.
- 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.

- a. *Allow the development of compatible intensive agricultural facilities that support local agricultural production, processing, packing, and support industries.*
- b. *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.

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

Discussion: The proposed greenhouse and processing building will be located on Farmland of Statewide Importance. However, the proposed facilities will be replacing an existing agricultural accessory structure which is no longer in use. Locating the proposed project where existing structure was placed would lessen the amount of disturbance on the site, including the grading amount since it is taking advantage of existing building site. Locating the structures outside of Farmland of Statewide Importance would require locating the building on steeper slopes and would require extensive grading. Therefore, the proposed location of the structures is consistent with Agriculture Element, since the location would utilize existing circulation. Furthermore, the proposed site does not contain Prime Farmland.

AGP14: Agricultural Preserve Program.

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

Initial Study – Environmental Checklist

Discussion: The project site is subject to a current Land Conservation Act (Williamson Act) contract. The proposed project was found to be consistent with existing Williamson Act Contract by the Agricultural Preserve Review Committee (see below).

AGP24: Conversion of Agricultural Land.

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

- 1. 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.*
- 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 redesignation (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 site is located about four miles outside the urban reserve of the City of Atascadero. 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 proposed site is subject to a Williamson Act contract. This project and the existing contract were reviewed by Agricultural Preserve Review Committee (APRC) on March 25, 2019 who determined that the proposed cannabis activities are compatible with the land conservation contract and the Williamson Act.

(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))?

There is no forest land, timberland, or timberland zoned Timberland Production or zoning for such uses in the project vicinity; *no impact would occur.*

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

There is no forest land, timberland, or timberland zoned Timberland Production or zoning for such uses in the project vicinity; *no impact would occur.*

Initial Study – Environmental Checklist

- (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 existing and future agricultural operations on the project site and in the vicinity. The project would be compatible with existing agricultural operations, would not adversely affect existing proximate agricultural uses, agricultural support services, or agricultural infrastructure or resources. The structures proposed by the project would allow for the buildings to be utilized by other agricultural operations in the event that cannabis activities are removed. The proposed project would not result in the indirect conversion of existing farm or forestland to another use. Therefore, *no impacts would occur*.

Conclusion

No significant impacts to agricultural resources would occur.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

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.

According to the Western Regional Climate Center¹, 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.

Thresholds of Significance for Construction Activities. The APCD's CEQA Handbook establishes thresholds of significance for construction activities (Table 2). 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 + NOx) or diesel particulates in excess of 7 lbs per day can result in a significant impact.

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.

Initial Study – Environmental Checklist

Table 2 – Thresholds of Significance for Construction			
Pollutant	Threshold ¹		
	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. Proposed project expects 3 average daily motor vehicle trips (peak hour trips), therefore would not 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 is consistent with the general level of development anticipated and projected in the 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.

Initial Study – Environmental Checklist

- (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 cultivation sites, construction of the proposed buildings, parking area, and other associated improvements. Therefore, construction related emissions will exceed the general thresholds triggering construction-related mitigation. Mitigation measure AQ-1 is recommended to ensure construction related emissions will result in a less than significant impact.

Operational impacts.

According to trip generation rates for cannabis activities applied by the Department of Public Works, the project is expected to generate 3 average daily motor vehicle trips (peak hour trips). The project estimates that three full-time staff will live on site in the existing dwellings, and additional three full-time staff would be employed. Therefore, in most scenario, the expected traffic would be 6 daily motor vehicle trips. During harvest, the operation may employ up to additional 10 seasonal staff. According to the 2012 APCD CEQA Handbook, a project that generates less than 99 average daily motor vehicle trips will generate emissions that fall below the threshold of significance for ozone precursors and greenhouse gas emissions. Even during harvest season, the proposed project would fall below the threshold of significance for ozone precursors and greenhouse gas emissions.

LUO Section 22.40.050.D.4 states that cannabis cultivation sites located on an unpaved road shall incorporate measures to mitigate the air pollution (i.e. dust) effects created by the use. Motor vehicle access to the project site is provided from South El Pomar Road which is a paved, county maintained roadway. Therefore, the provisions of LUO 22.40.050.D.4 do not apply.

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

- (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 200 feet to the east of the proposed outdoor cultivation area. 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, potential 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

Initial Study – Environmental Checklist

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 drying, 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. Accordingly, Section 22.40.050 of the LUO mandates the following:

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

The nearest offsite residences are 200 feet to the east and 300 feet to the west. Existing sources of potential odors in the area include ongoing agricultural operations and the Chicago Grade Landfill located about 1,800 feet to the west.

With regard to the effects of cannabis odors on air quality, there are no standards for odors under either the federal or State Clean Air Acts. Accordingly, there are no objective standards through which the adverse effects of odors may be assessed. Although odors do affect “air quality”, they are treated as a nuisance by the County and abated under the County’s nuisance abatement procedures.

The precise adverse health effects of cannabis odors, if any, are unknown. However, exposure to unpleasant odors may affect an individual’s quality of life and sense of well-being; exposure to odorous compounds can also potentially trigger physical symptoms. As discussed above, odors are not considered an air pollutant under federal or state laws air quality laws.

The Project incorporates the following features to address odors:

- The proposed buildings will be equipped with a fan with carbon filter system that will provide a minimum of 12 air changes per hour or a 5-minute air change. The carbon filter system will be used in conjunction with an exhaust system that is further equipped with carbon filtration. The exhaust fan will be interlocked to a pressure controller which will maintain a 15-pascal pressure differential between the cultivation areas and corridor and other common areas. Carbon scrubbers have been demonstrated to be an effective odor abatement method for indoor cannabis facilities (County of Santa Barbara 2017) and work by pulling odors from the air into an exhaust system and absorbing any odors that pass through via activated/deactivated carbon (granular, pelletized, or powdered).
- The Operations Plan required by LUO Section 22.40.040.A.3. sets forth operating procedures to be followed to help ensure odors associated with cannabis related activities do not leave the project site. In addition, the project will utilize a portable olfactometer to determine the effectiveness of the odor containment system. The portable olfactometer, also known as Nose Telescope or Nasal Ranger, will provide a scientific method of quantifying odor strength in terms

Initial Study – Environmental Checklist

of “dilution to threshold” (D/T) ratios. If odors are detected and exceed a 7/1 dilution standard, additional steps will be taken to confine the odors on-site.

- All cannabis cultivation projects are conditioned to operate in a manner that ensures odors associated with cannabis activities are contained on the project site.
- All cannabis cultivation projects are conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.

With incorporation of these project features, emissions (such as those leading to odors) will not adversely affect a substantial number of.

Conclusion

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

Mitigation

Air Quality

- AQ-1 Dust Control.** The project proposes grading areas that are greater than 4 acres in size within 1,000 feet of a residence. 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. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
 - c. All dirt stock pile areas shall be sprayed daily 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 shall 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) 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 shall 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;

Initial Study – Environmental Checklist

- 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. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
- l. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. 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.
- 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).

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 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

Initial Study – Environmental Checklist

- operators of the 5 minute idling limit;
- g. Diesel idling within 1,000 feet of any residence is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of any residence;
- 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.

All of the above measures shall be implemented and kept in good working order, as applicable, **throughout the construction phase**. All vehicle operators and on-site supervisors shall be informed of these measures prior to any work commencing on site.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

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 type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input 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"/>

Initial Study – Environmental Checklist

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

Initial Study – Environmental Checklist

Site Setting

The following information is based on a Biological Resource Assessment prepared for the project site by Terra Verde Environmental Consulting, LLC (Terra Verde) in September of 2018. Terra Verde conducted field reconnaissance of the property on May 10, 2018.

Prior to field work, Terra Verde, conducted a review of available background information including botanical and wildlife inventory, vegetation community mapping, a habitat assessment focused on the potential for special-status species and sensitive natural communities to occur on site, and a preliminary jurisdictional assessment of hydrologic resources on site. In addition, the USFW'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.

Terra Verde's biologists, Amy Golub and Riley Chestnut conducted a site survey on May 10, 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 surveyed for approximately four hours to identify plant species and plant communities present. The study area included the project site and 100-foot buffer. Existing plant communities and land cover types were mapped. 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.

The California Natural Diversity Database (CNDDDB) was reviewed for documented special status resources within the Creston 7.5-minute quadrangle and the surrounding eight quadrangles (Estrella, Shandon, Shedd Canyon, Wilson Corner, Santa Margarita, Atascadero, Templeton, and Paso Robles). 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.

The California Natural Diversity Database (CNDDDB) was queried for sensitive species. Nine plants were identified with low potential to occur within the overall project and survey area, including Douglas' Fiddleneck (*Amsinckia douglasiana*), Dwarf Calycadenia (*Calycadenia villosa*), Lemmon's Jewelflower (*Caulanthus lemmonii*), Paniculate Tarplant (*Deinandra paniculate*), Yellow-flowered Eriastrum (*Eriastrum luteum*), Santa Lucia Dwarf Rush (*Juncus luciensis*), Pale-yellow Layia (*layia heterotricha*), Santa Lucia Bush-mallow (*Malacothamnus palmeri* var. *palmeri*), San Gabriel Ragwort (*Senecio astephanus*), and Oak Trees and Woodland (*Quercus agrifolia* and *Quercus douglasii*). Five wildlife species (including reptile and avian species) were identified as potential to occur within the overall project and survey area, including Townsend's Big-eared Bat (*Corynorhinus townsendii*), American Badger (*Taxidea taxus*), Northern California Legless Lizard (*Anniella pulchra*), Grasshopper Sparrow (*Ammodramus savannarum*), and White-tailed Kite (*Elanus leucurus*).

On-Site Habitats

Four habitat types were identified on the site in 2018, including Wild Oats Grassland, Active Agricultural, Coast Live Oak Woodland, and Developed (please refer to Figure 4, the Habitat Map). A majority of the survey area consists of highly modified landscapes including barn structures, olive orchards, ornamental trees, and paved and gravel access roads. Natural vegetation communities and habitats are concentrated along the margins of the survey area, where anthropogenic areas abut natural habitats and include wild

Initial Study – Environmental Checklist

oats grassland and blue oak woodland. The following discussion provides a brief characterization of the existing conditions of each habitat type observed on-site.

Wild Oats Grassland

Wild oats grassland habitat was observed throughout the margins of access roads, in disturbed fields, and between existing agricultural use areas, and the riparian woodland habitat. The reported noted that the portions of the wild oats grassland showed signs of past and current anthropogenic disturbances including mowing and areas of bare dirt or very sparse cover. Though the habitat is disturbed within the survey area, wild oats grasslands provide habitat for ground-nesting birds, small mammals, reptiles and other wildlife.

Coast Live Oak Woodland

Coast live oak woodland habitat was observed within the riparian corridor of the unnamed ephemeral drainages as well as in the relatively undisturbed areas surround the existing vineyards/orchards. These areas are generally characterized by a continuous tree canopy of coast live oak through dominance variably transitioned with blue oak in certain areas. This type of community typically occurs in alluvial terraces, canyon bottoms, stream banks, slopes, and flats in deep, sandy or loamy soils at elevations below 1,200 meters. Coast live oak woodland habitat community provides valuable habitat for nesting birds, small mammals, and other wildlife.

Developed

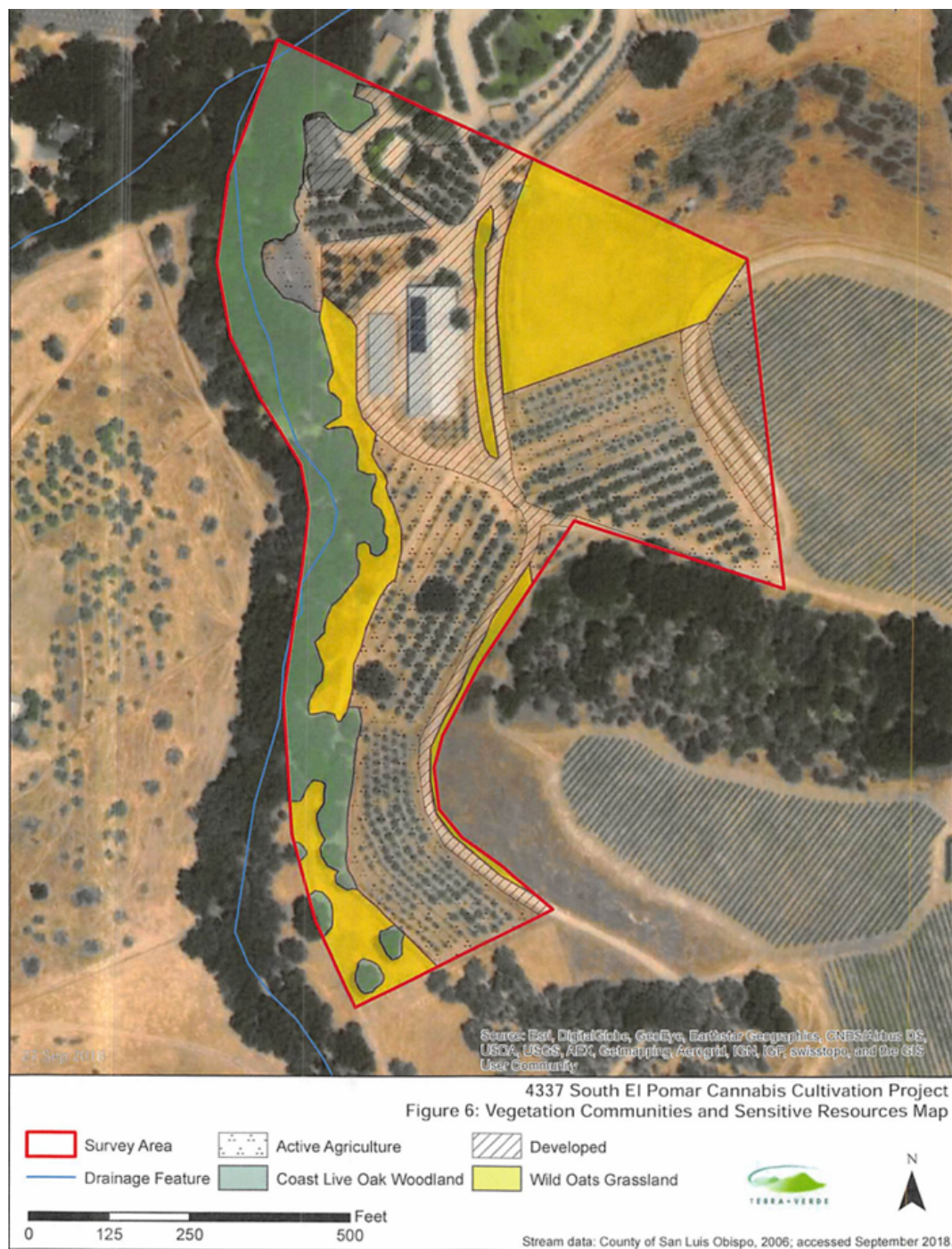
Disturbed land cover type was observed throughout the site, particularly concentrated where 40,000-square-foot building is proposed, in association with the man-made structures (i.e., agricultural accessory structure, residences, and stables), landscape areas, and access roads. Developed areas observed on site do not correspond to a natural vegetation community but may provide marginally suitable habitat for wildlife foraging and cover.

Active Agriculture

Agricultural habitat was observed throughout the site, particularly concentrated where outdoor cultivation is to occur. It is characterized by frequent disturbance associated with existing olive orchards. Similar to developed areas, herbaceous weedy species were also observed in variable cover between the rows of olives. Active agriculture areas observed on site do not correspond to a natural vegetation community but may provide marginally suitable habitat for wildlife foraging and cover.

Initial Study – Environmental Checklist

Figure 4 - Habitats of the Project Site



Initial Study – Environmental Checklist

Hydrologic Features

Distinct hydrologic features are present along the north and west 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. However these drainages exhibited a well-defined bed and bank, evidence of an ordinary high water mark (OHWM), and a significant nexus to traditionally navigable waters of the U.S. Based on the preceding features, these drainages fall within the jurisdiction of the U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (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.

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?*

The proposed project sites consist of predominantly existing agricultural activities (olive orchards), and an agricultural accessory structure (open barn structure). The entire proposed project is located within previously disturbed areas that are currently utilized for agricultural production or support existing structures such as the open barn structure. A site visit conducted by biologists from Terra Verde confirmed that no special-status species were observed during the survey effort.

Special-Status Plants, Wildlife Species, and Migratory Nesting Birds and Sensitive Avian Species

The special-status plant survey was completed during the typical blooming period for regionally occurring special-status species with potential to occur within the overall survey area. Nine identified (see Settings above) special-status plants have potential to occur on project site, but none were found on the project site. Oak Trees and Woodlands are protected under San Luis Obispo County Oak Woodland Ordinance No. 3346, and SB 1334. Any impacts to mature oak species are further regulated under California Public Resources Code 21083.4. Numerous mature oak trees are present within the survey area, including the proposed disturbance area, and in association with the riparian corridor. The project is designed to avoid any oak tree removal. The applicant is required to replace any impacted oak trees at ratio of 2:1, per County of San Luis Obispo Open Space Element. Mitigation Measures BIO-1 and BIO-2 shall be implemented to address potential impacts to oak trees, and mitigation for impacted oak trees.

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). Mitigation Measure BIO-3 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 within wild oats grassland habitat scattered throughout the survey areas, as well as surrounding area. Mitigation Measure BIO-4 shall be implemented to address avoidance and minimization measure for American Badger. Northern California Legless Lizard 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-5 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

Initial Study – Environmental Checklist

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-5 shall be implemented to address sensitive avian species and migratory nesting birds.

Implementation of Mitigation Measures BIO-3 through BIO-5 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?*

The proposed project is designed to place all temporary and/or permanent structures at least 50 feet away from the top of bank of the ephemeral drainages. As noted above, two USGS blue line drainages are present along the north and west 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 referral response from RWQCB stated that the project is subject to statewide Cannabis General Order. Mitigation Measures BIO-1 and BIO-7 shall be implemented to avoid impacts to the riparian habitat and USGS blue line creek.

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

The project site does not support state or federal wetlands or other jurisdictional areas. Therefore, the project would not result in an adverse effect on state or federally protected wetlands and no impacts would occur.

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

The project site is not expected to block or restrict movement of wildlife as the property has been regularly disturbed by agricultural activities. However, undisturbed habitat is still present in small pockets surrounding the project area. As such, existing habitat and movement corridors in the vicinity of the project are somewhat fragmented, but relatively intact. The proposed project is proposed to only occur within the disturbed agricultural use areas and existing developed areas, which does not show sign of frequent use by any special-status species. The proposed project is not expected to increase the overall level of fragmentation in the region. Therefore, impacts related to interference with the movement of resident or migratory fish or wildlife species would be less than significant.

Initial Study – Environmental Checklist

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

Oak trees and woodlands are protected under San Luis Obispo County Oak Woodland Ordinance No. 3346, and SB 1334. Any impacts to removal of any mature oak species are further regulated under California Public Resources Code 21083.4. Numerous mature oak trees are present within the survey area, including the proposed disturbance area, and in association with the riparian corridor. The project is designed to avoid any oak tree removal. In cases of impacted oak trees, the applicant is required to replace at 2:1 ratios, per County of San Luis Obispo Open Space Element. The project is consistent with relevant policies and ordinance protecting biological resources and does not propose the removal of any oak trees. Mitigation Measure BIO-2 shall be implemented to address potential removal of oak trees, and mitigation for impacted oak trees.

- (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 Wild Oat Grassland, Active Agriculture, Coast Live Oak Woodland, and Developed. These habitats are common in the region and are in disturbed condition due to regular farming activities and human presence on-site and on neighboring properties. The Coast Live Oak Woodland habitat is associated with two ephemeral drainage features, and these areas will be avoided and buffered from future cannabis 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.

Based on review of the preliminary site plan, impacts would be focused within previously disturbed soils and existing orchard, therefore the impacts to special status biological resources are not expected to occur from the project. Incorporation of mitigation measures BIO-1 through BIO-7 would reduce project related impacts to biological resources to a less than significant level pursuant to CEQA.

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:

- Locate all structures, and construction activities, outside of the tree dripline, and where possible outside of the tree's root zone;
- 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.
- When located in "high" or "very high" fire severity zones, make all efforts to locate

Initial Study – Environmental Checklist

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 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:
 - 3. 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);
 - 4. 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:

- 5. Shelter will be secured with stake that will last at least five years; metal stake will be used if grazing could occur on site;
- 6. Height of shelter will be no less than three (3) feet;
- 7. Base of shelter will be buried into the ground;
- 8. Top of shelter will be securely covered with plastic netting, or better, and last for no less than five years;
- 9. 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-3

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-

Initial Study – Environmental Checklist

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-4 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.

If avoidance of a non-maternity den (impacts to maternity dens is not allowed) is not feasible, badgers shall be relocated by slowly excavating the burrow (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 1 July). Any passive relocation of badgers shall occur only after consultation with the CDFW and the biological monitor.

BIO-5 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-6 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

Initial Study – Environmental Checklist

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-7

Sensitive Habitat Protection - Avoidance. There shall be no cutting, alteration or disturbance of the existing riparian and Oak Woodlands habitat (as identified in the Biological Resource Assessment dated September 27, 2018) 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 (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.

Initial Study – Environmental Checklist

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 project is located in an area historically occupied by the Obispeño Chumash and Salinan. These Native Americans established a sophisticated system of horticulture, using seed scattering, harrowing, selective harvesting, coppicing, and spot burning to produce crops of acorns, grass, and wildflower seeds. They also hunted wildlife and foraged for juncus, willow, redbud, and elderberry for basket making. The founding of Mission Asistencia at Santa Margarita in the 1780s and Mission San Miguel Arcángel in 1797 led to the gradual depopulation of native communities in this area.

The Project is located within an area of moderate archaeological sensitivity. A Phase I archaeological survey was prepared for the project site (Archaeological Surface Survey for the El Pomar Road Project, 4337 South El Pomar Road, Templeton, San Luis Obispo County) that was revised on January 23, 2019. The survey and records search concluded that known prehistoric or historic cultural resources were not present within the proposed project area. Two cultural resources surveys (Singer 2004, Leroy 2005) have been conducted on properties within a 0.50-mile radius. Those studies did not identify any significant cultural resources, and are in a similar environment and landform as the current study.

In accordance with AB 52 cultural resources requirements, outreach to numerous Native American tribes has been conducted. See Section XVII – Tribal Cultural Resources for discussion.:

Discussion

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

The CCIC records search data confirmed that the project site does not contain, nor is it located near, any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. The proposed project will not cause a substantial adverse change in the significance of a historical resource. Therefore, no impacts will occur.

Initial Study – Environmental Checklist

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

No known archaeological resources are present on the project site. As noted above, the Cultural Resources Survey identified no known archaeological sites within the vicinity of the proposed project and the surface surveys were also negative for resources. In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required, which states:

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

Based on the low known sensitivity of the project site, and with implementation of LUO Section 22.10.040, impacts to archaeological resources would be less than significant.

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

The nearest dedicated cemetery is the Atascadero Pine Mountain Cemetery, located approximately 2.91 miles to the southwest. The record and literature search of the project area did not identify any known burial sites within the vicinity of the proposed project. Additionally, consultation with the Native American tribes did not result in identification of known burials. (See Section XVIII. Tribal Cultural Resources.) However, project excavations have the potential to encounter previously unidentified human remains in the form of burials or isolated bones and bone fragments. If human remains are exposed during construction, construction shall halt around the discovery of human remains, the area shall be protected, and consultation and treatment shall occur as prescribed by State law. The County's Coroner and Sheriff Department shall be notified immediately to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance shall occur until the County Coroner has been notified and can make the necessary findings as to origin and disposition of the remains. If the remains are determined to be Native American, the Coroner will notify the NAHC and the remains will be treated in accordance with Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, impacts related to the disturbance of human remains would be reduced to less than significant.

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

Initial Study – Environmental Checklist

Sources

See Exhibit A.

Initial Study – Environmental Checklist

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

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from greenhouse gas-free resources (PG&E 2017).

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

The EWP established the goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "[a]ddress future energy needs through increased conservation and efficiency in all sectors" and "[i]ncrease the production of renewable energy from small-scale and commercial-scale renewable energy installations to account for 10% of local energy use by 2020." In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory, 2006.

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

Initial Study – Environmental Checklist

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100).

The project is not located within the Renewable Energy Area combining designation. The project's energy demand would be principally supplied by Pacific Gas and Electric Company (PG&E).

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 approximately 278,000 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.

As a result, the implementation of the proposed project would cause a *less than significant* impact in relation to the consumption of energy resources.

- (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;
- 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;

As such, the project does not propose a use or activity that would otherwise conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, *no impacts would occur*.

Initial Study – Environmental Checklist

Conclusion

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

Mitigation

None are required.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<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"/>

Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the County and that are currently zoned under the State of California Alquist-Priolo Fault Zoning Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon fault system generally consists of two fault zones: the Hosgri fault zone that is mapped off of the San Luis Obispo County coast; and the San Simeon fault zone, which appears to be associated with the Hosgri, and comes onshore near the pier at San Simeon Point. Lastly, the Los Osos Fault zone has been mapped generally in an east/west orientation along the northern flank of the Irish Hills.

The County's Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the County. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code.

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Groundshaking can endanger life and safety due to damage or collapse of structures or lifeline facilities. The California Building Code (CBC) currently requires structures to be designed to resist a minimum seismic force resulting from ground motion.

Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from groundshaking during an earthquake. Liquefaction potential increases with earthquake magnitude and groundshaking duration. Low-lying areas adjacent to creeks, rivers, beaches, and estuaries underlain by unconsolidated alluvial soil are most likely to be vulnerable to liquefaction. The CBC requires the assessment of liquefaction in the design of all structures. The project is located in an area with low potential for liquefaction.

Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structure, earthquakes, or a combination of these factors. Despite current codes and policies that discourage development in areas of known landslide activity or high risk of landslide, there is a considerable amount of development that is being impacted by landslide activity in the County each year. The County Safety Element identifies several policies to reduce risk from landslides and slope instability. These policies include the requirement for slope stability evaluations for development in areas of moderate or high landslide risk, and restrictions on new development in areas of known landslide

Initial Study – Environmental Checklist

activity unless development plans indicate that the hazard can be reduced to a less than significant level prior to beginning development. The project is located in an area with moderate potential for landslides.

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly.

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. All land use permit applicants located within a GSA are required to include a report prepared by a certified engineering geologist and/or registered civil/soils engineer as appropriate. This report is then required to be evaluated by a geologist retained by the County. In addition, all uses within a GSA are subject to special standards regarding grading and distance from an active fault trace within an Earthquake Fault Zone (LUO 22.14.070). The project is not within a GSA combining designation and exhibits a low and moderate potential for liquefaction and landslide risk.

The County Conservation and Open Space Element (COSE) identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils

Discussion

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

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

The project site is not located within an Alquist-Priolo Fault Hazard Zone, and there are no mapped active faults crossing or adjacent to the site (DOC 2018). The closest known fault is approximately 1 mile west of the project site. The proposed project would be subject to the provisions of the California Building Code to ensure the proposed structures incorporate seismic-safety features. Therefore, the potential for impacts related to surface ground rupture to occur at the proposed sites is low, and potential impacts would be less than significant.

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

The project would be required to comply with the California Building Code (CBC) to ensure the effects of a potential seismic event would be minimized to the greatest extent feasible. The project would not be open to the public and would be mostly agricultural activities. Therefore, impacts related to the production of strong seismic ground shaking would be less than significant.

Initial Study – Environmental Checklist

(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 not 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 5 acres. 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?*

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

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

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

Based on the Soil Survey of San Luis Obispo County and Web Soil Survey, the project site is not located within an area known to contain expansive soils as defined in the Uniform Building Code. The project sites are located on soil units with a low shrink-swell (expansive) potential and low clay content. Therefore, impacts to life or property related to expansive soils would be less than significant.

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

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

Initial Study – Environmental Checklist

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

There are no known unique paleontological resources or unique geological features located within the project sites and the area has a low potential for encountering important fossils. No significant paleontological resources were identified in the area. However, in the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be implemented as part of the ordinance requirement. Therefore, impacts would be *less than significant*.

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.

Initial Study – Environmental Checklist

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.

Initial Study – Environmental Checklist

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.

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;

Initial Study – Environmental Checklist

- Increasing opportunities for sequestration;

Conclusion

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

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

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"/>

Initial Study – Environmental Checklist

Setting

To comply with Government Code Section 65962.5 (known as the “Cortese List”) the following databases/lists were checked in June 20, 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 Cal Fire’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 Cal Fire 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.

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 in a processing facility within 650 square-feet of space.

Initial Study – Environmental Checklist

- 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. Proposed project shall comply with all posting requirements of the protection standard for the restricted entry interval stated on the label.
- Proposed project will store pesticides in a locked space away from all cultivation areas.

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?*

During construction the proposed project would utilize limited quantities of hazardous substances such as gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Handling of these materials has the potential to result in an accidental release. 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 BIO-7, 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. Therefore, impacts would be *less than significant*.

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

Based on the project description, the project is not located within one-quarter mile of a school. Therefore, there would be no impact.

- (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. Therefore, there would be no impact.

Initial Study – Environmental Checklist

- (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. Therefore, there would be no impact.

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

The project would not conflict with any regional emergency response or evacuation plan as the existing access roads would be wide enough to accommodate emergency vehicles and the project footprint is small. Construction and operation of the project would not require road closure, and the project would not physically block the onsite residents from evacuating during an emergency. No structures or other obstacles are proposed that would hinder evacuation or emergency response. Therefore, impacts would be *less than significant*.

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

The project is located 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 Cal Fire/County Fire. In their letter (Cal Fire/County Fire, July 23, 2019), Cal Fire/County Fire 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 Cal Fire/County Fire 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 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. |

Sources

See Exhibit A.

Initial Study – Environmental Checklist

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"/>

Initial Study – Environmental Checklist

Setting

The project proposes to utilize an existing well within the subject property for cannabis activities. The project sites are within the Creston subarea of the Paso Robles Groundwater Basin. The basin extends from the Garden Farms area south of Atascadero to Ground Squirrel Hollow, and from the Highway 101 corridor to east of Creston. It is the primary, and in many places the only, source of water available to property owners throughout the North County.

In 2015, the state legislature approved a new groundwater management law known as the Sustainable Groundwater Management Act (SGMA). SGMA requires that high- and medium-priority basins comply with the new law. The California Department of Water Resources designated the Paso Robles Groundwater Basin as a high-priority basin and designated the basin to be in a "condition of critical overdraft."

In January 2007, the County Board of Supervisors directed the preparation of a Resource Capacity Study (RCS) for the Paso Robles Groundwater Basin in accordance with the County's Resource Management System (RMS).

The RCS established a LOS III for the main basin and a separate LOS I for the Atascadero basin, which is hydro-geologically distinct from the main basin.

The Countywide Water Conservation Program and Water-Related General Plan and County Code Amendments

On October 27, 2015, the County Board of Supervisors adopted the Countywide Water Conservation Program to address ongoing water scarcity concerns. The objectives of the Countywide Water Conservation Program are to halt increase in groundwater extraction in areas that have been certified LOS III; provide a mechanism to allow new development and new or altered irrigated agriculture to proceed in certified Level of Severity III areas, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; and to reduce the wasteful use of water in the county. The amendments were effective on November 26, 2015, and affect the following areas:

- Paso Robles Groundwater Basin:
 - New buildings and new irrigated agriculture must offset new water use. (Building and Construction Ordinance and the County LUO)
 - New construction and new irrigated agriculture in the Paso Robles Groundwater Basin must be water neutral.
- Countywide:
 - Water waste prevention measures apply to all unincorporated areas where a similar program is not already operated by a water purveyor. (Health and Sanitation Ordinance)
 - Agricultural best management practices are encouraged in all unincorporated areas (the County LUO)

The adopted Countywide Water Conservation Program and ordinances included amendments to the County Health and Sanitation Ordinance, Building and Construction Ordinance, County LUO, and County Fee Schedule.

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

Initial Study – Environmental Checklist

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. 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. The proposed project will remove existing irrigated olive orchards to provide water for cannabis cultivation.

Discussion

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

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. In addition, Mitigation Measures BIO 1 and BIO 7 discussed in Section IV – Biological Resources are recommended to protect surface water quality and riparian corridor. Therefore, impacts would be *less than significant*.

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

As discussed above, the project site is located in a groundwater basin with a LOS III and within an area of severe decline. Therefore, a 2:1 water use offset is required. Based on a future demand of 5.22 AFY associated with the proposed cannabis activities, the required offset is 10.44 AFY. The project proposes to achieve the water offset by removing 4.5 acres of irrigated olive trees with a current water demand of 2.3- AFY per acre. Water use is required to be metered and this data will be

Initial Study – Environmental Checklist

provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity (5.22 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount.

In addition, the project is 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, and the conditions of approval 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. 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. Therefore, impacts would be *less than significant*.

- (c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*
 - (c-i) *Result in substantial erosion or siltation on- or off-site?*
 - (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 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. Therefore, impacts would be *less than significant*.

- (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. Therefore, impacts would be *less than significant*.
- (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 Central Coast RWQCB Basin Plan. Therefore, impacts would be *less than significant*.

Conclusion

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

Mitigation

No mitigation measures are required.

Initial Study – Environmental Checklist

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 land use (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. Therefore, impacts would be less than significant.

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

Mitigation

No mitigation measures are necessary

Sources

Initial Study – Environmental Checklist

Exhibit A

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

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 type="checkbox"/>	<input type="checkbox"/>
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>

Setting

The Noise Element of the County's General Plan includes projections for future noise levels from known stationary and vehicle-generated noise sources. Based on the Noise Element's projected future noise generation from known stationary 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 4). Section 22.10.120 B. sets forth standards that apply to sensitive land uses that include (but are not limited to) residences.

Table 4 -- 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.

Initial Study – Environmental Checklist

The project is located approximately 2.8 miles from the Atascadero Urban Reserve and is bordered by residences on 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 South El Pomar Road, 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. Noise resulting from the use of wall- or roof-mounted HVAC and odor mitigation equipment would be expected to generate noise levels of approximately 70 dBA at the source. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. Therefore, project related noise sources producing 70 dB at 5 feet will be perceived to produce about 20 dB at the nearest property line, assuming a distance of 320 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).

The project is located within an agricultural area and based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. Noise generated by vehicular traffic on South El Pomar Road 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. Therefore, impacts would be *less than significant*.

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

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 distance of the site from the Airport, the project would not subject workers to excessive aviation related noise levels. Therefore, impacts would be *less than significant*.

Initial Study – Environmental Checklist

Conclusion

No significant noise impacts are anticipated, and no mitigation measures are necessary. As a standard condition of approval to ensure the project will not conflict with any sensitive noise receptors (e.g., residences), HVAC units, and carbon filtration system, if installed as part of the equipment, shall be sound attenuated to meet applicable County and State exterior noise standards. The project shall be maintained in compliance with the County Noise Element (including HVAC units and carbon filtration system). Implementation of these existing requirements would reduce noise impacts to a less than significant level.

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.

Discussion

- (a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
- (b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The project site includes single-family residence, bed and breakfast, agricultural activities (olive orchards and vineyards), and agricultural accessory structures. The single-family residence would continue to be used as a residential use. The proposed project would not result in the removal or construction of any housing. Therefore, impacts would be *less than significant*.

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 about 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.

The project was reviewed by County Fire/Cal Fire and a referral response letter was received (Clint Bullard, Fire Inspector, July 23, 2019), which describes requirements for the applicant to implement to comply with County Fire/Cal Fire standards. Based on the limited amount of development proposed, the project would not result in a need for new or altered fire protection services. In addition, the project would be subject to development impact fees to offset the project's contribution to demand for fire protection services. Therefore, impacts would be less than significant. Additional information regarding fire hazard impacts is discussed in Section 7, Hazards and Hazardous Materials.

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 lays out 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.

Initial Study – Environmental Checklist

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

See 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 corridor 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. Therefore, impacts would be less than significant.

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 off of South El Pomar Road, a two-lane rural collector serving ranches east of Atascadero. Traffic counts taken on South El Pomar Road 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. South El Pomar Road 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?*

Short-term construction-related trips would be minimal, and area roadways are operating at acceptable levels and would be able to accommodate construction-related traffic. Long-term maintenance and operational trips would not substantially differ from existing onsite vineyard operations. As a result, the proposed project would have a less than significant long-term impact on existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs related to transportation, would not affect air traffic patterns or policies related to public transit, bicycle, or pedestrian facilities. Therefore, impacts would be less than significant.

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

CEQA Guidelines section 15064.3 does not apply until July 1, 2020 and the County has not elected to be governed by the provisions of this section in the interim. Therefore, this threshold does not apply and there is no impact.

Initial Study – Environmental Checklist

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

The project would not result in any changes to the access road or alterations to the existing driveway approach. Therefore, the project would not substantially increase hazards and would have a less than significant impact.

- (d) *Result in inadequate emergency access?*

Access to the site is provided by South El Pomar Road through a locking 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 referred and reviewed by Cal Fire/County Fire. In a response dated July 23, 2019, indicated that all buildings will require final inspection from Cal Fire/County Fire, all gate shall be locked with Knox Corporation key, and to meet current commercial standards for address number. Therefore, impacts related to emergency access would be *less than significant*.

Conclusion

The applicant is required to pay to the Department of Public Works the Templeton Area B Road Improvement Fee based on the latest adopted area fee schedule and 8.57 peak hour trips as estimated from the project description and ITE 110 (General Light Industrial) trip rates. The payment would become a condition of approval for the project and would negate the requirement to develop a Transportation Management Plan, which includes monitoring and annual reporting of the project's traffic generation. Additionally, the project would be conditioned to comply with all Cal Fire/County Fire requirements. No significant traffic impacts were identified.

Mitigation

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

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XVIII. TRIBAL CULTURAL RESOURCES

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

Setting

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

- a. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
 - b. Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code Section 5020.1.

Initial Study – Environmental Checklist

- b. 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 California Public Resources Code Section 5024.1. In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

AB 52 consultation letters were sent to four tribes on October 25, 2018: Northern Chumash Tribal Council, Salinan Tribe of San Luis Obispo and Monterey Counties, Xolon Salinan Tribe, and yak titʻu titʻu yak tiʻhini. Northern Chumash Tribal Council expressed concern on July 23, 2019 and recommended that the project require careful monitoring of all ground disturbance. Upon the review of the Phase 1 Archaeology report (Heritage Discoveries, January 23, 2019), the report concluded that prehistoric or historic cultural resources were not present within the proposed project area. In addition, staff reviewed Phase 1 Archaeology report from the neighboring property (Cultural Resources Survey of City Boy Farms, 4225 S. El Pomar Road Templeton, California, April 2018) also confirmed negative findings of the area. While the project area is nearby the creek, the proposed area for development has previously been disturbed due to existing agricultural activities. No significant sensitive tribal cultural resources were identified in the area. However, in the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be implemented as part of the ordinance requirement.

As noted in Section V. Cultural Resources, the project is located in an area historically occupied by the Obispeño Chumash and Salinan.

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.*

As noted in Section V. Cultural Resources, the Phase I Archaeological Survey prepared by Heritage Discoveries, Inc. concluded that prehistoric or historic cultural resources were not present within the proposed project area. A literature search and records search further confirmed the absence of known archaeological sites near the study area.

In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required:

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

Initial Study – Environmental Checklist

A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

According to the Phase I Archaeological Survey prepared by Heritage Discoveries, Inc., there are no known tribal cultural resources within the project area. Therefore, impacts are expected to be less than significant.

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?*

The proposed project would not require the construction of new or expanded water, wastewater, electric, natural gas, or telecommunications connections or facilities. Power is currently provided on site through an existing PG&E connection and water would be supplied from an existing well on site.

Initial Study – Environmental Checklist

Since no expansion or relocation of facilities would be required for construction or operation of the proposed project, no impacts would occur.

- (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 two existing on-site wells will be utilized for cannabis cultivation. The proposed water usage for the cannabis cultivation is to be expected 5.22 Acre-feet/year. The project plans to obtain the water from removing 3-acres of irrigated olives, which has been using 6.9-acre-feet/year. The project will have net decrease in water usage by 1.77-acre-feet/year. Since there is a net decrease in water demand, no impacts would occur.

- (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 four miles to the north. 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 (Cal Fire) 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.

The County of San Luis Obispo Safety Element establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 states that new development should be carefully located, with special attention given to fuel management in higher fire risk areas, and that new development in fire hazard areas should be configured to minimize the potential for added danger.

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.

Initial Study – Environmental Checklist

- (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 nearly level to moderately sloping and the existing structures are located on nearly level area. Daytime prevailing winds are generally from the northeast. 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 Cal Fire/County Fire. In their letter of July 23, 2019, Cal Fire/County Fire 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 Cal Fire/County Fire 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 Cal Fire/County Fire 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 4 (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>				

Initial Study – Environmental Checklist

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 3 and 4, there were determined to be potentially significant effects related to 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, geology and soils, and hazard and hazardous material 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.

Initial Study – Environmental Checklist

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	None
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	None
<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	In File**
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	Attached
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	None
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	In File**
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other <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>	None

** "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 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 type="checkbox"/> Regional Transportation Plan
<input type="checkbox"/> Economic Element	<input type="checkbox"/> Uniform Fire Code
<input 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 type="checkbox"/> Area of Critical Concerns Map
<input checked="" type="checkbox"/> Safety Element	<input type="checkbox"/> Special Biological Importance Map
<input checked="" type="checkbox"/> Land Use Ordinance (Inland /Coastal)	<input checked="" type="checkbox"/> CA Natural Species Diversity Database
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input type="checkbox"/> Public Facilities Fee Ordinance	<input checked="" type="checkbox"/> Flood Hazard Maps
<input type="checkbox"/> Real Property Division Ordinance	<input 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 checked="" type="checkbox"/> Paso Robles 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	

Initial Study – Environmental Checklist

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

Project-Specific Studies

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

Heritage Discoveries Inc., An Archaeological Surface Survey for the El Pomar Road Project, 4337 South El Pomar Road, Templeton, San Luis Obispo County, May 15, 2018

Heritage Discoveries Inc., (Revised) An Archaeological Surface Survey for the El Pomar Road Project, 4337 South El Pomar Road, Templeton, San Luis Obispo County, Revised January 23, 2019

Orosz Engineering Group, Inc. Sight Distance Analysis 4337 S. El Pomar Road, Templeton, County of San Luis Obispo, April 16 2018

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

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

Initial Study – Environmental Checklist

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 within 1,000 feet of a residence. 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. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- c. All dirt stock pile areas shall be sprayed daily 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;

Initial Study – Environmental Checklist

- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall 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) 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 shall 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. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
- l. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. 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.
- 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).

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:

Initial Study – Environmental Checklist

- 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 any residence is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of any residence;
- 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.

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;

Initial Study – Environmental Checklist

- 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 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.
 - i. Each shelter should include the following, unless manufacture instructions recommend a more successful approach:
 3. Shelter will be secured with stake that will last at least five years; metal stake will be used if grazing could occur on site;
 4. Height of shelter will be no less than three (3) feet;
 5. Base of shelter will be buried into the ground;
 6. Top of shelter will be securely covered with plastic netting, or better, and last for no less than five years;
 7. If required planting is located in areas frequented by deer, tube/caging heights will be increased to at least four feet or planting(s) will be protected with deer fencing.

BIO-3

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,

Initial Study – Environmental Checklist

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-4 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.

If avoidance of a non-maternity den (impacts to maternity dens is not allowed) is not feasible, badgers shall be relocated by slowly excavating the burrow (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 1 July). Any passive relocation of badgers shall occur only after consultation with the CDFW and the biological monitor.

BIO-5 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-6 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

Initial Study – Environmental Checklist

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-7

Sensitive Habitat Protection - Avoidance. There shall be no cutting, alteration or disturbance of the existing riparian and Oak Woodlands habitat (as identified in the Biological Resource Assessment dated September 27, 2018) 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 (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 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.

**REVISED DEVELOPER'S STATEMENT FOR
EDEN DREAMS LLC MINOR USE PERMIT
DRC2018-00183**

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

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

The following mitigation measures address impacts that may occur as a result of the development of the project.

Aesthetics

AES-1

Nighttime lighting. Prior to issuance of construction permits, the applicant shall submit a light pollution prevention plan (LPPP) to the County 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 within 1,000 feet of a residence. 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. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- c. All dirt stock pile areas shall be sprayed daily 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 shall 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) 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 shall 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. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
- l. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. 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.
- 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).

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 any residence is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of any residence;
- 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.

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 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;
- 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-3 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-4 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.

If avoidance of a non-maternity den (impacts to maternity dens is not allowed) is not feasible, badgers shall be relocated by slowly excavating the burrow (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 1 July). Any passive relocation of badgers shall occur only after consultation with the CDFW and the biological monitor.

BIO-5 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-6 **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-3 through BIO-6 Monitoring/compliance. Prior to the issuance of a construction permit, the applicant shall show the above measure on all applicable construction drawings and submit to the County for review and approval, which may include consultation with the California Department of Fish and Wildlife (CDFW). **Prior to the commencement of any site disturbance**, the Applicant shall retain a qualified biologist to perform a pre-construction survey. The completed survey report shall be submitted to the County for review/approval. Should the report identify active dens, highly visible protection measures shall be installed by the biologist to keep construction from entering the buffer area. The County shall verify all field measures have been followed or installed prior to any site disturbance. As applicable, any such measures shall be kept in good working order for the duration of the construction phase while burrow/den is active. A final report shall be prepared addressing overall compliance with and success of the protection measure(s) as it related to construction of the project. This report shall be submitted to the County prior to **final inspection/ occupancy of the construction permit**.

BIO-7 **Sensitive Habitat Protection - Avoidance.** There shall be no cutting, alteration or disturbance of the existing riparian and Oak Woodlands habitat (as identified in the Biological Resource Assessment dated September 27, 2018) 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 (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.

BIO-7 Monitoring/compliance. Prior to approval of construction, the applicant shall submit to the County for review and approval, construction drawings showing adequate protection of sensitive habitat. Approved protection measures shall be in place prior to any work (including vegetation removal) beginning. **During construction,** all approved protection measures shall be kept in good working order. **Prior to final inspection/occupancy of construction permits** the County shall verify that the sensitive habitat to be avoided was adequately protected during construction.

Hazards and Hazardous Materials

HAZ-1 All project-related spills of hazardous materials 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.

Monitoring (HAZ-1 and HAZ-2) Compliance will be verified at the time of grading/construction permit.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Signature of Agent(s)

Date

Name (Print)

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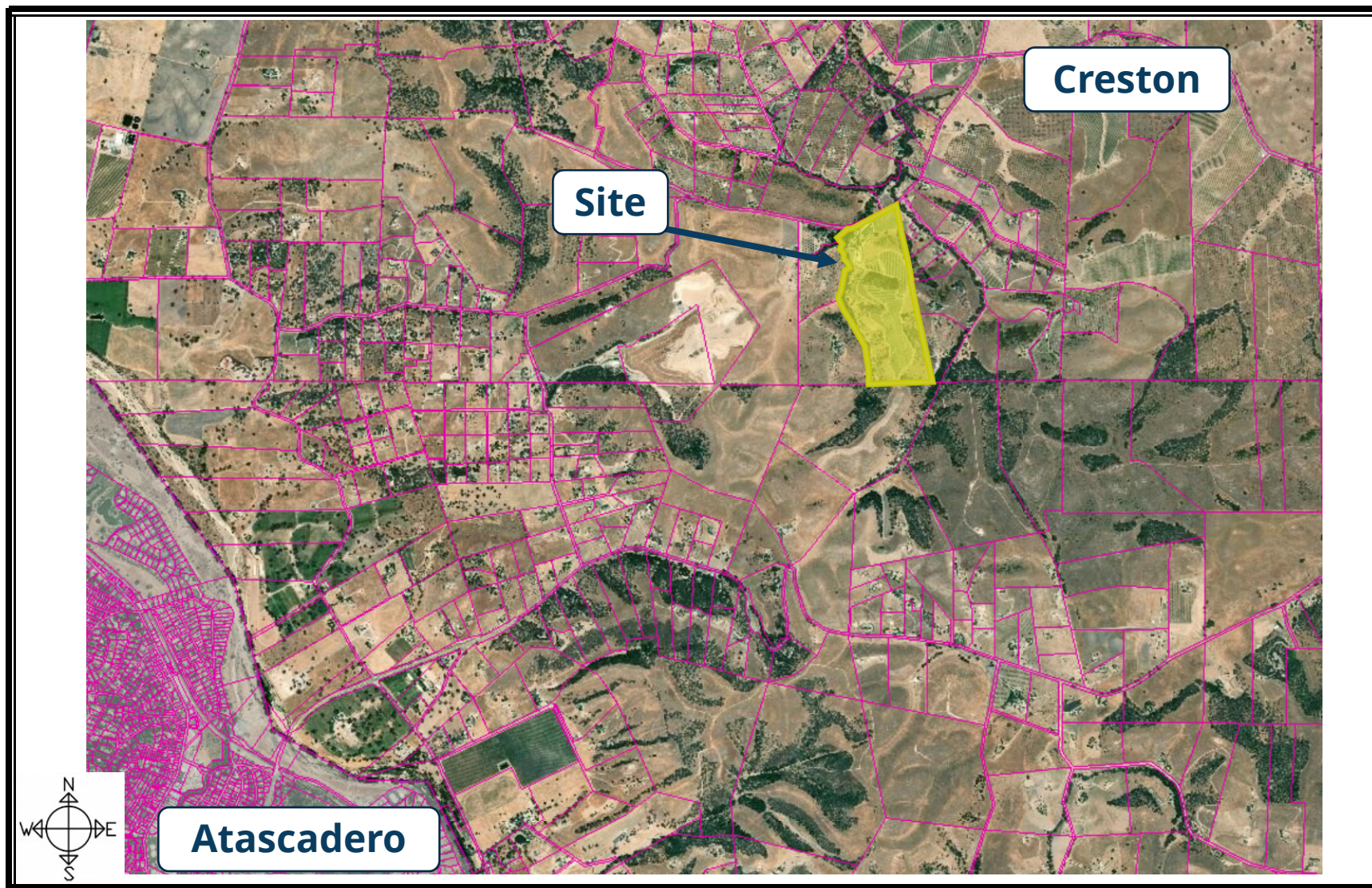
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Harry Eden
Signature of Agent(s)

8/23/19
Date

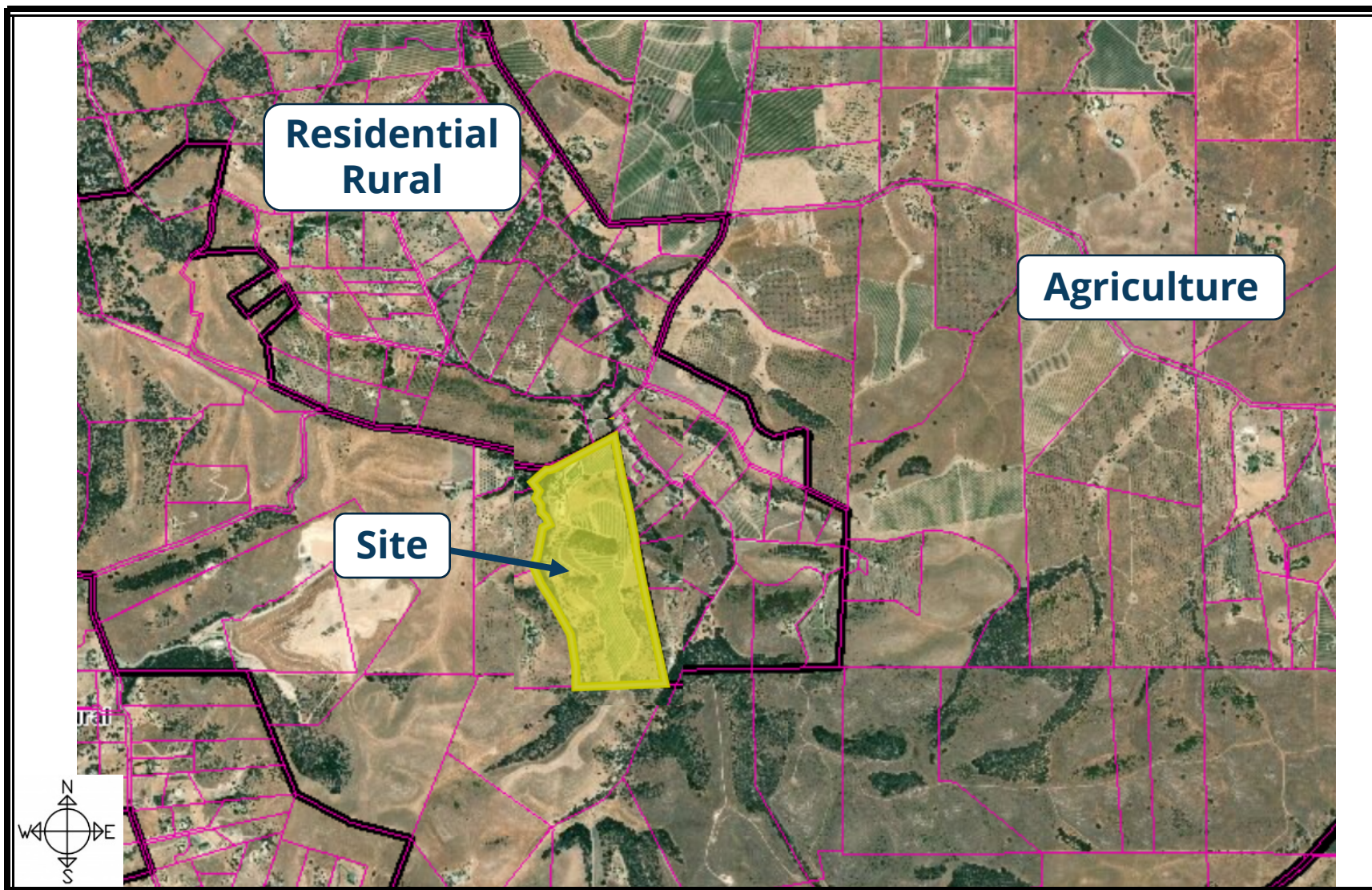
HARRY EDEN
Name (Print)



COUNTY
OF SAN LUIS
OBISPO

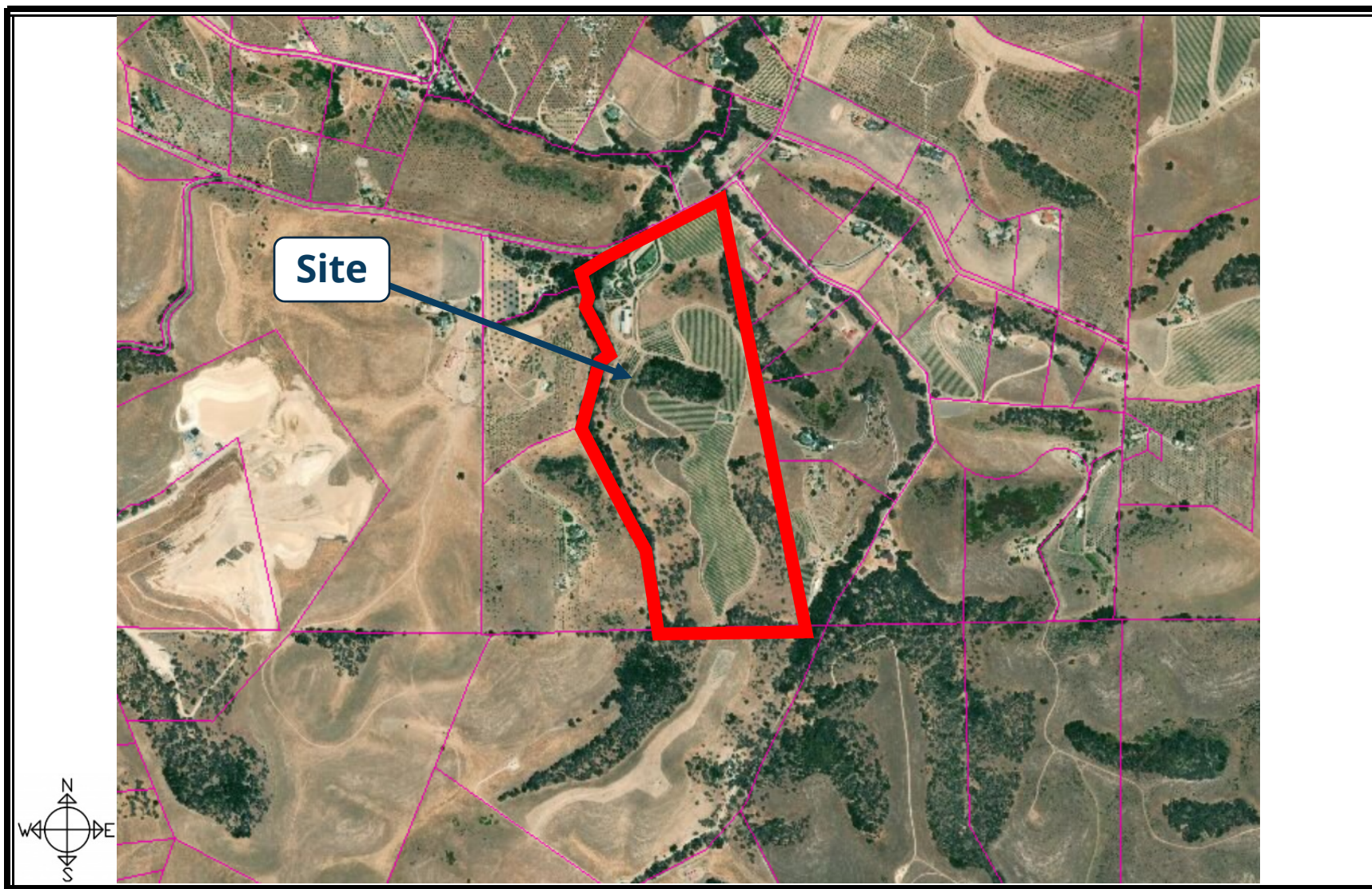
COUNTY OF SAN LUIS OBISPO

Vicinity Map
DRC2018-00183



COUNTY OF SAN LUIS OBISPO

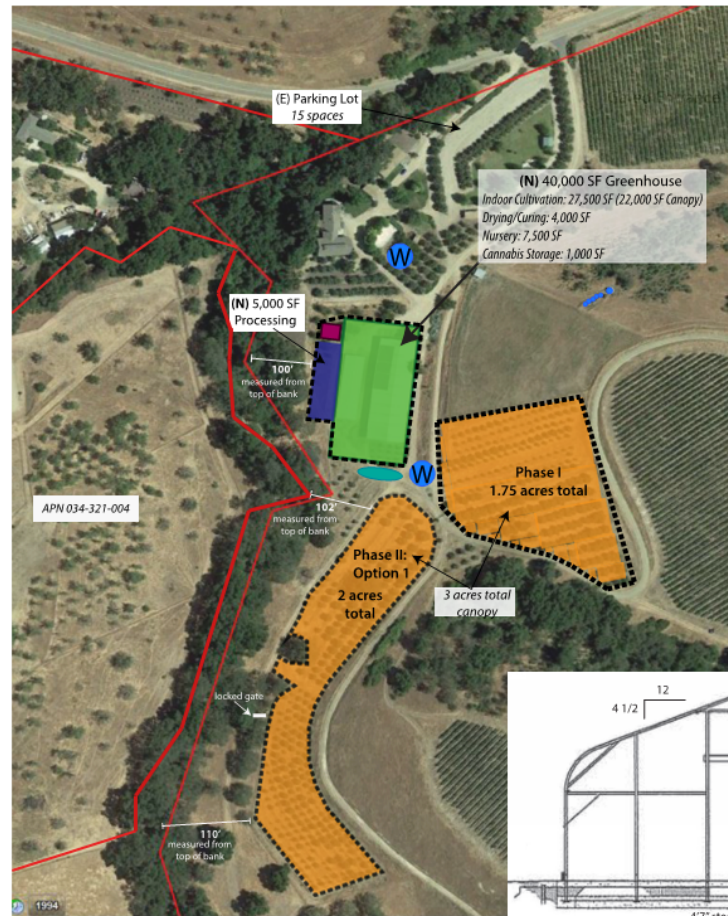
Land Use Category Map
DRC2018-00183



COUNTY OF SAN LUIS OBISPO

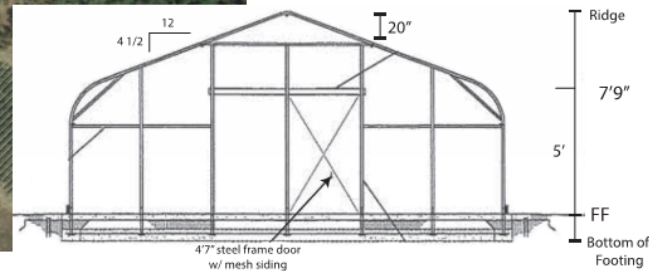
Aerial
DRC2018-00183

DETAILED SITE PLAN



LEGEND

- Secure Fencing
- Portable Restrooms
- Compost
- W Well
- Water Tank



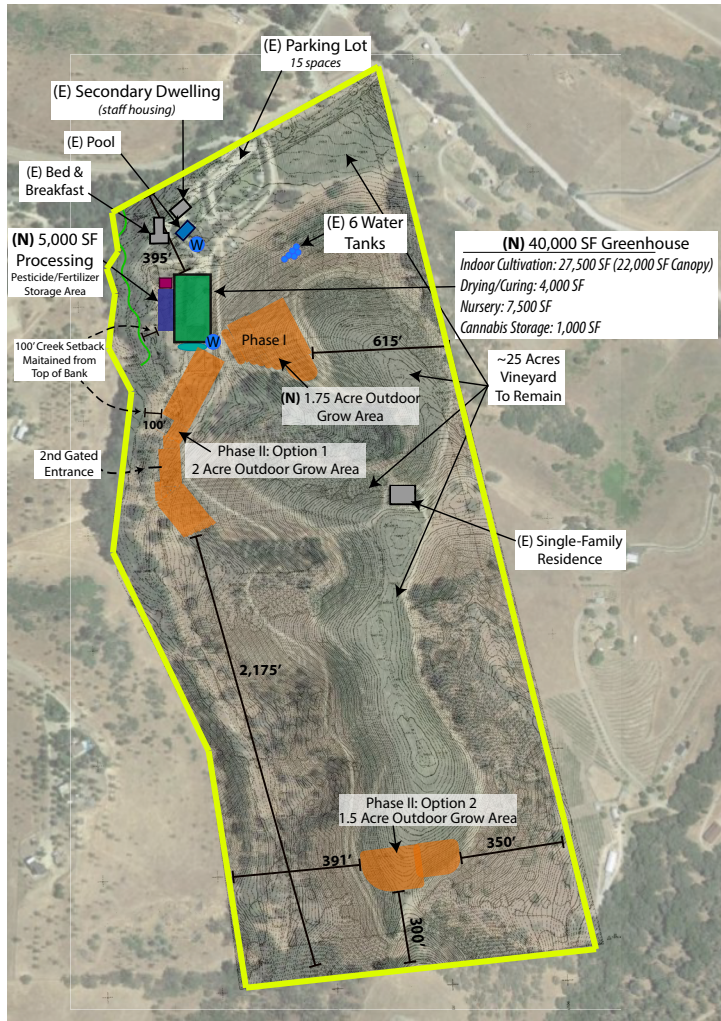
Greenhouse Front Elevation



COUNTY OF SAN LUIS OBISPO

Site Map
DRC2018-00183

OVERALL SITE PLAN



Site: 100 acres

* Site is located over 1000 feet from any sensitive use, as defined by 22.40.050D.1, and 22.40.060D.1, Location



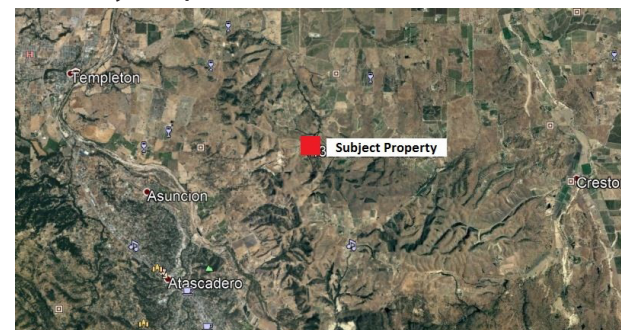
Scope of Work

- 1) 3 Acres Outdoor Cultivation (Phased)
- 2) 40,000 SF Greenhouse
 - 22,000 SF Indoor Cultivation Canopy
 - 4,000 SF Drying/Curing
 - 7,500 SF Nursery/Vegetative
 - 1,000 SF Cannabis Storage
- 3) 5,000 SF Processing
 - Pesticide/Fertilizer Storage

Sheet Index

- 1) Overall Site Plan
- 2) Detailed Site Plan
- 3) Buffer Map
- 4) Greenhouse Building Floor Plan
- 5) Processing Building Floor Plan

Vicinity Map

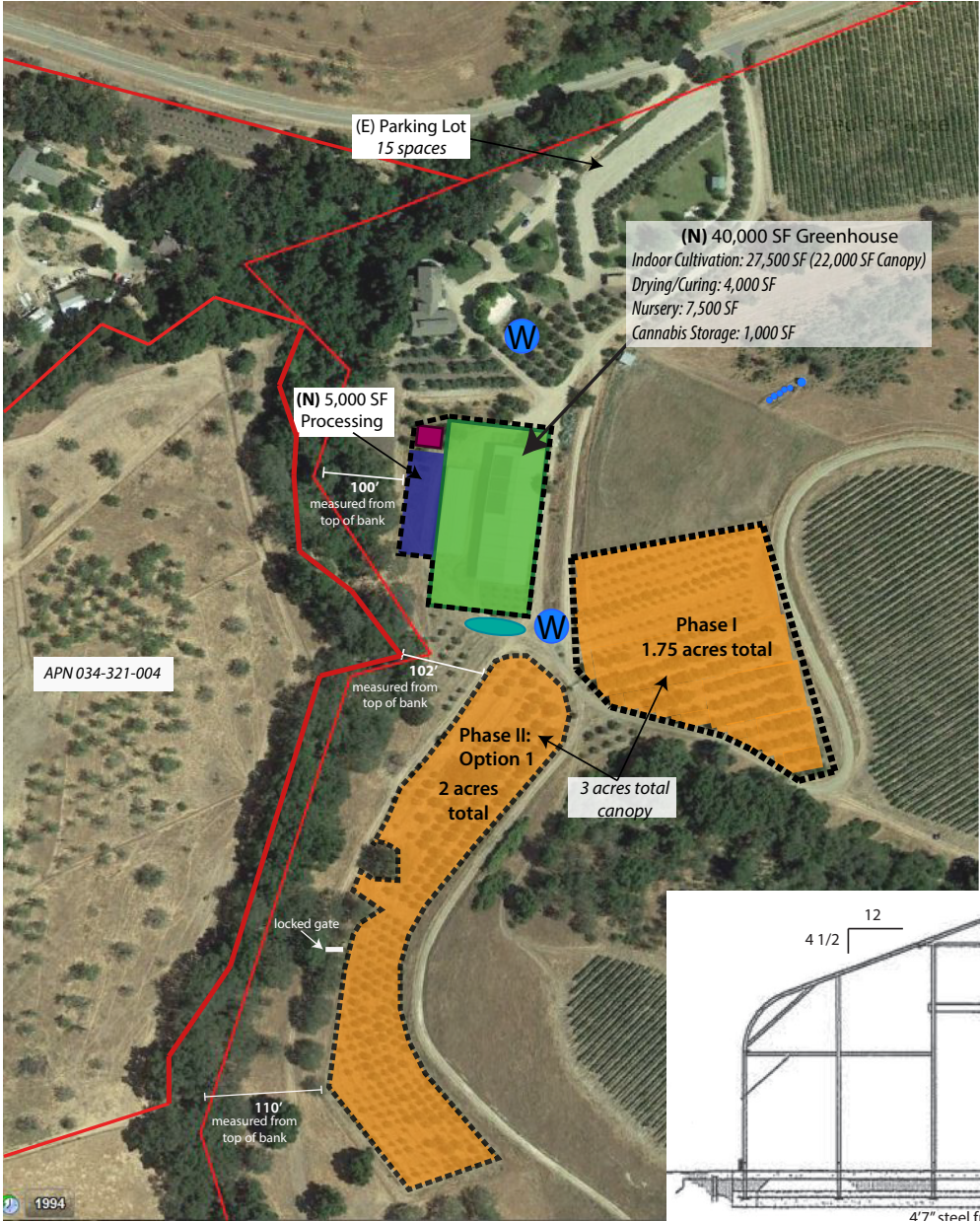


Kirk Consulting

Sheet 1: Overall Site Plan
Eden House
4337 South El Pomar Road
Templeton, CA
APN: 034-321-003

DATE: 8.29.19	
Eden Dreams	
Sheet	
1 of 5	

DETAILED SITE PLAN



LEGEND

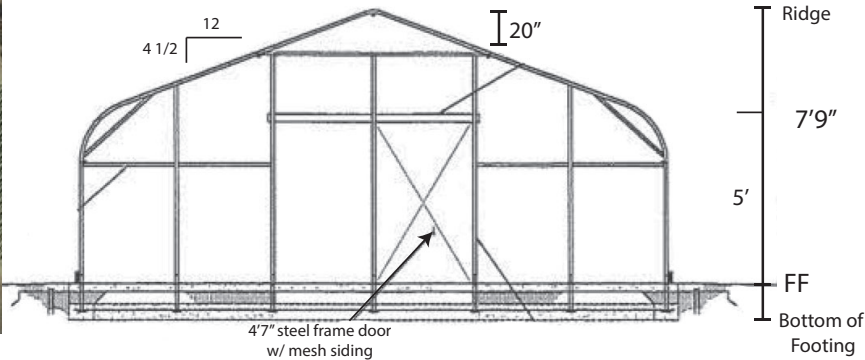
Secure Fencing

Portable Restrooms

Compost

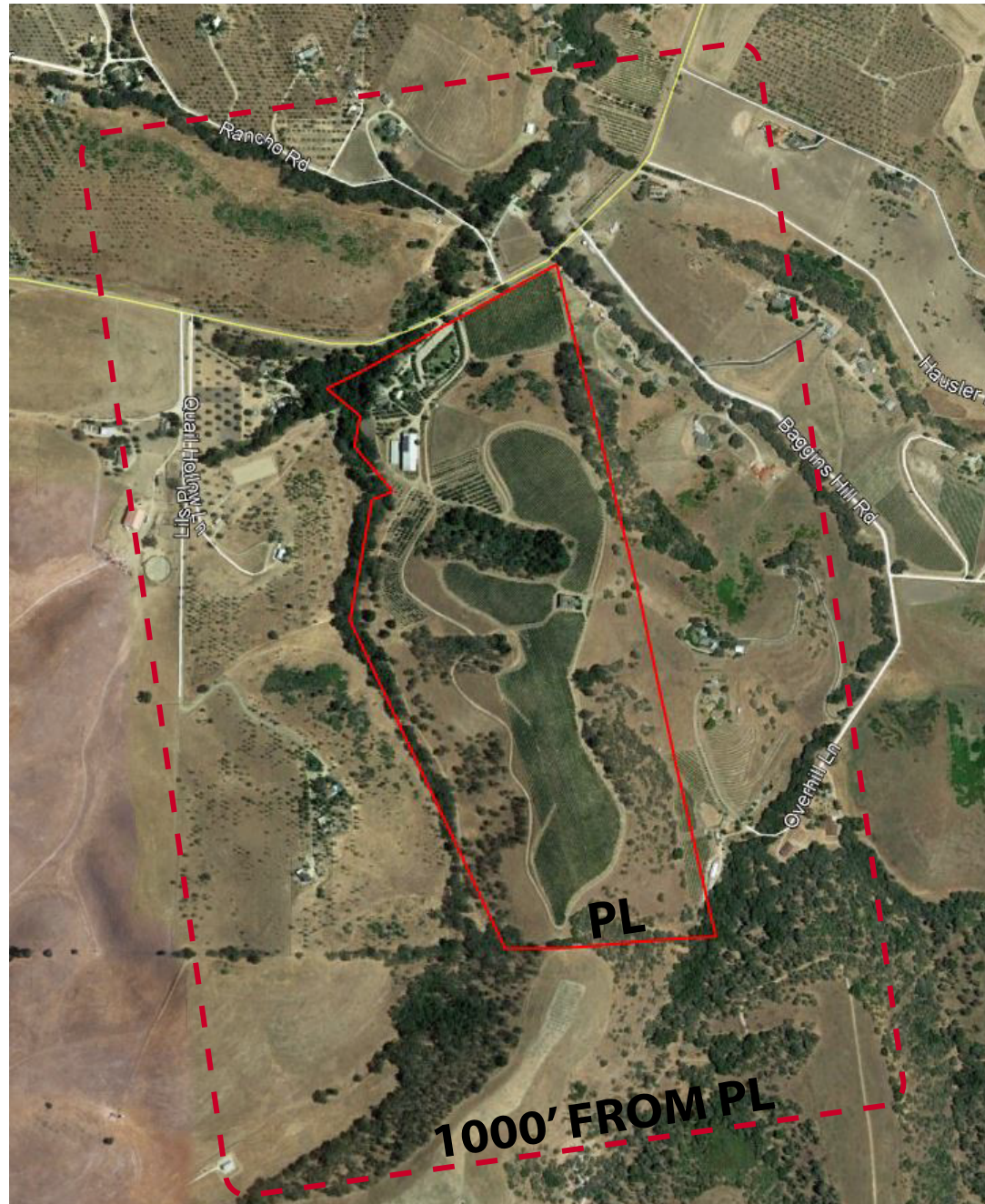
Well

Water Tank



Greenhouse Front Elevation

BUFFER MAP



Sheet 3: Buffer Map
 Eden House
 4337 South El Pomar Road
 Tempton, CA
 APN: 034-321-003

DATE: 2.16.19

Eden Dreams

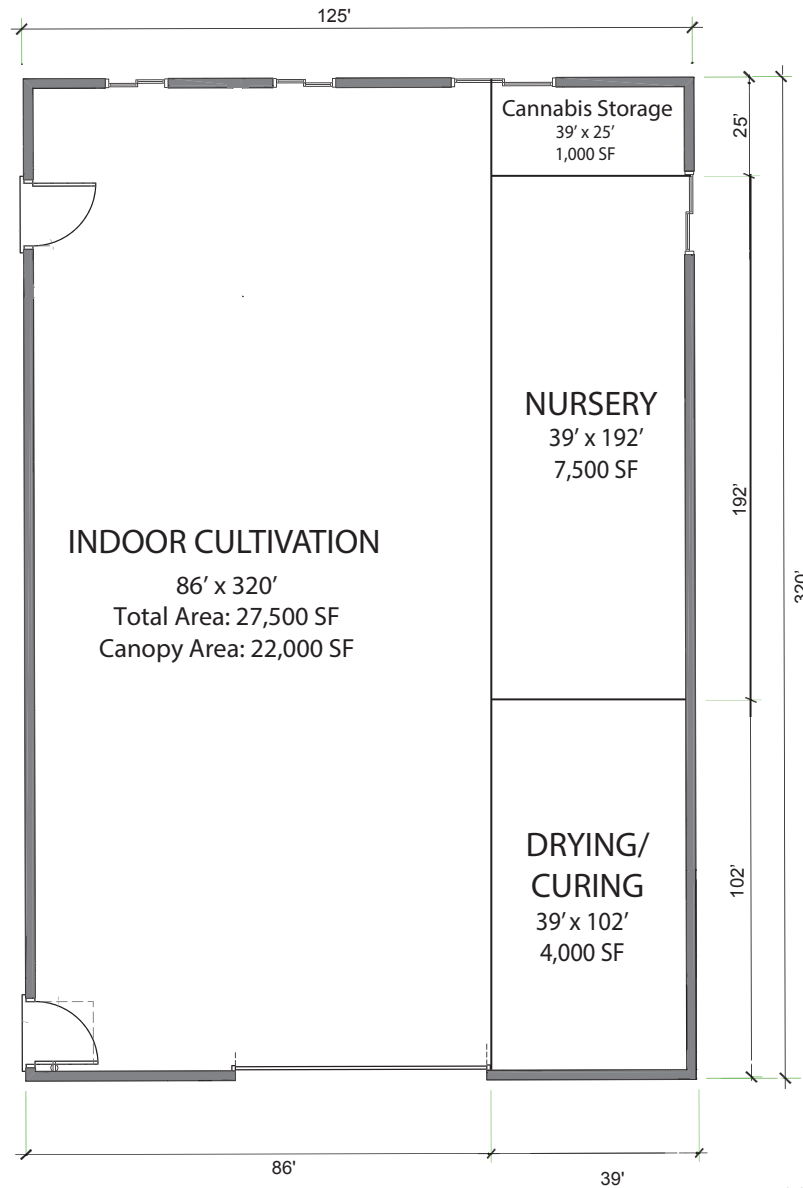
Sheet

3 of 5

Kirk Consulting

GREENHOUSE BUILDING FLOORPLAN

CONCEPTUAL



not to scale

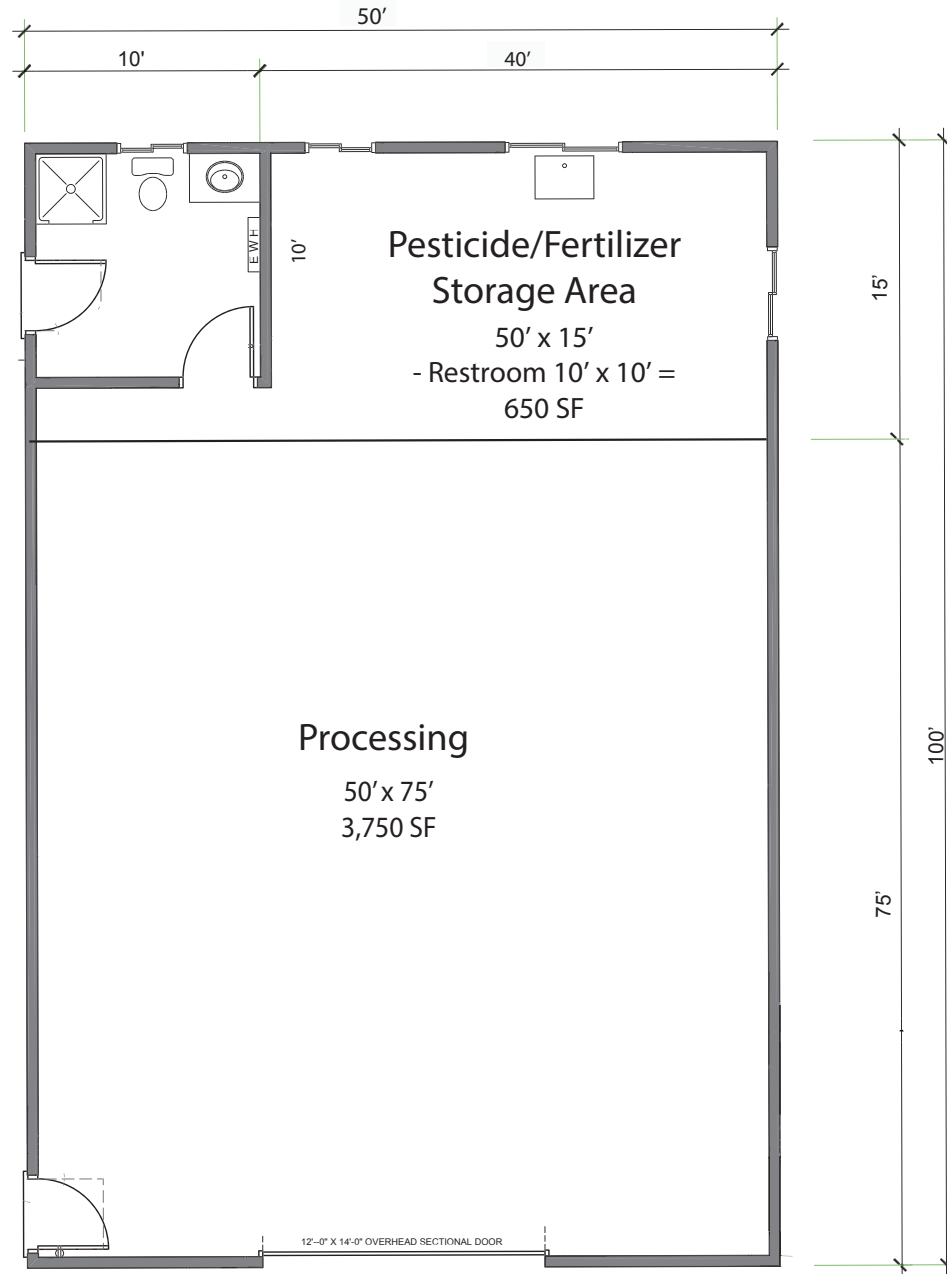


Sheet 4: Greenhouse Building Floorplan
 Eden House
 4337 South El Pomar Road
 Tempeleton, CA
 APN: 034-321-003

SCALE: 1" = 200'	
DATE: 8.29.19	
Eden Dreams	
Sheet	
4 of 5	

PROCESSING BUILDING FLOORPLAN

CONCEPTUAL



Sheet 5: Processing Building Floorplan
Eden House
4337 South El Pomar Road
Templeton, CA
APN: 034-321-003

DATE: 8.29.19	
Eden Dreams	
Sheet	
5 of 5	



OEG Ref 18-403

April 16, 2018

Lisa Bugrova
Kirk Consulting
8830 Morro Road
Atascadero, CA 93422

Subject: Elizabeth Ross – Sight Distance Analysis
4337 S. El Pomar Road, Templeton, County of San Luis Obispo

Dear Ms. Bugrova:

Orosz Engineering Group, Inc. (OEG) has prepared the following stopping sight distance analysis for the subject project. The applicant is proposing a Use Permit for existing buildings and various cannabis related activities. Access to project site is a key for a successful development and county permit.

The project site is located at 4337 S. El Pomar Road, Templeton, California. The existing paved driveway access will be the primary site access for the project. In the vicinity of the project site, South El Pomar Road varies in width and is approximately 24 feet wide with a double yellow, no passing, centerline stripe. The speed limit in this vicinity of the project site was assumed to be 55 MPH as this is an unposted section of county road. There are several curves in the roadway beyond the project site that have advisory speeds of 15 to 35 MPH.

SIGHT DISTANCE ANALYSIS

The County of San Luis Obispo Public Works Department has stopping sight distance standards for driveways and intersections on County roads. As vehicle travel speeds increase, the stopping sight distance increases. Based on a site visit and aerial mapping, the stopping sight distance was evaluated for the project access location.

For the existing driveway/proposed access on South El Pomar Road, the available stopping sight distance is over 500 feet in either direction. The vehicle speeds for the primary access are unimpeded (55 MPH).

Based on the travel speeds on South El Pomar Road (55 MPH), the required stopping sight distance is 500 feet. The actual stopping sight distance available and required stopping sight distances are summarized in the following table:

Location	Approach Speed	Required Stopping Sight Distance	Actual Stopping Sight Distance	Comments
South El Pomar Access				
Looking to Drivers Left	55 MPH	500'	500'+	Ok to Left
Looking to Drivers Right	55 MPH	500'	500'+	Ok to Right

Elizabeth Ross
April 16, 2018
Page 2

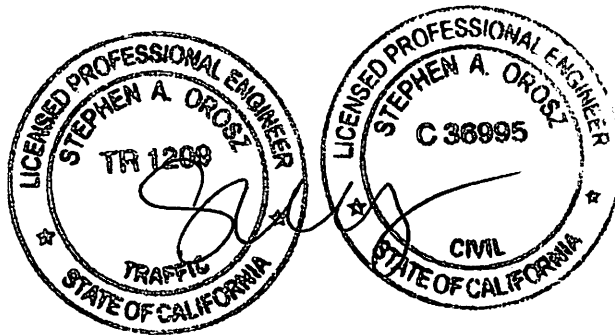
As seen in the table above, the existing driveway conditions at the proposed main access location meet the County sight distance standards. The available sight distance would provide adequate distance for a 55 MPH travel speed.

Should you have any questions, feel free to contact us. OEG, Inc. thanks you for the opportunity to meet your needs on this exciting project.

Sincerely,



Stephen A. Orosz P.E.
Traffic Engineer
Orosz Engineering Group, Inc.





BIOLOGICAL RESOURCES ASSESSMENT
4337 South El Pomar Cannabis Cultivation Project
(APN: 034-321-003)
Templeton, California

Prepared for:
Elizabeth Ross

Prepared by:
Terra Verde Environmental Consulting, LLC
3765 South Higuera Street, Suite 102
San Luis Obispo, California 93401

September 2018

"As a County-approved biologist, I hereby certify that this Biological Resources Assessment was prepared according to the guidelines established by the County of San Luis Obispo Department of Planning and Building and that the statements furnished in the report and associated maps are true and correct to the best of my knowledge and belief; and I further certify that I was present throughout the site visit(s) associated with this report."

A handwritten signature in dark ink, appearing to read "Amy Ray", is written over a horizontal line.

Signature line

27 September 2018

Date



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EXECUTIVE SUMMARY

This Biological Resources Assessment report was prepared at the request of Elizabeth Ross (owner) for the proposed development of two cannabis cultivation sites (project) located at 4337 South El Pomar Road near Templeton, San Luis Obispo County (County), California (APN: 034-321-003; 101 acres). Specifically, the proposed project will include the construction of a 22,000 square foot greenhouse structure (Site 1), a 10,000 square foot drying facility (Site 1), an 8,000 square foot storage facility (Site 1), a 5,000 square foot processing facility (Site 1), and approximately three acres of outdoor cultivation (Site 2). Site 1 currently supports an existing open barn structure, which would be torn down or retrofitted to support a greenhouse structure. Site 2 is proposed within existing agricultural use areas (i.e., olive orchard). The total area of disturbance is expected to be approximately four acres.

Terra Verde Environmental Consulting, LLC (Terra Verde) completed a biological survey within the proposed project area on May 10, 2018. The survey included a botanical and wildlife inventory, vegetation community mapping, a habitat assessment focused on the potential for special-status species and sensitive natural communities to occur on site, and a preliminary jurisdictional assessment of hydrologic resources on site.

Suitable habitat for a total of nine special-status botanical species and five special-status wildlife species, as well as nesting birds, is present within the survey area. In addition, individual oak trees and oak woodland are present immediately adjacent to and within existing agricultural areas. Oak trees and oak woodlands are regulated under California Public Resources code 21083.4 and the County Oak Woodland Ordinance No. 3346. No special-status species were observed during the survey. Sensitive habitat on site includes two unnamed U.S. Geological Survey (USGS) blue line streams, located along the western and northern boundary of the survey area.

As currently designed, the potential for impacts to sensitive resources from construction of the greenhouse and outdoor cultivation area is considered low. Indirect impacts to special-status wildlife could result from construction-related disturbances, such as the removal of habitat and/or noise that may deter wildlife from the area. No direct impacts are proposed to the USGS blue line streams, though indirect impacts (e.g., silt, sedimentation, and/ chemical run-off) may occur as a result of upland activities. No direct impacts to sensitive plants or habitats are expected; however, indirect impacts have the potential to occur, particularly during the construction phase. No oak trees are expected to be trimmed or removed as a part of project activities. A series of avoidance and minimization measures have been provided to reduce potential impacts to a less than significant level.



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TABLE OF CONTENTS

1.0 INTRODUCTION	1
1.1 Purpose of the Biological Resources Assessment	1
1.2 Existing Conditions	2
2.0 METHODOLOGY	2
2.1 Sufficiency of Biological Data	4
3.0 RESULTS	4
3.1 Habitats and Resources Observed.....	4
3.1.1 Soils	4
3.1.2 Hydrologic Features	5
3.1.3 Vegetation Communities.....	5
3.1.4 Wildlife	7
3.2 Sensitive Resources.....	7
3.2.1 Special-status Plant Species	7
3.2.2 Special-status Wildlife Species	11
3.2.3 Sensitive Habitats.....	13
3.3 Habitat Connectivity.....	13
4.0 IMPACT ASSESSMENT AND MITIGATION.....	14
4.1 Summary of Potential Impacts.....	14
4.1.1 Impacts to Special-status Plants.....	14
4.1.2 Impacts to Special-status Wildlife.....	15
4.1.3 Impacts to Sensitive Communities and Habitats	15
4.2 Recommended Avoidance and Minimization Measures	16
4.2.1 General Avoidance and Minimization Measures.....	16
4.2.2 Recommendations for Avoiding Impacts to Oak Trees.....	16
4.2.3 Recommendations for Avoiding Impacts to Special-status Wildlife.....	16
4.2.4 Recommendations for Avoiding Impacts to Sensitive Habitats.....	17
5.0 CONCLUSION.....	17
6.0 REFERENCES	19



Appendix A – Project Maps

Figure 1: Project Vicinity Map

Figure 2: Survey Area Map

Figure 3: 5-mile CNDDDB and Critical Habitat Map

Figure 4: Soils Map

Figure 5: Hydrological Resources Map

Figure 6: Vegetation Communities and Sensitive Resources Map

Appendix B – Regionally-occurring Special-Status Species Table

Appendix C – Botanical and Wildlife Species Observed

Appendix D – Representative Site Photographs



1.0 INTRODUCTION

This Biological Resources Assessment was prepared by Terra Verde Environmental Consulting, LLC (Terra Verde) at the request of Elizabeth Ross (owner) for the proposed development of two cannabis cultivation sites (project) located at 4337 South El Pomar Road, Templeton, California (APN: 034-321-003; 101 acres) (see Appendix A – Figure 1: Project Vicinity Map). Specifically, the scope of the project includes the following components:

- 22,000 square foot greenhouse structure (Site 1)
- 10,000 square foot drying facility (Site 1)
- 8,000 square foot storage facility (Site 1)
- 5,000 square foot processing facility (Site 1)
- 3 acres of outdoor cultivation (Site 2)

The proposed greenhouse structure, drying facility, storage facility, and processing facility will be located within 45,000 square feet (1 acre) (Site 1) and the proposed outdoor cultivation will be approximately three acres (Site 2). Site 1 currently supports an existing open barn structure, which would be torn down or retrofitted to support a greenhouse structure, drying facility, storage facility, and processing facility. Site 2 is proposed within existing agricultural use areas (i.e., olive orchard). The total area of disturbance is expected to be approximately four acres.

The entire proposed project is located within previously disturbed areas that are currently utilized for agriculture production or support existing structures such as the barn. All temporary and/or permanent structures are proposed at least 50 feet from the top of creek banks and no oak trees are planned for trimming or removal. The current project design has been modified to avoid and/or minimize impacts to areas of intact, native habitat and sensitive resources.

1.1 *Purpose of the Biological Resources Assessment*

The purpose of this report is to identify sensitive biological resources that occur, or have potential to occur, within the proposed project site and surrounding areas. A sensitive resource is defined here as one that is of management concern to local, county, state, and/or federal resource agencies. Recommended avoidance and minimization measures have been provided in Section 4.2 and are intended to reduce potential impacts to sensitive biological resources to the extent feasible. As necessary, this report may be used to support the environmental review process and future project permitting.



1.2 Existing Conditions

The proposed project (Sites 1 – 2) is located within the Creston U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle. It is situated approximately six miles southeast of the community of Templeton, California. Elevations within the survey area range from approximately 366 to 427 meters (1,200 to 1,400 feet). The majority of the project area is located within existing agricultural use areas that exhibit anthropogenic and disturbed conditions as a result of historic and active agricultural operations (i.e., olive production and infrastructure) (see Appendix A – Figure 2: Survey Area Map).

A review of historical aerial imagery indicates that the existing barn structure within Site 1 has been present since at least 1994, while the surrounding olive orchards that encompass Site 2 were installed from 2004 through 2009 (Google Earth, 1994 – 2017).

The larger surrounding area consists of a mix of land uses, including agriculture, livestock and grazing, as well as rural residential development. Two USGS blue line drainages parallel the survey area along the boundary west of Site 1 and Site 2 and along South El Pomar Road, north of the survey area. The two features originate outside of the survey area and converge with one another north of the survey area before reaching the Salinas River and eventually the traditionally navigable waters of the Pacific Ocean approximately eight miles northwest of the project site (See Appendix A – Figure 2).

2.0 METHODOLOGY

Prior to conducting the field survey, Terra Verde staff reviewed the following resources:

- Aerial photographs (Google Earth, 1994-2017) and project site plans
- USGS Creston 7.5-minute topographic quadrangle map
- Online Soil Survey of San Luis Obispo County, California (Natural Resources Conservation Service [NRCS], 2018)
- Consortium of California Herbaria (CCH) online database of plant collections (CCH, 2018)
- California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) list of state and federally listed special-status species documented within the Creston 7.5-minute quadrangle and the surrounding eight quadrangles (Estrella, Shandon, Shedd Canyon, Wilson Corner, Santa Margarita, Atascadero, Templeton, Paso Robles) (CDFW, 2018)
- CNDDDB map of special-status species that have been documented within a 5-mile radius of the project site (CDFW, 2018) (see Appendix A – Figure 3: 5-mile CNDDDB and Critical Habitat Map)
- California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants for the Creston 7.5-minute quadrangle and the surrounding eight quadrangles (CNPS, 2018)
- U.S. Fish and Wildlife Service (USFWS) Critical Habitat Portal (USFWS, 2018a)



- USFWS National Wetland Inventory map (USFWS, 2018b)

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

Following the literature review and desktop analysis, Terra Verde completed a field survey on May 10, 2018, which focused on the identification of sensitive habitats and special-status plant and wildlife species, as well as an assessment of potentially jurisdictional features. The survey area included the entire proposed disturbance footprint, an approximate 100-foot buffer on all sides where access was feasible, and a visual scan of the surrounding habitat features (see Appendix A – Figure 2).

Table 1. Summary of Field Surveys

Date	Survey Type	Biologists	Site Conditions	Survey Area
May 10, 2018	Botanical and wildlife inventory, habitat assessment, preliminary jurisdictional determination	Amy Golub Riley Chestnut	Temp: 60-70 F Wind: 0-10 mph Visibility: Clear	Project site and 100-foot buffer

The survey was pedestrian in nature and lasted approximately four hours. During the survey, all detected plant and wildlife species and their sign were documented (see Appendix C – Botanical and Wildlife Species Observed) and photographs were taken at representative locations (see Appendix D – Representative Site Photographs). Visibility was suitable to detect potentially occurring wildlife species throughout the duration of the survey. Botanical species identifications and taxonomic nomenclature followed *The Jepson Manual: Vascular Plants of California*, 2nd edition (Baldwin et al., 2012), as well as taxonomic updates provided in the Jepson eFlora (Jepson eFlora, 2018). In addition, vegetation communities and land cover types were characterized, and natural communities were classified using the second edition of *A Manual of California Vegetation* (MCV) classification system (Sawyer et al., 2009).

The habitat requirements for each regionally-occurring, special-status species listed in Appendix B were analyzed and compared to the type and quality of habitats observed during field surveys. The potential for many species to occur within the project site was eliminated due to lack of suitable habitat, elevation, appropriate soils/substrate, and/or known distribution of the species. Special-status species for which suitable habitat was identified on site are discussed in-depth in the following section, and those determined to have no potential to occur based upon a lack of suitable habitat are not discussed any further in this Biological Resources Assessment.



2.1 Sufficiency of Biological Data

The field survey that Terra Verde conducted is of sufficient detail and biological expertise, and was appropriately timed to identify potentially occurring special-status plant and wildlife species. Specifically, surveys were timed to coincide with the typical peak blooming and/or fruiting period for potentially occurring special-status plant species. In addition, numerous annual-blooming species were observed in peak identifiable condition at the time of the surveys in May 2018. As such, it is expected that special-status species would have been detectable at the time of the surveys, if present.

Migratory and transient wildlife species such as many avian species and large mammals may only be seasonally present within the project area. Further, some species are nocturnal, and/or highly transient and may have not been detected during the survey effort. As such, recommendations have been made for the avoidance of sensitive species and resources deemed to have potential to occur, based on an assessment of habitat present at the site.

3.0 RESULTS

This section provides a summary and analysis of the background research and combined field survey results. The discussion includes a description of soils, terrestrial and aquatic habitat types, direct and indirect observations of wildlife and plant species, and a discussion of the potential for special-status species to occur. Any anticipated impacts to migration corridors and habitat connectivity are also discussed.

3.1 Habitats and Resources Observed

The survey area exhibited limited habitat diversity with natural vegetation communities restricted to the margins of the existing vineyard/orchard operations and along the riparian corridor of the unnamed ephemeral blue line drainages. In total, two soil units and two natural vegetation communities were documented within the survey area, in addition to developed areas, ornamental landscaping, and vineyards/orchards. Although a majority of the survey area is highly modified and subjected to regular anthropogenic disturbances, the diversity of surrounding adjacent habitats provide suitable habitat for various common and special-status plant and wildlife species.

3.1.1 Soils

The NRCS online soil report revealed two soil units within the survey area (see Appendix A – Figure 4: Soils Map). The primary characteristics of these soil units are described below.

Soil Unit 153: Linne-Calodo complex, 30 to 50 percent slopes

The parent material of this soil type is residuum weathered from calcareous shale and/or sandstone. The drainage class of this unit is well drained, and it is composed mostly of channery clay loam. This soil type tends to occur on hills, back slopes, and side slopes at



elevations between 152 and 762 feet. This soil type is not considered prime farmland.

Soil Unit 159: Lockwood-Concepcion complex, 2 to 9 percent slopes

The parent material of this soil type is alluvium derived from sedimentary rock. The drainage class is well drained and primarily composed of channery loam. This soil type occurs on terraces and toe of slopes at elevations between 182 and 457 meters. This soil type is considered farmland of statewide importance.

3.1.2 Hydrologic Features

As mentioned above, two unnamed USGS blue line drainages occur within the survey area and converge with one another before reaching the Salinas River and eventually the traditionally navigable waters of the Pacific Ocean approximately eight miles northwest of the project area (see Appendix A – Figure 5: Hydrologic Resources Map). The drainages were observed with a clearly defined bed and bank and evidence of ordinary high water mark (OHWM) (e.g., debris wracking and shelving). The drainages were dominated by coast live oak (*Quercus agrifolia* subsp. *agrifolia*) with blue oak (*Quercus douglasii*) as an associate and western poison oak (*Toxicodendron diversilobum*) in the understory. No flowing water was present at the time of the survey.

Though the USFWS National Wetland Inventory data depicted on Figure 5 indicates that wetlands are present within the USGS blue line drainages, no wetlands were observed on site.

3.1.3 Vegetation Communities

Vegetation communities and land cover types were assessed and classified based on vegetation composition, structure, and density, with consideration of known land management practices (i.e., agriculture). A majority of the survey area consists of highly modified landscapes including barn structures, olive orchards, ornamental trees, and paved and gravel access roads. Natural vegetation communities and habitats are concentrated along the margins of the survey area, where anthropogenic areas abut natural habitats and include wild oats grassland and blue oak woodland (see Appendix A – Figure 6: Vegetation Communities and Sensitive Resources Map). These communities, as well as other land cover types observed on site, are described in further detail below.

A total of 87 vascular plant species have been identified within the survey area, of which 41 (47 percent) are non-native and 25 (28 percent) are listed on the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (Inventory) (2018). A vast majority of the survey area consists of maintained, anthropogenic landscapes, which is reflected by the large proportion of non-native, invasive, and ornamental taxa observed at the site.

Wild Oats Grassland (3.4 acres)

Wild oats (*Avena* sp.) grassland is present along the margins of access roads, in disturbed fields, and between existing agricultural use areas (Site 1 and Site 2), and the riparian woodland (oak woodland) habitat. These areas varied somewhat in their species composition and cover



throughout the survey area though generally provide the same type and quality of habitat. This community is dominated by oats (*Avena barbata* and *Avena fatua*), ripgut brome (*Bromus diandrus*), burclover (*Medicago minima*), Italian thistle (*Carduus pycnocephalus*), and tocalote (*Centaurea melitensis*), with scattered occurrences of hairy vetch (*Vicia villosa*), common fiddleneck (*Amsinckia menziesii*), and blow wives (*Achyrrachaena mollis*). It should be noted that portions of the wild oats grassland showed signs of past and current anthropogenic disturbances including mowing and areas of bare dirt or very sparse cover.

Though this habitat is disturbed within the survey area, the species composition corresponds with the *Avena (barbata, fatua)* Semi-natural Herbaceous Stands (wild oats grasslands) in the MCV classification system. This community occurs throughout California in waste places, rangelands, and openings in woodlands between 10 to 1,500 meters. Wild oats grasslands provide habitat for ground-nesting birds, small mammals, reptiles, and other wildlife.

Coast Live Oak Woodland (2.9 acres)

Coast live oak woodland was observed within the riparian corridor of the unnamed ephemeral drainages as well as in the relatively undisturbed areas surrounding the existing vineyards/orchards. Co-dominant species included blue oak, with blue elderberry (*Sambucus nigra* subsp. *caerulea*), toyon (*Heteromeles arbutifolia*), western poison oak, and Pacific sanicle (*Sanicula crassicaulis*) within the understory and scattered individuals of valley oak (*Quercus agrifolia*) and interior live oak (*Quercus wislizeni* var. *wislizeni*) throughout. These areas are generally characterized by a continuous tree canopy of coast live oak though dominance variably transitioned with blue oak in certain areas.

This species composition was used in determining the vegetation community classification, which most closely corresponds with the *Quercus agrifolia* Woodland Alliance (coast live oak woodland) in the MCV classification system. This community typically occurs in alluvial terraces, canyon bottoms, stream banks, slopes, and flats in deep, sandy or loamy soils at elevations below 1,200 meters. This community provides valuable habitat for nesting birds, small mammals, and other wildlife.

Developed (3.3 acres)

This land cover type occurs throughout Site 1 in association with the man-made structures (i.e., barns, homes, and stables), landscaped areas, and access roads. Herbaceous weedy species were observed in variable cover in roads and surrounding ancillary structures including ripgut brome, wall barley (*Hordeum murinum*), redstem filaree (*Erodium cicutarium*), and California burclover (*Medicago polymorpha*). Landscaped areas were dominated by native and non-native ornamental species including western sycamore (*Platanus racemosa*), rose (*Rosa* sp.), coast redwood (*Sequoia sempervirens*), Mexican feathergrass (*Stipa tenuissima*), and rosemary (*Rosmarinus officinalis*).

Developed areas observed on site do not correspond to a natural vegetation community but may provide marginally suitable habitat for wildlife foraging and cover.



Active Agriculture (6.1 acres)

This land cover type is concentrated in Site 2 and surrounding developed areas on site. It is characterized by frequent disturbance associated with existing olive orchards. Similar to developed areas, herbaceous weedy species were observed in variable cover between the rows of olives including ripgut brome, wall barley, redstem filaree, hairy vetch, and California burclover.

Active agriculture areas observed on site do not correspond to a natural vegetation community but may provide marginally suitable habitat for wildlife foraging and cover.

3.1.4 Wildlife

The terrestrial habitat observed within and adjacent to the survey area provide suitable habitat for a variety of common and special-status wildlife species. In particular, oak woodland habitat within and adjacent to the survey area provides highly suitable nesting opportunity for a variety of avian species. Various riparian and woodland habitats provide suitable habitat for several species of woodrat that typically build houses at the base of trees and shrubs. Other wildlife, such as amphibians, that rely on additional resources (e.g., aquatic and riparian corridors) may only be seasonally present and/or are more likely not to be found within the survey area. No perennial aquatic habitat or amphibians dependent upon permanent water sources were observed within the survey area. The wild oats grassland may also provide suitable conditions for birds and other wildlife.

During field surveys, all invertebrate and vertebrate species observed, including those detected by indirect sign (i.e., tracks, scat, skeletal remains, dens, burrows, or vocalizations) were documented. Numerous avian species were observed, including red-shouldered hawk (*Buteo lineatus*) and great horned owl (*Bubo virginianus*). California ground squirrel (*Otospermophilus beecheyi*) and Botta's pocket gopher (*Thomomys bottae*) were also observed in various habitats throughout the survey area. A comprehensive list of all the wildlife species observed within the survey area is included in Appendix B.

3.2 Sensitive Resources

The results of the desktop research of the area surrounding the proposed project site indicated that one sensitive natural community, 49 special-status plant species, and 30 special-status wildlife species occur regionally. A review of the habitat requirements for each of these species in comparison with site conditions narrowed the list to nine sensitive plants and five sensitive wildlife species that have potential to occur within the overall survey area. These resources are discussed further below.

3.2.1 Special-status Plant Species

The survey was completed during the typical blooming period for regionally-occurring special-status species with potential to occur within the overall survey area. Based on this evaluation



and a review of the relevant literature, it was determined that nine special-status plant species have low potential to occur within the overall project and survey area. Additionally, individual oak trees (*Quercus* spp.) and oak woodlands are considered a sensitive resource by the State of California and the County, and impacts must be included in the California Environmental Quality Act (CEQA) project review process. Coast live oak woodland and individual trees are present throughout the survey area and are described as a sensitive plant species below.

The following paragraphs provide a description of the special-status plant species that have the potential to occur on site.

Douglas' Fiddleneck (*Amsinckia douglasiana*), CRPR 4.2

Douglas' fiddleneck is an annual herb that is only known from the South Coast Ranges to the Western Transverse Ranges of California. This species typically occurs on unstable shaly sedimentary slopes at elevations between 150 to 1,600 meters. The typical blooming period is from March to June (Jepson eFlora, 2018). Documented threats to this species include agriculture (CNPS, 2018). According to CNDDDB records (CDFW, 2018), the nearest documented occurrence is greater than five miles from the project site. Although marginally suitable grassland habitat for this species is present on site, it was not observed during the survey effort. Based on a lack of detection during an appropriately timed botanical survey, this species is not expected to occur.

Dwarf Calycadenia (*Calycadenia villosa*), CRPR 1B.1

Dwarf calycadenia is an annual herb that is endemic to California. It is known to occur along the outer South Coast Ranges. This species typically occurs on dry and rocky hills, ridges, grasslands, and openings in foothill woodland. It has been documented at elevations between 250 to 850 meters. The typical blooming period is May to September (Jepson eFlora, 2017). Documented threats to this species include urbanization, vehicles, grazing, alteration of fire regimes, and non-native plants (CNPS, 2018). According to CNDDDB (CDFW, 2018), the nearest documented occurrence is greater than five miles from the project site. Although marginally suitable habitat for this species is present in the woodland and grassland habitat on site, it was not observed during the survey effort. Based on a lack of detection during an appropriately timed botanical survey, this species is not expected to occur.

Lemmon's Jewelflower (*Caulanthus lemmonii*); CRPR 1B.2

Lemmon's jewelflower is an annual herb that is endemic to California. It is known to occur throughout the Inner and Outer South Coast Ranges and along the western foothills of the San Joaquin Valley, with unconfirmed populations extending east along the Transverse Ranges and into the northwest corner of the Mojave Desert. This species typically occurs in grassland, chaparral, and scrub communities at elevations ranging from 80 to 1,100 meters. The typical blooming period is from March to May (Jepson eFlora, 2018). Documented threats to this species include development, grazing, and vehicles (CNPS, 2018). According to CNDDDB (CDFW, 2018) records, the nearest documented occurrence of this species is greater than five miles



from the survey area. Although marginally suitable habitat for this species is present in the grassland habitat on site, this species was not observed during the survey effort. Based on a lack of detection during an appropriately timed botanical survey, this species is not expected to occur.

Paniculate Tarplant (*Deinandra paniculata*), CRPR 4.2

Paniculate tarplant is an annual herb that is endemic to California and northern Baja California. Known populations are concentrated along the central and southern coastal ranges of California between San Luis Obispo and Baja, with an isolated occurrence along the eastern edge of the San Francisco Bay. This species typically occurs in sandy soils in grassland, open chaparral, and woodland communities at elevations up to 1,320 meters. It is known to tolerate some disturbance. The typical blooming period is from May to November (Jepson eFlora, 2018). Documented threats to this species include development, with some historical occurrences known to be extirpated by urbanization (CNPS, 2018). According to CNDDDB (CDFW, 2018) records, the nearest documented occurrence of this species is greater than five miles from the survey area. Although marginally suitable habitat for this species is present in the grassland habitat on site, this species was not observed during the survey effort. Based on a lack of detection during an appropriately timed botanical survey, this species is not expected to occur.

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

Yellow-flowered eriastrum is an annual herb that is endemic to California. It is known to occur along the inner South Coast Ranges in San Luis Obispo and Monterey Counties. This species typically occurs on drying slopes in sandy or gravelly soils in association with chaparral and woodland habitats. This species has been documented at elevations up to 1,000 meters. The typical blooming period for this species is from May to June (Jepson eFlora, 2018). Documented threats to this species include vehicles and grazing (CNPS, 2018). According to CNDDDB (CDFW, 2018), the nearest documented occurrence of this species was recorded in 1950 within five miles of the project site. Although marginally suitable habitat is present in the woodland habitat on site, this species was not observed during the survey effort. Based on a lack of detection during an appropriately timed botanical survey, this species is not expected to occur.

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

Santa Lucia dwarf rush is an annual herb that is known from several populations along the central and southern coast, as well as areas in the northeast portion of the state from Lake Tahoe to the Modoc Plateau. This species typically occurs in a variety of seasonally and perennially wet habitats, including seeps, meadows, vernal pools, along streams, and in roadside ditches. It is known to occur at elevations ranging from 300 to 1,900 meters. The typical blooming period for this species is from April through August (Jepson eFlora, 2018). Possible threats to this species include development (CNPS, 2018). According to CNDDDB (CDFW, 2018), the nearest documented occurrence of this species was recorded in 1958 approximately 3.5 miles north of the project site. Although marginally suitable habitat is present within the riparian corridor on site, this species was not observed during the survey effort. Based on a lack



of detection during an appropriately timed botanical survey, this species is not expected to occur.

Pale-yellow Layia (*Layia heterotricha*); CRPR 1B.1

Pale-yellow layia is an annual herb that is known from several populations along the Inner South Coast Ranges, as well as the eastern and western foothills of the southern San Joaquin Valley and the western Transverse Range. This species typically occurs in clayey, sandy, and sometimes alkaline soil in a variety of open habitats including woodland, scrub, and grassland. It is known to occur at elevations ranging from 200 to 1,800 meters. The typical blooming period for this species may span from April through June (Jepson eFlora, 2018). Documented threats to this species include agriculture, competition from non-native plants, and potentially road maintenance and wind energy development (CNPS, 2018). According to CNDDB (2018), the nearest documented occurrence is greater than five miles from the project site. Although marginally suitable habitat is present for this species within the oak woodland habitat on site, this species was not observed during the survey effort. Based on a lack of detection during an appropriately timed botanical survey, this species is not expected to occur.

Santa Lucia Bush-mallow (*Malacothamnus palmeri* var. *palmeri*); CRPR 1B.2

Santa Lucia bush-mallow is a perennial herb that is endemic to California and is known to occur along the Central Coast and Outer South Coast Ranges. This species typically occurs in interior valleys and foothills in chaparral and woodland habitat at elevations ranging from 30 to 800 meters. The typical blooming period for this species is from May to July (Jepson eFlora, 2018). Known threats to this species include alteration of fire regimes (CNPS, 2018). According to CNDDB (CDFW, 2018), the nearest documented occurrence of this species is greater than five miles from the project site. Although marginally suitable habitat is present for this species within the oak woodland habitat on site, this species was not observed during the survey effort. Based on a lack of detection during an appropriately timed botanical survey, this species is not expected to occur.

San Gabriel Ragwort (*Senecio astephanus*); CRPR 4.3

San Gabriel ragwort is a perennial herb that is known only from the South Coast Ranges, and Transverse Range. This species typically occurs on steep rocky slopes in chaparral, coastal sage scrub and oak woodland habitat at elevations between 400 to 1,500 meters. The typical blooming period is from April to June (Jepson eFlora, 2018). Threats to this species are not well documented. According to CNDDB records (CDFW, 2018), the nearest documented occurrence of this species is greater than five miles from the project site. Although suitable habitat for this species is present in the woodland habitat on site, it was not observed during the survey effort. Based on a lack of detection during an appropriately timed botanical survey, this species is not expected to occur.

Oak Trees and Woodland (*Quercus agrifolia* and *Quercus douglasii*), Protection under CEQA, County Oak Woodland Ordinance No. 3346, and SB 1334 (Kuehl Bill)



Impacts to or removal of any mature oak species (i.e., greater than five inches in diameter at breast height) are regulated under California Public Resources Code 21083.4 and County Oak Woodland Ordinance No. 3346 (County, 2017). Numerous mature oak trees are present within the survey area, including within the proposed disturbance area (Site 2), and in association with the riparian corridor.

3.2.2 Special-status Wildlife Species

A list and description of the five sensitive wildlife species with potential to occur, including a description of their habitats, conservation status, and their likelihood for occurrence within the survey area, is provided below.

Sensitive Mammal Species

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

Townsend's big-eared bat require areas containing caves and cave-like roosting habitat including buildings or other man-made structures for roosting and are known to occur in all but subalpine and alpine habitat. This species is extremely sensitive to disturbance of roosting sites. A single visit may result in abandonment of the roost. All known nursery colonies in limestone caves in California apparently have been abandoned (Zeiner et al., 1988-1990a). Because of their extreme sensitivity to disturbance, this species has been in decline in recent years and is a California Species of Special Concern.

According to CNDDDB records (CDFW, 2018), there is a single documented occurrence of this species approximately eight miles south of the project area. Suitable roosting habitat is present within the open barn structure at Site 1. As such, recommended avoidance and minimization measures are provided in Section 4.2 below.

American Badger (*Taxidea taxus*); State – CSC

American badger is a non-migratory species that occurs throughout most of California. This species is highly mobile, can occupy a variety of habitat types, and generally occurs in grasslands, meadows, savannahs, open-canopy, desert scrub, and open chaparral. This species requires friable soils in areas with low to moderate slopes (Zeiner et al., 1988-1990b).

According to CNDDDB records (CDFW, 2018), this species has been documented approximately 5.4 miles northwest of the project site. Suitable habitat, as well as a prey base (e.g., pocket gopher and squirrel), is present for this species within the grassland habitat scattered throughout the survey area, as well as the surrounding areas. As such, there is potential for this species to be encountered on site. Recommended avoidance and minimization measures are provided in Section 4.2 below.

Sensitive Reptile Species

Northern California Legless Lizard (*Anniella pulchra*), State – CSC

Northern California legless lizard is known to occur from the northern end of the San Joaquin Valley, south through the Inner and Outer South Coast Ranges at elevations below 1,800 meters



(Nafis, 2018). This species requires sandy or loose loamy soils within coastal dune scrub, coastal sage scrub, chaparral, woodland, riparian, or forest habitats. It requires cover such as logs, leaf litter, or rocks and will cover itself with loose soil. Relatively little is known about the specific behavior and ecology of this species, but it is thought to be a diurnal species that breeds between the months of March and July. It gives birth to live young in the early fall. Population declines have been attributed to agricultural development, sand mining, use of off-road recreational vehicles, and habitat loss through spread of invasive, non-native vegetation such as freeway iceplant (*Carpobrotus edulis*) (Zeiner et al., 1988-1990c).

According to CNDDDB records (CDFW, 2018), the nearest documented occurrence of this species is approximately four miles southwest of the project site. Leaf litter within oak woodlands and riparian habitat surrounding the project area may provide suitable habitat for this species. As such, there is potential to encounter this species on site. Recommended avoidance and minimization measures are provided in Section 4.2 below.

Migratory Nesting Birds and Sensitive Avian Species

Grasshopper Sparrow (*Ammodramus savannarum*), State – CSC

Grasshopper sparrow habitat typically consists of open grasslands with scattered trees and patches of bare ground. This species forages for grasshoppers and other insects on the ground, locating prey by sight. This species is declining throughout its range due to habitat loss, fragmentation and degradation.

According to CNDDDB records (CDFW, 2018), the nearest documented occurrence is approximately eight miles south of the project area. Suitable habitat is present within the grassland and agricultural fields surrounding the project area. As such, there is potential for this species to be encountered. Recommended avoidance and minimization measures are provided in Section 4.2 below.

White-tailed Kite (*Elanus leucurus*), State Fully Protected

The white-tailed kite is a resident to coastal valleys and lowlands of California where it inhabits herbaceous and open stands of various habitats near agricultural operations. Nest sites are typically placed on the top of a tall tree near or within riparian areas, with adjacent grasslands for foraging. Typical prey items include voles and other small diurnal mammals, but it will occasionally feed on birds, insects, reptiles, and amphibians (Zeiner, et al. 1988-1990d). Nesting occurs within thick, upper canopies of oaks, willows, or other tree stands in close proximity to open foraging area.

According to CNDDDB records (CDFW, 2018), the nearest documented occurrence of this species is approximately 10 miles southwest of the project site. Suitable nesting habitat is present within dense canopies of oak woodlands and mature riparian trees on site. Additionally, white-tailed kite may forage in the project area. As such, recommended avoidance and minimization measures are provided in Section 4.2 below.



Migratory Nesting Birds

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

Avian species can be expected to occur within the project area during all seasons and throughout construction of the proposed project. The potential to disrupt these species is highest February 1 through September 15, when nests are likely to be active and eggs and young are present. Grassland habitat, mature oaks, and ornamental plantings provide particularly suitable habitat for common passerines and ground nesting birds, while the mature oak trees provide suitable nesting habitat for raptors. Recommended avoidance and minimization measures for the protection of migratory nesting birds are provided in Section 4.2 below.

3.2.3 Sensitive Habitats

Federal and State Waters

As noted above, two USGS blue line drainages occur within the survey area. These drainages exhibited a well-defined bed and bank, evidence of an OHWM, and a significant nexus to traditionally navigable waters of the U.S. (i.e., the Pacific Ocean via the Salinas River). Based on the above, 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 Section 401/404 of the Clean Water Act and Section 1602 of the Fish and Game Code would be required.

USFWS-designated Critical Habitats

No USFWS-designated critical habitat for federally threatened or endangered species occurs within the project area.

3.3 Habitat Connectivity

Maintaining connectivity between areas of suitable habitat is critical for dispersal, migration, foraging, and genetic health of plant and wildlife species. The project site is located in a rural area of San Luis Obispo County, 6.5 miles southeast from the town of Templeton, surrounded by dispersed residences and agriculture operations. Existing barriers to migration to and from non-developed portions of the project site, particularly for wildlife, are influenced by agriculture in the region, which typically correlates with a high frequency of land manipulation, wildlife-exclusion fences, and pest management activities. However, undeveloped portions of land are still present in small pockets surrounding the project area. As such, existing habitat and



movement corridors in the vicinity of the project are somewhat fragmented, but relatively intact.

All new development is currently planned to occur within the disturbed agricultural use areas and existing developed areas, which does not show sign of frequent use by any special-status species. New localized barriers may be created by the conversion of the agricultural field to permanent or semi-permanent structures, which may further impede general wildlife movement through the area; however, no large-scale passage barriers are proposed. The proposed project is not expected to increase the overall level of fragmentation in the region.

4.0 IMPACT ASSESSMENT AND MITIGATION

4.1 Summary of Potential Impacts

The proposed project has the potential to directly and/or indirectly impact sensitive habitats, special-status wildlife species, migratory nesting birds, and individual oak trees. Direct impacts to wildlife could result from injury or death via construction-related disturbances such as trampling or crushing from equipment or other construction activities such as grading, vegetation trimming or removal, and excavation. Indirect impacts could result from construction noise, harassment, dust emissions, or other disruption during construction activities.

The total area of disturbance is approximately four acres, which is planned to occur entirely within the existing developed and agricultural areas (orchards) on site.

4.1.1 Impacts to Special-status Plants

Special-status Plants

No special-status plants were observed within the survey area during the site survey completed during the appropriate blooming period for the special-status plant species with potential to occur. As such, no impacts to special-status plants are expected to occur based on the current project design.

Oak Trees

Individual oak trees and oak woodland are present within the riparian corridor, immediately adjacent to the proposed project, and within the proposed project footprint (Site 2). No oak tree trimming or removals are expected during project implementation. Further, no project activities are expected to occur within 50 feet of the existing riparian corridor. As such, no impacts to oak trees are expected as a result of the proposed project.



4.1.2 Impacts to Special-status Wildlife

Townsend's Big-eared Bat

Suitable habitat for Townsend's big-eared bat is present within the barn structure and the cavities of interior live oak trees on site. Direct impacts to this species are most likely to occur from removal of the existing barn structure on site in preparation for the construction of a greenhouse. In addition, increased lighting in the areas adjacent to suitable roosting habitat may deter use of the habitat. Increased short- and long-term anthropogenic activity in the vicinity of roosts may further deter use of the area by bats.

American Badger

As currently designed, no direct impacts to this species are expected to occur as a result of construction related activities. However, if project designs change, and impacts occur within the grassland habitat outside of the existing olive orchard, direct impacts may occur as a result of construction-related activities including crushing, trampling, and/or entombment. Further, increased short- and long-term anthropogenic activity in the vicinity of viable populations located outside of the project area also have a potential to indirectly impact these species by potential primary and secondary exposure to agricultural chemicals including rodenticides.

Northern California Legless Lizard

Suitable habitat for northern California legless lizard is present in the understory of oak woodland and riparian area on site. No direct impacts are proposed within areas of suitable habitat for these species. If project designs change and impacts occur within or immediately adjacent to areas of suitable habitat, direct and indirect impacts may result from construction-related disturbances and alteration or removal of habitat.

Sensitive and Nesting Birds

Direct impacts to bird species are most likely to occur if construction activities take place during the typical avian nesting season, generally February 1 through September 15. Indirect impacts may occur due to habitat loss (e.g., removal of suitable nesting trees) or construction-related disturbances that may deter nesting or cause nests to fail.

4.1.3 Impacts to Sensitive Communities and Habitats

Hydrologic Resources

Two USGS blue line drainages occur within the survey area, immediately adjacent to the proposed project. These drainages are considered waters of the state and waters of the U.S. based on the presence of a well-defined bed and bank, evidence of an OHWM, and a significant nexus to traditionally navigable waters. Currently, no impacts are proposed to the USGS blue line ephemeral drainages.



4.2 Recommended Avoidance and Minimization Measures

The following avoidance and minimization, measures are recommended to reduce the anticipated impacts to the maximum extent feasible.

4.2.1 General Avoidance and Minimization Measures

Measure 1: Site Maintenance and General Operations

The following general measures are recommended to minimize impacts during active construction:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits.
- In the vicinity of sensitive resources and habitats (e.g., unnamed USGS blue line drainages and oak woodlands), signs shall be posted at the boundary of the work area indicating the presence of sensitive resources.
- Staging of equipment and materials shall occur at least 50 feet from aquatic features.
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- Any chemicals used shall be prevented from entering the USGS blue line drainages.
- Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

4.2.2 Recommendations for Avoiding Impacts to Oak Trees

Measure 2: Oak Tree Protection

Where project activities are expected to occur within 50 feet of oak trees or oak woodland, tree protection fencing shall be installed as close to the outer limit of the woodland dripline or individual tree critical root zone as practicable. At no time shall any removal or trimming of oak trees equal to or greater than five inches in diameter be allowed.

4.2.3 Recommendations for Avoiding Impacts to Special-status Wildlife

Measure 3: Surveys for Special-status Wildlife

A qualified biologist shall conduct surveys prior to the start of initial project activities to ensure special-status wildlife species are not present within proposed work areas. In the event that special-status wildlife species are found, they shall be allowed to leave the area on their own volition or relocated (as permitted) to suitable habitat areas located outside the work area(s). If necessary, resource agencies will be contacted for further guidance. Pre-activity surveys shall be conducted as follows:



Measure 3A: Preconstruction Surveys for Townsend's Big-eared Bat

Prior to the start of work, all suitable roosting habitat for Townsend's big-eared bats (e.g., barn structure and mature oaks) within 100 feet of work areas shall be surveyed during the appropriate time of day to determine if bats are utilizing the potential roosts. If bats are detected, a bat exclusion plan shall be developed and submitted to CDFW for approval prior to implementing any exclusion methods. If no bats are detected, no further action is required.

Measure 3B: Preconstruction Survey for Sensitive and Nesting Birds

If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to activity beginning on site. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work will begin until an appropriate buffer is determined in consultation with the CDFW, and/or the USFWS.

4.2.4 Recommendations for Avoiding Impacts to Sensitive Habitats

Measure 4: Avoidance of Federal and State Waters

Proposed permanent and/or temporary features shall be located a minimum of 50 feet from the edge of the USGS blue line drainages.

Measure 5: Protection of Federal and State Waters

In addition to Measures 1 and 4, the following measures are provided to further protect the drainage features on site. If work must occur during the rainy season, temporary erosion and sedimentation Best Management Practices (BMPs) shall be implemented, as necessary, to prevent erosion and sedimentation during construction. Acceptable BMPs include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standards. The BMPs shall be installed and maintained until the disturbance areas are stabilized.

5.0 CONCLUSION

In total, it was determined that suitable habitat exists on site for nine special-status botanical species, individual oaks and oak woodland, and five special-status wildlife species, including two mammals, one reptile, and two bird species, as well as nesting birds. No special-status species were observed during the survey effort. Sensitive habitat identified on site includes two USGS unnamed blue line drainages on the western and northern boundary of the survey area. The project has been designed to avoid impacts to sensitive resources and habitats to the extent feasible. Specifically, all new development is expected to maintain a minimum 50-foot setback



from the blue line drainages and no oak trees are expected to be trimmed or removed as a part of the project. Based on the current project designs, it is expected that implementation of the recommended avoidance and minimization measures will avoid and/or minimize impacts to potentially occurring sensitive resources to a less than significant level.



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APPENDIX A – Project Maps

Figure 1: Project Vicinity Map

Figure 2: Survey Area Map

Figure 3: 5-mile CNDDDB and Critical Habitat Map

Figure 4: Soils Map

Figure 5: Hydrologic Resources Map

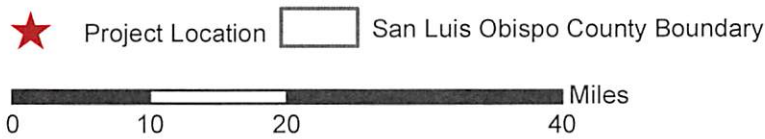
Figure 6: Vegetation Communities and Sensitive Resources Map

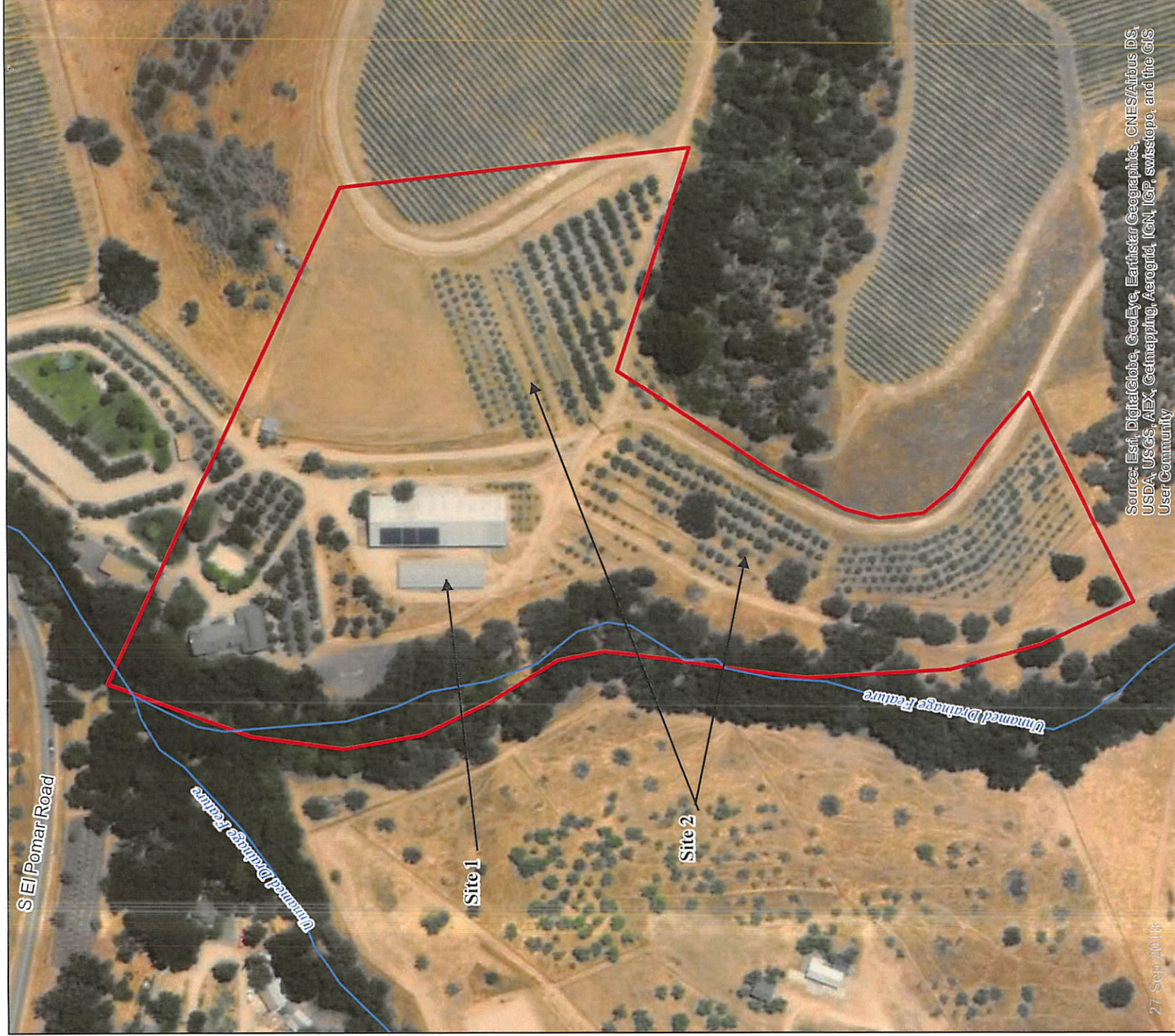


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4337 South El Pomar Cannabis Cultivation Project
Figure 1: Project Vicinity Map



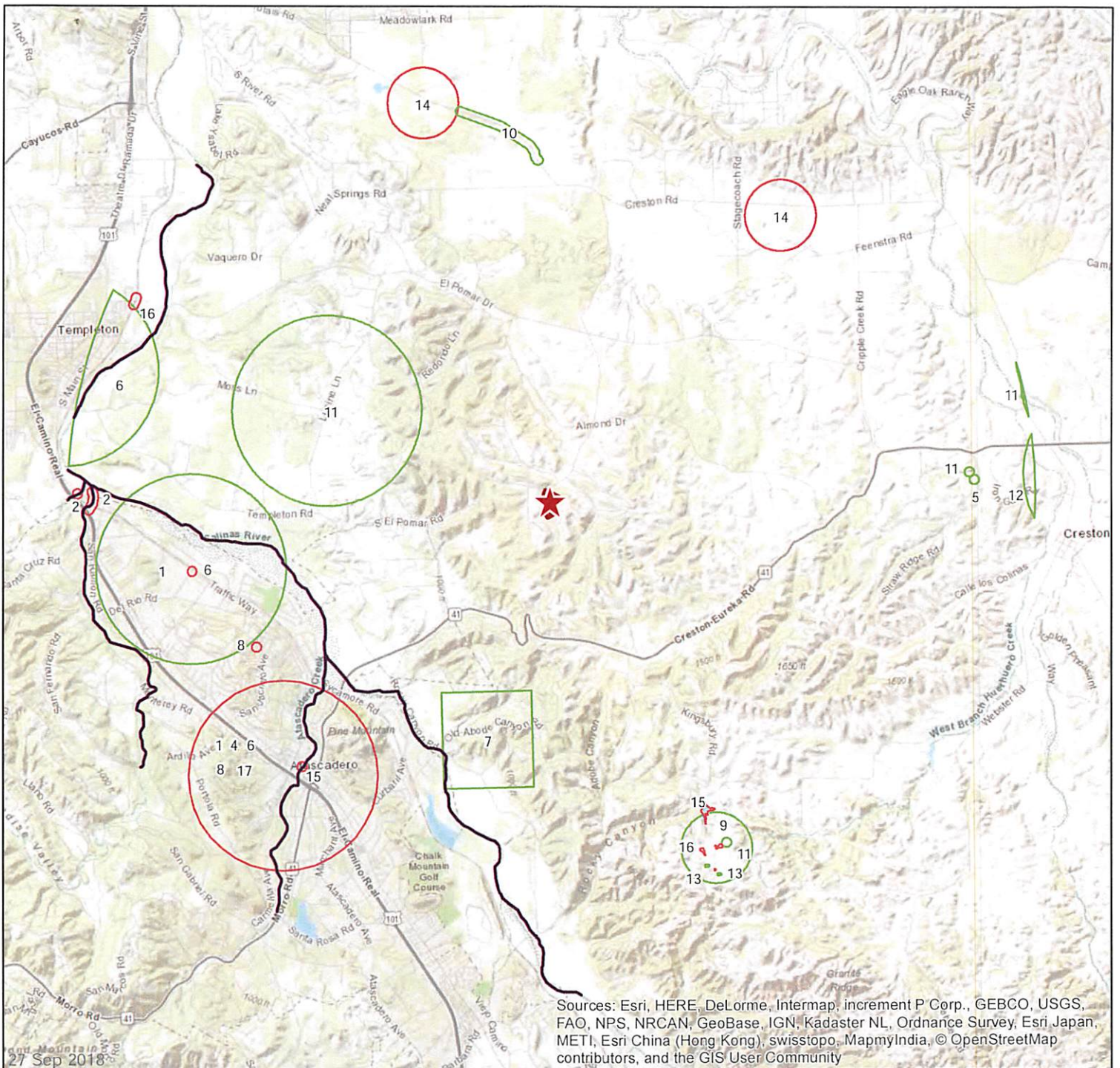


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

4337 South El Pomar Cannabis Cultivation Project
Figure 2: Survey Area Map

- Drainage Feature
- Survey Area





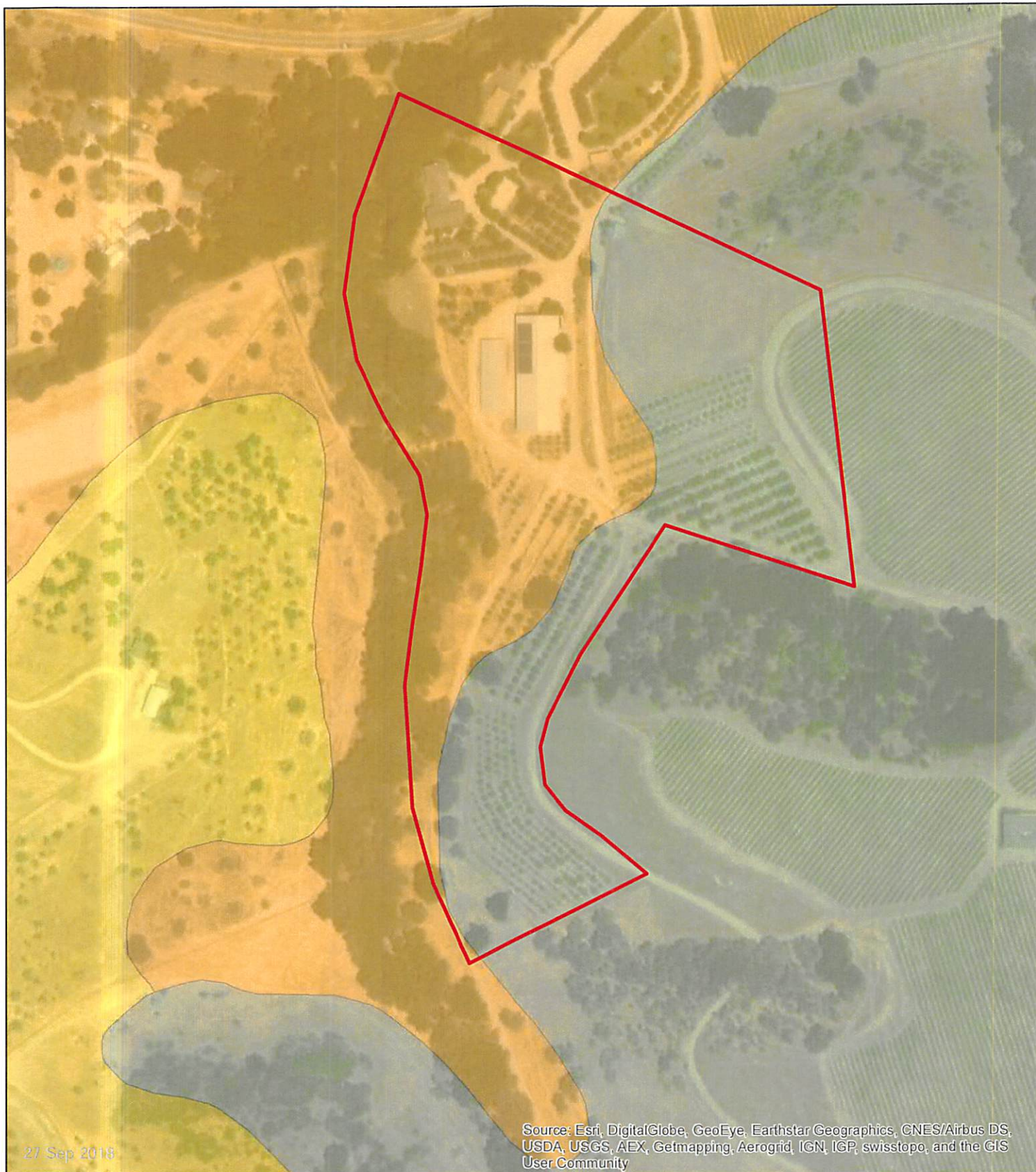
4337 South El Pomar Cannabis Cultivation Project
Figure 3: 5-mile CNDDDB and Critical Habitat Map

- | | | |
|--------------------------------|--|---------------------------------|
| Project Location | 5 - La Panza Mariposa-lily | 12 - Spreading Navarretia |
| 5-mile Buffer | 6 - Mesa Horkelia | 13 - Straight-awned Spineflower |
| Steelhead Critical Habitat | 7 - Miles' Milk-vetch | 14 - Tricolored Blackbird |
| 1 - Atascadero June Beetle | 8 - Northern California Legless Lizard | 15 - Western Pond Turtle |
| 2 - California Red-legged Frog | 9 - San Luis Obispo Owl's-clover | 16 - Western Spadefoot |
| 3 - Dwarf Calycadenia | 10 - Santa Lucia Dwarf Rush | 17 - Yellow-flowered Eriastrum |
| 4 - Eastwood's Larkspur | 11 - Shining Navarretia | |

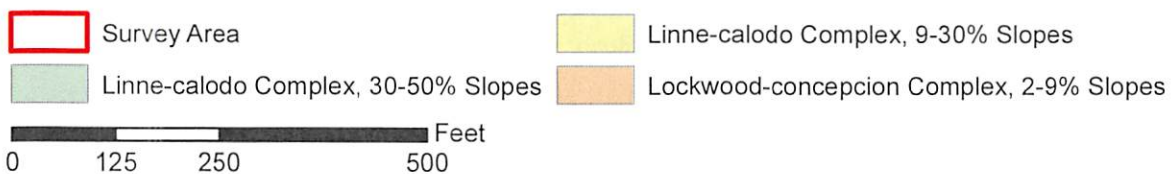
0 0.5 1 2 Miles

CNDDDB data: California Department of Fish and Wildlife, 2013; accessed September 2018.
Critical habitat data: US Fish & Wildlife Service, Geospatial Services 2005; accessed September 2018.



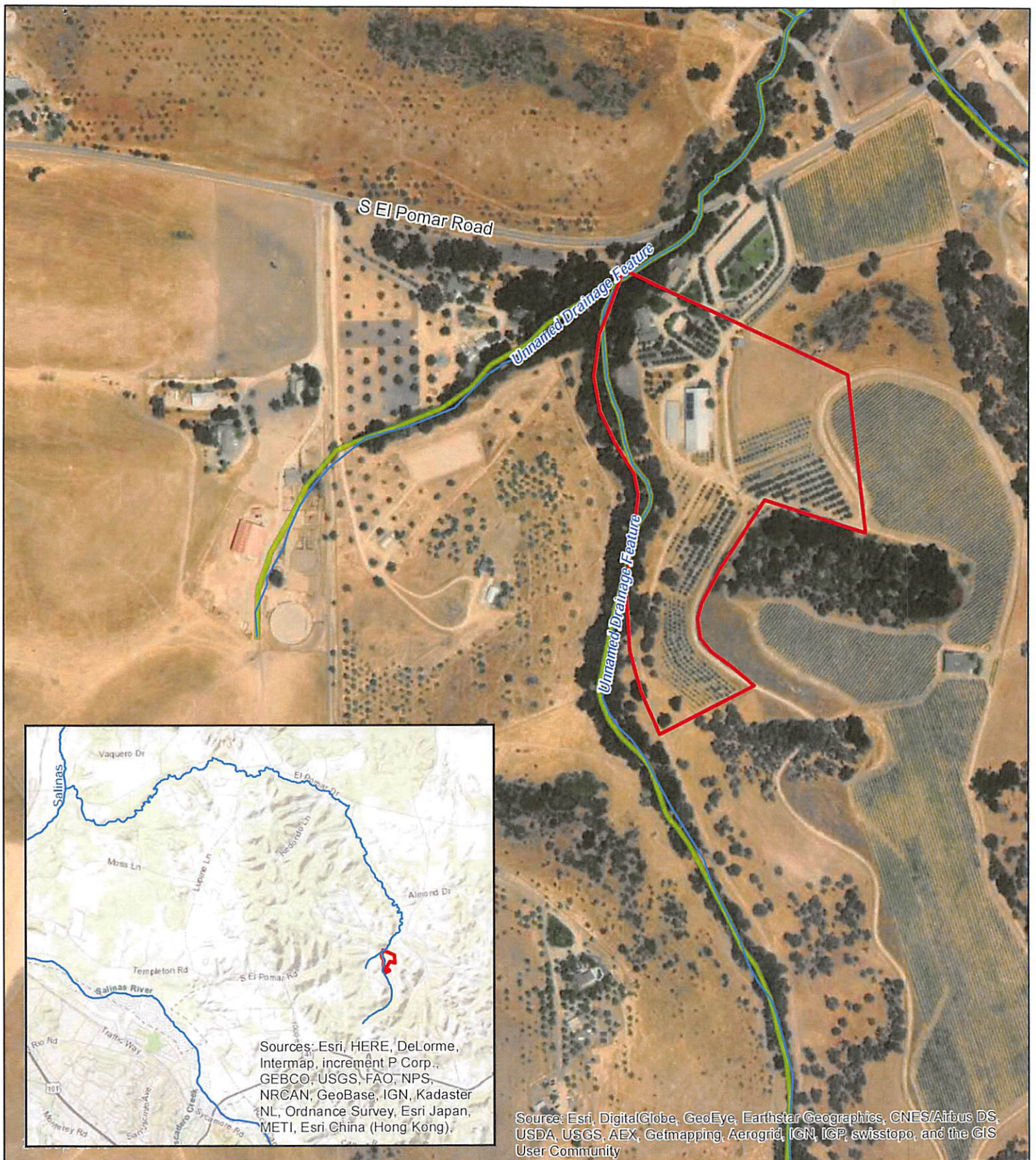


4337 South El Pomar Cannabis Cultivation Project
Figure 4: Soils Map



Soils data: U.S. Dept. of Agriculture, Natural Resources Conservation Service, updated 2010; accessed September 2018.





4337 South El Pomar Cannabis Cultivation Project
Figure 5: Hydrological Resources Map



Survey Area



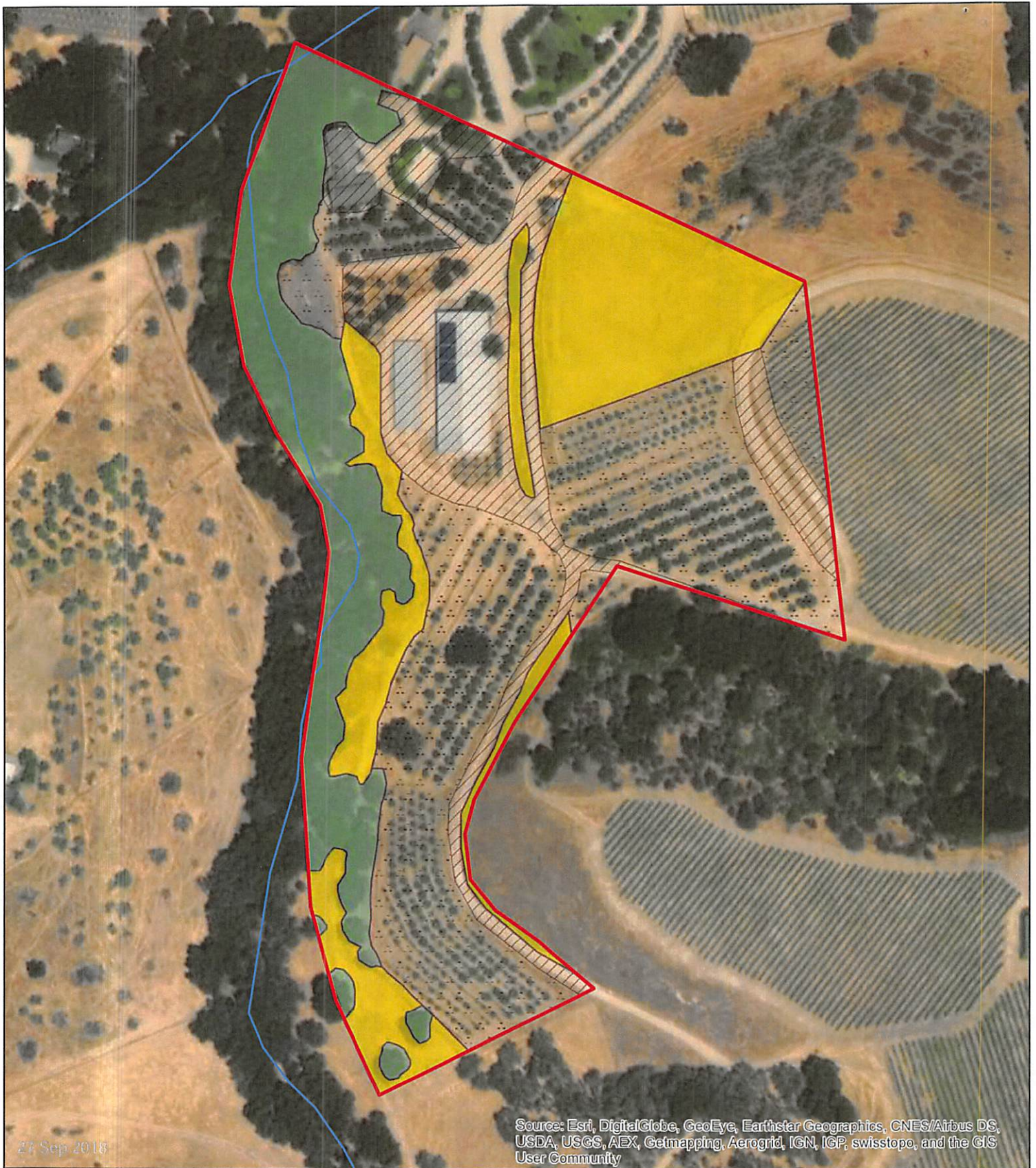
Wetland



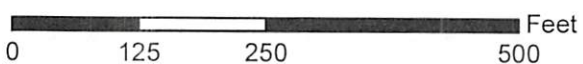
Unnamed Blue Line Drainage

0 125 250 500 Feet





4337 South El Pomar Cannabis Cultivation Project
Figure 6: Vegetation Communities and Sensitive Resources Map



Stream data: County of San Luis Obispo, 2006; accessed September 2018.



APPENDIX B – Regionally-occurring Special-status Species Table



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Regionally occurring special-status species list for the Creston and surrounding 7.5-minute quadrangles: Estrella, Shandon, Shedd Canyon, Wilson Corner, Santa Margarita, Atascadero, Templeton, Paso Robles

SENSITIVE VEGETATION COMMUNITIES AND HABITATS			
Community/ Habitat ¹	Description ²	Observed on Site? ³	Comments / Potential for Occurrence
California Natural Diversity Database (CNDDDB)-designated Sensitive Natural Communities			
Northern Interior Cypress Forest	An open, fire-dependent scrubby forest dominated by <i>Hesperocyparis</i> species with dry, rocky, sterile, often ultramafic soils. Vegetation is usually less than 15 meters tall. Frequently associated with serpentine chaparral.	No	Diagnostic species and substrate are not present on site; this community is not present within the survey area.
NOAA – Designated Critical Habitat for Special-status Species			
Steelhead – South-central California Coast DPS	These fish live in the ocean as adults but migrate to freshwater streams or creeks that have cool, flowing water, access to the ocean, and available food sources, in order to spawn. Critical habitat has been designated within the Salinas River.	No	Designated critical habitat within Salinas River, not within the overall survey and project area.

¹List of sensitive vegetation communities and habitats obtained from CNDDDB and USFWS Critical Habitat Portal (CNDDDB, 2018; USFWS, 2018a).

²Community and habitat descriptions acquired from CNDDDB (2018)

³Communities/habitats observed during field survey indicated with **bold** font and gray highlight, and are discussed further in the report.

SPECIAL-STATUS BOTANICAL SPECIES					
Scientific/Common Name ¹	Listing Status ²	Blooming Period ³	Habitat Type ³	Observed/Habitat Present? ⁴	Comments / Potential for Occurrence
<i>Amsinckia douglasiana</i> Douglas' fiddleneck	CRPR 4.2	March – June	Unstable, shaly, sedimentary slopes. Elevation: 100 - 1,600 meters.	No / Yes	Suitable substrate, elevation, or known range are present on site; not detected during appropriately timed survey.
<i>Antirrhinum ovatum</i> Oval-leaved snapdragon	CRPR 4.2	May – July	Heavy, adobe-clay soils on gentle, open slopes, also disturbed areas. Elevation: < 200 – 1,400 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Arctostaphylos luciana</i> Santa Lucia manzanita	CRPR 1B.2	January – March	Shale outcrops, slopes, and upland chaparral near the coast. Elevation: 100 – 800 meters.	No / No	No suitable substrate, elevation, or known range are present on site; not detected during appropriately timed survey.
<i>Arctostaphylos obispoensis</i> Bishop manzanita	CRPR 4.3	February – March	Rocky, generally serpentine soils, chaparral, open closed-cone forest near coast. Elevation: 60 – 95 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Arctostaphylos pilosula</i> Santa Margarita manzanita	CRPR 1B.2	December – March	Shale outcrops, slopes, chaparral. Elevation: 30 – 1,250 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Astragalus didymocarpus</i> var. <i>milesianus</i> Miles' milk-vetch	CRPR 1B.2	March – May	Grassy areas near the coast, clay soils in coastal scrub. Elevation: < 400 meters.	No / No	No suitable substrate on site; not detected during appropriately timed survey.
<i>Astragalus macrodon</i> Salinas milk-vetch	CRPR 4.3	All year	Eroded pale shales or sandstone, serpentine alluvium. Elevation: < 200 – 1,550 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Calochortus obispoensis</i> San Luis mariposa lily	CRPR 1B.2	May – June	Dry serpentine, generally open chaparral. Elevation: 100 – 500 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.

SPECIAL-STATUS BOTANICAL SPECIES					
Scientific/Common Name ¹	Listing Status ²	Blooming Period ³	Habitat Type ³	Observed/Habitat Present? ⁴	Comments / Potential for Occurrence
<i>Calochortus simulans</i> La Panza mariposa lily	CRPR 1B.3	May – July	Sand (often granitic), grassland, and yellow pine forest. Elevation: < 1,100 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Calycadenia villosa</i> Dwarf calycadenia	CRPR 1B.1	May – September	Dry, rocky hills, ridges, grassland, openings in foothill woodland. Elevation: 250 – 850 meters.	No / No	Suitable grassland habitat on site; not detected during appropriately timed survey.
<i>Calystegia subacaulis</i> subsp. <i>episcopalis</i> Cambria morning-glory	CRPR 4.2	April – June	Dry, open scrub and woodland, chaparral, coastal prairie, grassland; usually in clay soil. Elevation: < 500 meters.	No / No	No suitable substrate on site; not detected during appropriately timed survey.
<i>Camissoniopsis hardhamiae</i> Hardham's evening primrose	CRPR 1B.2	March – May	Sandy soil, limestone; disturbed or burned areas in oak woodland. Elevation: 60 – 600 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Carex obispoensis</i> San Luis Obispo sedge	CRPR 1B.2	March – June	Springs and stream sides in chaparral, generally on serpentine. Elevation: < 800 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Castilleja densiflora</i> subsp. <i>obispoensis</i> San Luis Obispo owl's-clover	CRPR 1B.2	March – June	Coastal grassland. Elevation: < 400 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Caulanthus lemmonii</i> Lemmon's jewelflower	CRPR 1B.2	March – May	Grassland, chaparral, scrub. Elevation: 80 – 1,100 meters.	No / Yes	Suitable grassland habitat on site, not detected during appropriately timed survey.

SPECIAL-STATUS BOTANICAL SPECIES					
Scientific/Common Name ¹	Listing Status ²	Blooming Period ³	Habitat Type ³	Observed/Habitat Present? ⁴	Comments / Potential for Occurrence
<i>Ceanothus cuneatus</i> var. <i>fascicularis</i> Lompoc ceanothus	CRPR 4.2	February – May	Sandy substrates in coastal chaparral. Elevation: < 275 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Chorizanthe breweri</i> Brewer's spineflower	CRPR 1B.3	March – July	Gravel or rocks, typically on serpentine soil. Elevation: < 60 – 800 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Chorizanthe douglasii</i> Douglas's spineflower	CRPR 4.3	April – July	Sand or gravel. Elevation: 200 – 1,600 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Chorizanthe palmeri</i> Palmer's spineflower	CRPR 4.2	May – August	Serpentine. Elevation: 60 - 700 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Chorizanthe rectispina</i> Straight-awned spineflower	CRPR 1B.3	May – July	Sand or gravel. Elevation: 200 – 600 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Cirsium fontinale</i> var. <i>obispoense</i> San Luis Obispo fountain thistle	Fed: Endangered State: Endangered CRPR 1B.2	April – October	Serpentine seeps and streams. Elevation: < 350 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Cirsium occidentale</i> var. <i>lucianum</i> Cuesta Ridge thistle	CRPR 1B.2	April – July	Chaparral, woodland or forest openings, and often on serpentine. Elevation: 500 – 750 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Convolvulus simulans</i> Small-flowered morning-glory	CRPR 4.2	April – June	Clay substrates, occasionally serpentine, annual grassland, coastal-sage scrub, chaparral. Elevation: 30 – 875 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.

SPECIAL-STATUS BOTANICAL SPECIES					
Scientific/Common Name ¹	Listing Status ²	Blooming Period ³	Habitat Type ³	Observed/Habitat Present? ⁴	Comments / Potential for Occurrence
<i>Deinandra halliana</i> Hall's tarplant	CRPR 1B.1	April – May	Grasslands, opens slopes, sink edges, vertic clay, rarely serpentine in the San Joaquin Valley and South Coast Inner Ranges. Elevation: 300 – 1,000 meters.	No / Yes	No suitable habitat on site; outside species typical distribution. Not detected during appropriately timed survey.
<i>Deinandra paniculata</i> Paniculate tarplant	CRPR 4.2	May – November	Grassland, open chaparral and woodland, disturbed areas, often in sandy soils. Elevation: < 1,320 meters.	No / Yes	Suitable grassland habitat on site; not detected during appropriately timed survey.
<i>Delphinium parryi</i> subsp. <i>blochmaniae</i> Dune larkspur	CRPR 1B.2	April – May	Coastal chaparral, coastal dunes, sand. Elevation: < 200 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Delphinium parryi</i> subsp. <i>eastwoodiae</i> Eastwood's larkspur	CRPR 1B.2	March – May	Coastal chaparral and grassland on serpentine. Elevation: 100 – 500 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Dudleya abramsii</i> subsp. <i>murina</i> Mouse-gray dudleya	CRPR 1B.3	May – June	Serpentine outcrops. Elevation: 120 – 300 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Eleocharis parvula</i> Small spikerush	CRPR 4.3	Winter – Fall	Brackish wet soil, coastal. Elevation: < 50 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Eriastrum luteum</i> Yellow-flowered eriastrum	CRPR 1B.2	May – June	Drying slopes, sandy or gravelly soil, typically in association with chaparral or woodland. Elevation: < 1,000 m.	No / Yes	Suitable habitat on site; not detected during appropriately timed survey.
<i>Eriogonum temblorense</i> Temblor buckwheat	CRPR 1B.2	May – September	Sand, clay, or sandstone in valley and foothill grassland. Elevation: 300 – 900 m.	No / No	No suitable habitat on site; not detected during early fall survey.

SPECIAL-STATUS BOTANICAL SPECIES					
Scientific/Common Name ¹	Listing Status ²	Blooming Period ³	Habitat Type ³	Observed/Habitat Present? ⁴	Comments / Potential for Occurrence
<i>Fritillaria ojaiensis</i> Ojai fritillary	CRPR 1B.2	February – May	Rocky slopes and river basins. Elevation: 300 – 500 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Horkelia cuneata</i> var. <i>puberula</i> Mesa horkelia	CRPR 1B.1	March – July	Dry, sandy, coastal chaparral. Elevation: 70 – 870 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Horkelia cuneata</i> var. <i>sericea</i> Kellogg's horkelia	CRPR 1B.1	April – August	Old dunes, coastal sand hills. Elevation: < 200 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Juncus luciensis</i> Santa Lucia dwarf rush	CRPR 1B.2	April – August	Wet, sandy soils of seeps, meadows, vernal pools, streams, roadsides. Elevation: 300 – 1,900 m.	No / Yes	Suitable stream habitat on site; not detected during appropriately timed survey.
<i>Layia heterotricha</i> Pale-yellow layia	CRPR 1B.1	April – June	Open clayey or sandy soil, sometimes +/- alkaline, in scrub, woodland, or grassland habitat. Elevation: 200 – 1,800 m.	No / Yes	Suitable grassland habitat on site; not detected during appropriately timed survey.
<i>Lepidium jaredii</i> Jared's pepper grass	CRPR 1B.2	March – April	Alkali bottoms, slopes, washes, dry hillsides, in vertic clay, acidic, gypsiferous soil. Elevation: 500 – 700 m.	No / No	No suitable habitat present on site; not detected during appropriately timed survey.
<i>Malacothamnus jonesii</i> Jones' bush-mallow	CRPR 4.3	May – July	Open chaparral in foothill woodland. Elevation: 250 – 830 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Malacothamnus palmeri</i> var. <i>involucratus</i> Carmel Valley bush-mallow	CRPR 1B.2	May – July	Valleys, chaparral. Elevation: 30 – 800 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.

SPECIAL-STATUS BOTANICAL SPECIES					
Scientific/Common Name ¹	Listing Status ²	Blooming Period ³	Habitat Type ³	Observed/Habitat Present? ⁴	Comments / Potential for Occurrence
<i>Malacothamnus palmeri</i> var. <i>palmeri</i> Santa Lucia bush-mallow	CRPR 1B.2	May – July	Interior valleys foothills. Elevation: 30 – 800 meters.	No / Yes	Suitable habitat on site; not detected during appropriately timed survey.
<i>Monardella palmeri</i> Palmer's monardella	CRPR 1B.2	June – August	Chaparral and forest on serpentine. Elevation: 200 – 800 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Monolopia gracilens</i> Woodland woollythreads	CRPR 1B.2	March – July	Serpentine in grassland, open chaparral, oak woodland. Elevation: 100 – 1,200 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Navarretia fossalis</i> Spreading navarretia	Fed: Threatened CRPR 1B.1	April – June	Vernal pools, ditches. Elevation: 30 – 1,300 m.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Navarretia nigelliformis</i> subsp. <i>radians</i> Shining navarretia	CRPR 1B.2	May – July	Vernal pools, clay depressions. Elevation: 150 – 1,000 m.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Plagiobothrys uncinatus</i> Hooked popcornflower	CRPR 1B.2	April – May	Chaparral, canyon sides, and rocky outcrops; ± fire follower. Elevation: 300 – 600 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Senecio aphanactis</i> Chaparral ragwort	CRPR 2B.2	February – May	Alkaline flats, dry open rocky areas. Elevation: 10 – 800 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.
<i>Senecio astephanus</i> San Gabriel ragwort	CRPR 4.3	April – June	Steep, rocky slopes in chaparral/ coastal sage scrub and oak woodland. Elevation: 400 – 1,500 m.	No / Yes	Suitable woodland habitat on site; not detected during appropriately timed survey.
<i>Sidalcea hickmanii</i> subsp. <i>anomala</i> Cuesta Pass checkerbloom	State: Rare CRPR 1B.2	May – June	Closed-cone coniferous forest, generally serpentine. Elevation: 600 – 800 meters.	No / No	No suitable habitat on site; not detected during appropriately timed survey.

¹List of regionally-occurring special-status species acquired from CNDDDB (CDFW, 2018), CCH (2018), and CNPS Rare and Endangered Plant Inventory (CNPS, 2018), and local expert knowledge.

²Listing status obtained from CNPS Rare and Endangered Plant Inventory (CNPS, 2018).

³Blooming period and habitat type obtained from Jepson eFlora (2018) and occasionally supplemented with information provided by CNPS (Jepson eFlora, 2018; CNPS, 2018).

⁴Species observed during field survey indicated with **bold font**; species determined to have suitable habitat present on the site, even marginally suitable habitat, indicated with gray highlight. Species highlighted gray are discussed further in the report.

SPECIAL-STATUS WILDLIFE SPECIES					
Scientific/Common Name ¹	Listing Status ¹	Nesting/ Breeding Period ²	Habitat Type ²	Observed/ Habitat Present? ³	Comments / Potential for Occurrence
<i>Actinemys marmorata</i> Western pond turtle	State: CSC	April – August	Riparian areas such as ponds, lakes, rivers, streams, creeks, marshes, and irrigation ditches with either a rocky or muddy bottom. Prefers shallow pools with logs or rocks for basking. Can enter brackish or even seawater.	No / No	No suitable habitat on site; not expected to occur.
<i>Agelaius tricolor</i> Tricolored blackbird	State: CSC	Spring – Fall	Nests near water sources such as marshes, grassland, and wetlands. Requires access to substrates, usually aquatic, to build nests. Forages for insects and plant matter on agricultural sites and grasslands. Very colonial.	No / No	No suitable habitat on site; not expected to occur.
<i>Ammodramus savannarum</i> Grasshopper sparrow	State: CSC	April – July	Grasslands with few trees, including meadows, pastures, grassy roadsides, sedge wetlands, and cultivated fields planted with cover crops like alfalfa.	No / Yes	Marginally suitable habitat present within grassland and agricultural fields.
<i>Ammospermophilus nelsoni</i> Nelson's antelope squirrel	State: Threatened	January – April	Flat to moderate sloping grasslands and dry washes with widely scattered shrubs and sandy loam soils.	No / No	No suitable habitat on site; not expected to occur.
<i>Anniella pulchra</i> Northern California legless lizard	State: CSC	March – July; live birth September – November	Moist warm loose soil with plant cover and under leaf litter. Found in beach dunes, chaparral, foothill woodlands, desert scrub, sandy washes, and stream terraces.	No / Yes	Suitable habitat present within oak woodlands on site.

SPECIAL-STATUS WILDLIFE SPECIES					
Scientific/Common Name ¹	Listing Status ¹	Nesting/ Breeding Period ²	Habitat Type ²	Observed/ Habitat Present? ³	Comments / Potential for Occurrence
<i>Aquila chrysaetos</i> Golden eagle	State: Fully Protected	January – August	Open to semi-open grassland, forest, shrubland or oak woodland. Require steep cliffs or large trees in open areas for nesting.	No / No	Marginally suitable foraging habitat present within grassland. Lack of suitable nesting habitat; not expected to occur.
<i>Ardea herodias</i> Great blue heron	State: Special Animal	February – August	Saltwater and freshwater habitats along open coast lines, marshes, sloughs, river banks, and ponds.	No / No	No suitable habitat on site; not expected to occur.
<i>Arizona elegans occidentalis</i> California glossy snake	State: CSC	June – October	Aris scrub, rocky washes, grasslands or chaparral. Prefers open areas with soil loose enough for burrowing.	No / No	No suitable habitat on site; not expected to occur.
<i>Batrachoseps minor</i> Lesser slender salamander	State: CSC	Spring	Moist locations in mixed oak forests, sycamore, and laurel above 400 meters. Found only in southern Santa Lucia Mountains of San Luis Obispo County.	No / No	No suitable habitat on site; not expected to occur.
<i>Branchinecta lynchi</i> Vernal pool fairy shrimp	Fed: Threatened	Rainy season	Vernal pools and depressions in grasslands.	No / No	No suitable habitat on site; not expected to occur.
<i>Buteo regalis</i> Ferruginous hawk	State: Watch List	February – July	Lowlands, plateaus, rolling hills of grasslands, ranches and agricultural fields. Primarily nest in trees.	No / No	Outside of nesting range. May forage or overwinter; not observed during survey.
<i>Buteo swainsoni</i> Swainson's hawk	State: Threatened	March – September	Prairie and grassland habitat for foraging. Also utilize converted agricultural land. Require scattered stands of trees near grassland or agricultural fields for nesting.	No / No	Marginally suitable foraging habitat present within grassland and agricultural fields. Lack of suitable nesting habitat on site; not expected to occur.

SPECIAL-STATUS WILDLIFE SPECIES					
Scientific/Common Name ¹	Listing Status ¹	Nesting/ Breeding Period ²	Habitat Type ²	Observed/ Habitat Present? ³	Comments / Potential for Occurrence
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	State: CSC	November – May	Montane forests including pine, fir, and aspens surrounded by shrub and grasslands. Colonies roosts in caves, mines, tunnels, buildings, and human made structures.	No / Yes	Suitable roosting habitat present within open barn structure on site.
<i>Coturnicops noveboracensis</i> Yellow rail	State: CSC	May – August	Shallow marshes and wet meadows.	No / No	No suitable habitat on site; not expected to occur.
<i>Elanus leucurus</i> White-tailed kite	State: Fully Protected	March – August	Savanna, open woodlands, marshes, desert, grassland. Prefer partially cleared fields such as ranches and cultivated fields. They build nests on top of old ones of other species in trees.	No / Yes	Suitable habitat present within oak woodlands, grassland and agricultural fields.

SPECIAL-STATUS WILDLIFE SPECIES					
Scientific/Common Name ¹	Listing Status ¹	Nesting/ Breeding Period ²	Habitat Type ²	Observed/ Habitat Present? ³	Comments / Potential for Occurrence
<i>Falco mexicanus</i> Prairie falcon	State: Watch List	February – July	Primarily inhabits dry grasslands, woodlands, savannahs, cultivated fields, lake shores, and rangelands. Primarily nests on cliffs, canyons, and rock outcrops.	No / No	No suitable nesting habitat; may forage through project area.
<i>Linderiella occidentalis</i> California fairy shrimp	State: Special Animal	Rainy Season	Seasonal pools in unplowed grasslands with alluvial soils.	No / No	No suitable habitat on site; not expected to occur.
<i>Onychomys torridus tularensis</i> Tulare grasshopper mouse	State: Special Animal	April – August	Arid shrubland communities in arid grasslands.	No / No	No suitable habitat on site; not expected to occur.
<i>Perognathus inornatus</i> San Joaquin pocket mouse	State: Special Animal	March – July	Dry, open, grassy or weedy ground, and arid annual grasslands, savanna, and desert-shrub associations with sandy washes or finely textured soil.	No / No	No suitable habitat on site; not expected to occur.
<i>Perognathus inornatus psammophilus</i> Salinas pocket mouse	State: CSC	March – July	Open grassland and desert-shrub communities on alluvial sandy and wind drifted sands.	No / No	No suitable habitat on site; not expected to occur.
<i>Polyphylla nubila</i> Atascadero June beetle	State: Special Animal	Early Summer – June	Known only from sand dunes in Atascadero and San Luis Obispo.	No / No	No suitable habitat on site; not expected to occur.
<i>Progne subis</i> Purple martin	State: CSC	May – June	Woodlands in close proximity to water bodies and open fields for foraging. Will live close to humans and are very attracted to bird feeders. Nest in cavities.	No / No	No suitable water habitat on site or nearby; not expected to occur.
<i>Rana boylei</i> Foothill yellow-legged frog	State: CSC	April – July	Rocky streams and rivers with rocky substrate. Found in woodlands, chaparral and forests with open sunny banks.	No / No	No suitable habitat on site; not expected to occur.

SPECIAL-STATUS WILDLIFE SPECIES					
Scientific/Common Name ¹	Listing Status ¹	Nesting/ Breeding Period ²	Habitat Type ²	Observed/ Habitat Present? ³	Comments / Potential for Occurrence
<i>Rana draytonii</i> California red-legged frog	Fed: Threatened State: CSC	January – July	Most common in ponds of woodlands and grasslands. Found in habitats adjacent to streams or water access.	No / No	No suitable habitat on site; not expected to occur.
<i>Riparia riparia</i> Bank swallow	State: Threatened	April – July	Low areas along rivers, streams, ocean coasts or reservoirs. Nest on vertical cliffs or banks with colonies of 10 to 2,000 nests.	No / No	No suitable habitat on site; not expected to occur.
<i>Spea hammondi</i> Western spadefoot	State: CSC	Rainy Season	Persist in upland refugium (i.e., underground burrows with sandy or gravelly soils) for the majority of the year and emerge during periods of rainfall to breed in temporary pools or pools in intermittent streams.	No / No	No suitable habitat on site; not expected to occur.
<i>Taricha torosa</i> California newt	State: CSC	December – April	Slow moving streams, ponds, and lakes with surrounding evergreen/oak forests along coast. Aquatic when breeding.	No / No	No suitable habitat on site; not expected to occur.
<i>Taxidea taxus</i> American badger	State: CSC	Late Summer – Early Fall	Dry, open fields with friable soil for tunneling and foraging.	No / Yes	Suitable habitat present within grassland; not observed during survey.
<i>Vireo bellii pusillus</i> Least Bell's vireo	Fed: Endangered State: Endangered	March – September	Dense, low, shrubby vegetation, generally early successional stages in riparian areas. Associated with ponded water or moist conditions.	No / No	No suitable nesting habitat on site; not expected to occur.

SPECIAL-STATUS WILDLIFE SPECIES					
Scientific/Common Name ¹	Listing Status ¹	Nesting/ Breeding Period ²	Habitat Type ²	Observed/ Habitat Present? ³	Comments / Potential for Occurrence
<i>Vulpes macrotis mutica</i> San Joaquin kit fox	Fed: Endangered State: Threatened	December – July	Generally flat to moderate topography grasslands with friable soils and small mammal activity.	No / No	No suitable habitat on site; not expected to occur.

¹List of regionally-occurring special-status species and listing status acquired from CNDDDB (CNDDDB, 2018) and local expert knowledge.

²Life history information obtained from multiple sources, including Cornell Lab of Ornithology Online (Cornell, 2018), CaliforniaHerps.com (Nafis, 2018), and USFWS Environmental Conservation Online System (ECOS) (USFWS, 2018c).

³Species observed during field survey indicated with **bold** font; species determined to have suitable habitat present on the site, even marginally suitable habitat, indicated with gray highlight. Species highlighted gray are discussed further in the report.



APPENDIX C – Botanical and Wildlife Species Observed



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List of Botanical Species Observed at the 4337 S. El Pomar Development Project Site
May 10, 2018

Family	Scientific Name	Common Name	Cal-IPC Status ¹	Origin
Adoxaceae (Muskroot Family)	<i>Sambucus nigra</i> subsp. <i>caerulea</i>	Blue elderberry	--	Native
Agavaceae (Century Plant Family)	<i>Chlorogalum pomeridianum</i>	Soap plant	--	Native
Anacardiaceae (Sumac Family)	<i>Toxicodendron diversilobum</i>	Western poison oak	--	Native
Apiaceae (Carrot Family)	<i>Anthriscus caucalis</i>	Bur-chervil	--	Naturalized
	<i>Conium maculatum</i>	Poison hemlock	Mod	Naturalized
	<i>Lomatium caruifolium</i>	Caraway leaved lomatium	--	Native
	<i>Sanicula bipinnata</i>	Poison sanicle	--	Native
	<i>Sanicula crassicaulis</i>	Pacific sanicle	--	Native
	<i>Torilis nodosa</i>	Short sock-destroyer	--	Naturalized
Apocynaceae (Dogbane Family)	<i>Asclepias eriocarpa</i>	Kotolo	--	Native
Asteraceae (Sunflower Family)	<i>Achillea millefolium</i>	Yarrow	--	Native
	<i>Achyrrachaena mollis</i>	Blow wives	--	Native
	<i>Agoseris grandiflora</i>	Giant mountain dandelion	--	Native
	<i>Agoseris heterophylla</i>	Mountain dandelion	--	Native
	<i>Baccharis pilularis</i>	Coyote brush	--	Native
	<i>Carduus pycnocephalus</i>	Italian thistle	Mod	Naturalized
	<i>Centaurea melitensis</i>	Tocalote	Mod	Naturalized
	<i>Centaurea solstitialis</i>	Yellow star-thistle	High	Naturalized
	<i>Hypochaeris glabra</i>	Smooth cat's ear	Lim	Naturalized
	<i>Lactuca serriola</i>	Prickly lettuce	--	Naturalized
	<i>Lagophylla ramosissima</i>	Common hareleaf	--	Native
	<i>Matricaria discoidea</i>	Pineapple weed	--	Naturalized
	<i>Microseris douglasii</i>	Douglas' microseris	--	Native
	<i>Pseudognaphalium luteoalbum</i>	Jersey cudweed	--	Naturalized
	<i>Silybum marianum</i>	Milk thistle	Lim	Naturalized
	<i>Sonchus asper</i> subsp. <i>asper</i>	Prickly sow thistle	--	Naturalized
Brassicaceae	<i>Brassica nigra</i>	Black mustard	Mod	Naturalized

Family	Scientific Name	Common Name	Cal-IPC Status ¹	Origin
(Mustard Family)	<i>Capsella bursa-pastoris</i>	Shepherd's purse	--	Naturalized
	<i>Lobularia maritima</i>	Sweet alyssum	Lim	Naturalized
	<i>Hirschfeldia incana</i>	Mediterranean hoary mustard	Mod	Naturalized
	<i>Sisymbrium altissimum</i>	Tumble mustard	--	Naturalized
Boraginaceae (Borage Family)	<i>Amsinckia menziesii</i>	Common fiddleneck	--	Native
	<i>Amsinckia tessellata</i>	Devil's lettuce	--	Native
Caryophyllaceae (Pink Family)	<i>Stellaria media</i>	Common chickweed	--	Naturalized
Cupressaceae (Cypress Family)	<i>Sequoia sempervirens</i>	Coast redwood	--	Native / Ornamental
Fabaceae (Legume Family)	<i>Acemisson brachycarpus</i>	Short podded lotus	--	Native
	<i>Lupinus bicolor</i>	Miniature lupine	--	Native
	<i>Lupinus microcarpus</i>	Chick lupine	--	Native
	<i>Medicago minima</i>	Burclover	--	Naturalized
	<i>Medicago polymorpha</i>	California burclover	Lim	Naturalized
	<i>Melilotus indicus</i>	Sourclover	--	Naturalized
	<i>Vicia sativa</i>	Spring vetch	--	Naturalized
	<i>Vicia villosa</i>	Hairy vetch	--	Naturalized
Fagaceae (Oak Family)	<i>Quercus agrifolia</i> var. <i>agrifolia</i>	Coast live oak	--	Native
	<i>Quercus douglasii</i>	Blue oak	--	Native
	<i>Quercus lobata</i>	Valley oak	--	Native
	<i>Quercus wislizeni</i> var. <i>wislizeni</i>	Interior live oak	--	Native
Geraniaceae (Geranium Family)	<i>Erodium cicutarium</i>	Redstem filaree	Lim	Naturalized
(Iris Family)	<i>Sisyrinchium bellum</i>	Western blue-eyed-grass	--	Native
Lamiaceae (Mint Family)	<i>Lamium amplexicaule</i>	Henbit	--	Naturalized
	<i>Marrubium vulgare</i>	White horehound	Lim	Naturalized
	<i>Rosmarinus officinalis</i>	Rosemary	--	Ornamental
Malvaceae (Mallow Family)	<i>Malva nicaeensis</i>	Bull mallow	--	Naturalized
Montiaceae (Miner's Lettuce Family)	<i>Claytonia perfoliata</i>	Miner's lettuce	--	Native

Family	Scientific Name	Common Name	Cal-IPC Status ¹	Origin
Oleaceae (Olive Family)	<i>Olea europaea</i>	Olive	--	Naturalized
Onagraceae (Evening-primrose Family)	<i>Clarkia bottae</i>	Punchbowl godetia	--	Native
	<i>Clarkia purpurea</i> subsp. <i>quadrivulnera</i>	Four-spot	--	Native
	<i>Clarkia unguiculata</i>	Woodland clarkia	--	Native
Orobanchaceae (Broomrape Family)	<i>Castilleja exserta</i>	Purple owl's-clover	--	Native
Oxalidaceae (Oxalis Family)	<i>Oxalis pes-caprae</i>	Bermuda buttercup	Mod	Naturalized
Papaveraceae (Poppy Family)	<i>Romneya trichocalyx</i>	Hairy matilija poppy	--	Native / Ornamental
Pinaceae (Pine Family)	<i>Pinus</i> sp.	Pine	--	Ornamental
Plantaginaceae (Plantain Family)	<i>Plantago lanceolata</i>	English plantain	Lim	Naturalized
Platanaceae (Sycamore Family)	<i>Platanus racemosa</i>	Western sycamore	--	Native / Ornamental
Poaceae (Grass Family)	<i>Avena barbata</i>	Slender wild oat	Mod	Naturalized
	<i>Avena fatua</i>	Wild oat	Mod	Naturalized
	<i>Bromus diandrus</i>	Ripgut grass	Mod	Naturalized
	<i>Bromus hordeaceus</i>	Soft chess	Lim	Naturalized
	<i>Bromus madritensis</i> subsp. <i>rubens</i>	Red brome	High	Naturalized
	<i>Elymus glaucus</i>	Blue wild-rye	--	Native
	<i>Festuca microstachys</i>	Small fescue	--	Native
	<i>Festuca myuros</i>	Rattail sixweeks grass	Mod	Naturalized
	<i>Festuca perennis</i>	Rye grass	Mod	Naturalized
	<i>Hordeum marinum</i> subsp. <i>gussoneanum</i>	Mediterranean barley	Mod	Naturalized
	<i>Hordeum murinum</i>	Wall barley	Mod	Naturalized
	<i>Hordeum vulgare</i>	Cultivated barley	--	Naturalized
	<i>Phalaris aquatica</i>	Harding grass	Mod	Naturalized
	<i>Poa secunda</i>	Nevada blue grass	--	Native
	<i>Stipa tenuissima</i>	Mexican feathergrass	Watch	Naturalized
Polygonaceae (Buckwheat Family)	<i>Polygonum aviculare</i>	Knotweed	--	Naturalized
Rosaceae (Rose Family)	<i>Heteromeles arbutifolia</i>	Toyon	--	Native / Ornamental
	<i>Prunus ilicifolia</i>	Holly leaf cherry	--	Native



Family	Scientific Name	Common Name	Cal-IPC Status ¹	Origin
	<i>Rosa</i> sp.	Rose	--	Ornamental
Salicaceae (Willow Family)	<i>Populus fremontii</i> subsp. <i>fremontii</i>	Fremont cottonwood	--	Native
	<i>Salix lasiolepis</i>	Arroyo willow	--	Native
Verbenaceae (Vervain Family)	<i>Verbena lasiostachys</i>	Western vervain	--	Native
Vitaceae (Grape Family)	<i>Vitus</i> sp.	Cultivated grape	--	Naturalized

¹Taxa included on the California Invasive Plant Council (Cal-IPC) Invasive Plant Inventory (Cal-IPC, 2018) are indicated above with the listing rank. Cal-IPC rankings included on this list are defined as:

- **Limited (Lim):** invasive but with minor statewide ecological impacts, or insufficient information to justify a higher score.
- **Moderate (Mod):** substantial and apparent, but generally not severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.
- **High:** severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.
- **Watch:** species that pose a high risk of becoming invasive in the future in California.

²California Native Plant Society (CNPS) list 4.2 ranking.



List of Wildlife Species List Observed at the 4337 S, El Pomar Development Project Site
May 11, 2018

Family	Scientific Name	Common Name	*Listing Status Federal/State
Birds	<i>Aphelocoma californica</i>	California scrub jay	--
	<i>Bubo virginianus</i>	Great horned owl	--
	<i>Buteo jamaicensis</i>	Red-tailed hawk	--
	<i>Buteo lineatus</i>	Red-shouldered hawk	--
	<i>Callipepla californica</i>	California quail	--
	<i>Calypte anna</i>	Anna's hummingbird	--
	<i>Cathartes aura</i>	Turkey vulture	--
	<i>Corvus brachyrhynchos</i>	American crow	--
	<i>Haemorphous mexicanus</i>	House finch	--
	<i>Icterus bullockii</i>	Bullock's oriole	--
	<i>Melanerpes formicivorus</i>	Acorn woodpecker	--
	<i>Melospiza crissalis</i>	California towhee	--
	<i>Picoides nuttallii</i>	Nuttall's woodpecker	--
	<i>Picoides villosus</i>	Hairy woodpecker	--
	<i>Pipilo maculatus</i>	Spotted towhee	--
	<i>Psaltiriparus minimus</i>	Bushtit	--
	<i>Sayornis nigricans</i>	Black phoebe	--
	<i>Sitta carolinensis</i>	White-breasted nuthatch	--
	<i>Spinus psaltria</i>	Lesser goldfinch	--
	<i>Sturnus vulgaris</i>	European starling	Non-native
	<i>Tachycineta bicolor</i>	Tree swallow	--
	<i>Zenaida macroura</i>	Mourning dove	--
Reptiles	<i>Sceloporus occidentalis</i>	Coast range fence lizard	--

* No special-status species observed on site.



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APPENDIX D – Representative Site Photographs



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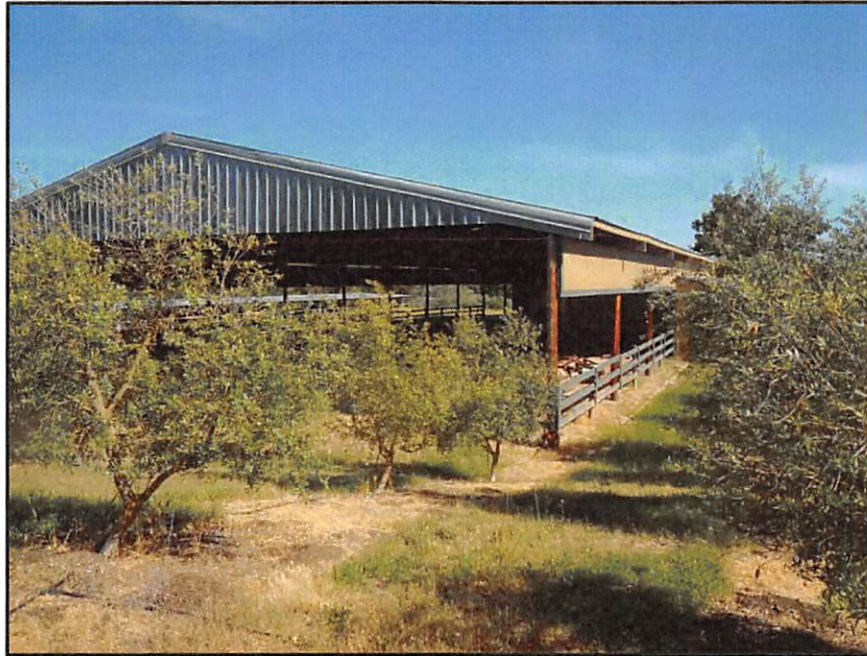


Photo 1. View of proposed Site 1, where existing barn structure to be replaced or retrofitted to support a greenhouse for indoor cannabis cultivation, view east. (May 10, 2018).

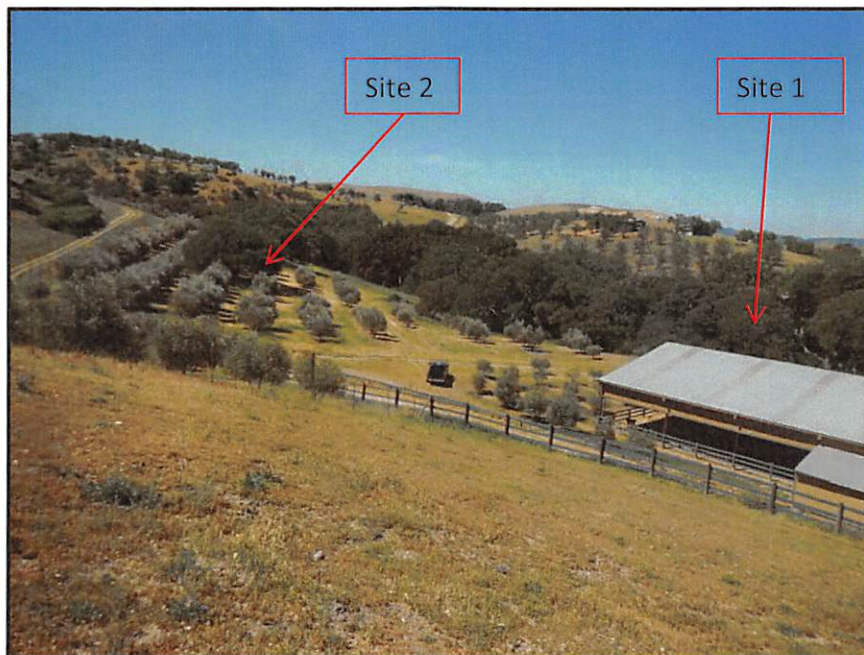


Photo 2. Overview of proposed Site 1 and 2. Note oak trees present within existing olive orchards and will be protected during project activities, view southwest (May 10, 2018).



Photo 3. View of wild oats grassland between riparian corridor and existing developed areas, west of proposed Site 1 (May 10, 2018).

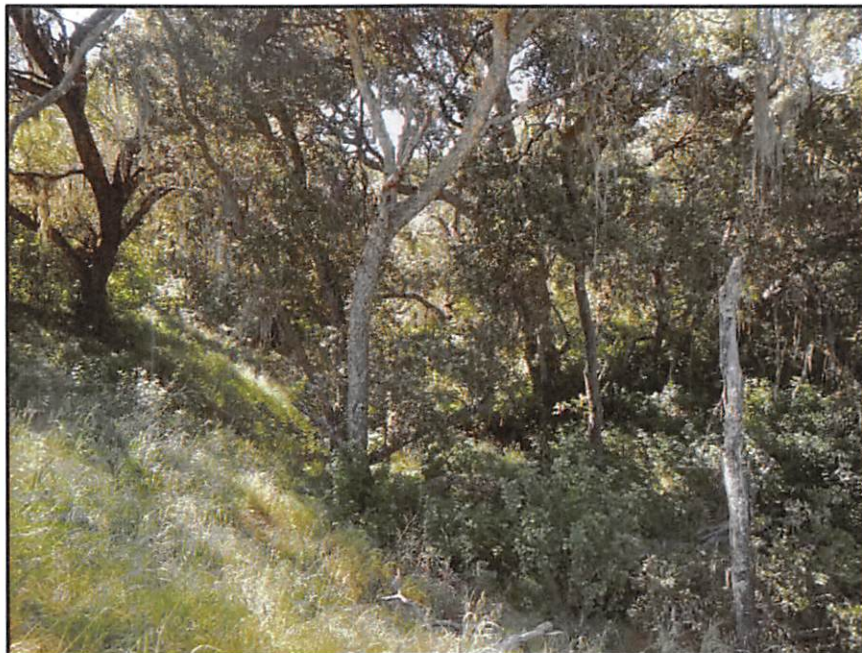


Photo 4. View of coast live oak woodland community associated with the USGS blue line drainage west of Site 1 and Site 2 (May 10, 2018).



Photo 5. View of typical olive orchard rows with limited herbaceous weedy vegetation observed in the understory (May 10, 2018).



Photo 6. View of main access road to proposed project site from South El Pomar Road. No road improvement proposed as a part of the project (May 10, 2018).

Young L. Choi

From: Michael Stoker
Sent: Tuesday, October 30, 2018 10:24 AM
To: Ian N. Landreth
Cc: Cheryl Journey; Don C. Moore
Subject: Re: DRC2018-00183 CALDWELL_SMYTH, NORTH COUNTY E-Referral, MINOR USE PERMIT, TEMPLETON

Ian,

Please find buildings recommendations for DRC2018-00183 below. Let me know if you have any questions.

In regards to this preliminary review, a building permit is required. The drawings specify the work to be completed consists of 3- one-acre outdoor cultivation and the use of 40,000 sq. ft of greenhouse structure for 22,000 sq. ft of indoor cultivation and supportive uses including drying, curing (10,000 sq. ft), and storage (8,000 sq. ft). A California State licensed design professional (Architect/Engineer) shall prepare plans in compliance with current codes adopted by the County of San Luis Obispo (Current version of the California Building Standards Codes and Title 19 of the SLO County Codes at time of permit submittal).

While a thorough plan review will be conducted at the time of the building permit application, the following items are noted to assist design review;

1. A California licensed Architect or Engineer is required to submit the plans for this project per BPC 5536.1.
2. A pre application meeting will be needed prior to submitting for a building permit to answer any questions and / or discuss code related issues.
3. Separate building permits will be required for separate structures located on the site.
4. Specify the occupancy classification and Type of Construction on the cover sheet of the plans to verify compliance with the current version of CBC.
5. Provide floor plans, elevations, sections, etc. to accurately show the work being completed and layout of the proposed use.
6. Any fire resistive walls or ceilings due to occupancy separations will need to be detailed on the plans to comply with the requirements of with CBC, including Chapter 5, 6 and 7. The specific details for the wall construction on the plans will need to reference an approved UL listing or gypsum manual listing.
7. Mixed occupancy buildings will need to comply with the CBC, specifically CBC Chapter 5 Section 508.
8. The fire and smoke protection features (i.e. exterior walls, projections, openings, rated wall assemblies, shaft enclosures, parapet, etc) shall be shown, calculated and detailed on the plans to comply with CBC, including Chapter 7.
9. Provide an occupant load and exiting analysis on the plans to verify compliance with CBC, including Chapter 10.

10. The accessibility elements throughout will need to be shown, detailed, and / or noted on the plans to verify compliance with CBC Chapter 11B. (i.e. accessible parking, path of travel, restroom design, accessible amenities, rooms, doors, electrical outlets, etc.).
11. Provide plans which clearly show the structural design to verify compliance with the 2016 California Building Code and referenced standards. The plans and supporting calculations will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural design.
12. Provide isometric / single line drawings for the electrical, plumbing, and mechanical elements to verify compliance with the current versions of the California Electrical, Plumbing, and Mechanical Codes.
13. Provide a plumbing fixture analysis on the plans to verify the number of fixtures provided are sufficient for the proposed use and complies with CPC Chapter 4 and Table A and Table 422.
14. Provide an equipment schedule on the plans and any referenced standards or spec sheets that are applicable.
15. Provide details for anchorage for all equipment. For equipment weighing more than 400 lbs, provide calculations for seismic anchorage in accordance with ASCE 7-10, Chapter 13 or current version.
16. If there are any hazardous materials, provide HIMS sheet to specify the types and quantities. Also, show proper storage location on the plans.
17. Energy Calculations will need to be provided to verify compliance with current California Energy Code.
18. Compliance with the current California Green Building Code and County of San Luis Obispo Green Building Ordinance will need to be show on the plans.
19. The building(s) will need to be provided with fire sprinklers and an alarm system under a separate permit. At the time of the permit application provide plans and calculations showing the design of the system.

Thanks

County Of San Luis Obispo

Planning & Building

Michael Stoker, CASp

Building Division Supervisor

(p) 805-781-1543

mstoker@co.slo.ca.us

From: Mail for PL_Referrals Group

Sent: Tuesday, October 23, 2018 1:53 PM

To: Ian N. Landreth

Subject: DRC2018-00183 CALDWELL_SMYTH, NORTH COUNTY E-Referral, MINOR USE PERMIT, TEMPLETON

County of San Luis Obispo

Department of Planning & Building

DRC2018-00183 CALDWELL_SMYTH, NORTH COUNTY E-Referral, MINOR USE PERMIT, TEMPLETON

APN: 034-321-003

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 CALDWELL SMYTH 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):
Ian Landreth (805-781-1298 or ilandreth@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.



Date: October 24, 2018
To: Ian Landreth, Project Planner
From: Glenn Marshall, Development Services
Subject: Public Works Revised Comments on DRC2018-00183 Caldwell-Smyth MUP, South El Pomar Dr, Templeton, APN 034-321-003

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.

Public Works Comments:

- A. The project is expected to generate 3 average daily trips (ADT) with 0 afternoon peak hour trips (PHT) based on the following project description:
- 3 acre outdoor cultivation (6 ADT)
 - 40,000 square feet greenhouse cultivation & processing (11 ADT)
 - 5,000 square feet manufacturing (19 ADT)
- Project impacts to County maintained roads are considered negligible.
- B. The proposed project is within the Templeton Area B Road Improvement Fee Area. Payment of Road Improvement Fees to mitigate cumulative development impacts is required prior to commencing permitted activities.
- C. The project site has two driveway approaches, one improved to current standards and the second appears to be an unpermitted, unimproved approach. The unimproved approach must be removed, scarified, and the shoulder restored to current A-1 road standards.
- D. The proposed project is within a drainage review area, the applicant must ensure all proposed site grading and new impervious surfaces are constructed in compliance with the County drainage standards, Chapter 22.52.110 or 23.05.040 of the Land Use Ordinance and the Public Improvement Standards.
- E. This project appears to not meet the applicability criteria for Stormwater Management, it is located outside a Stormwater Management Area.
- F. If the project site disturbs 1.0 acre or more the applicant must enroll for coverage under California's Construction General Permit, which may require preparation of a project Stormwater Control Plan even though its located outside a Stormwater Management Area.

Recommended Project Conditions of Approval:

Access

1. **On-going condition of approval (valid for the life of the project)**, to minimize project related traffic impacts in accordance with the project description, the project permit is restricted as follows:
 - a. Maximum 3-acre onsite outdoor cannabis cultivation.

- b. Maximum 40,000-square feet onsite indoor greenhouse or nursery cannabis cultivation.
 - c. Maximum 5,000-square feet onsite manufacturing (curing/trimming/specialized packaging & delivery building).
2. **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. Except for the existing improved access driveway, all other existing property connections to **South El Pomar Road** shall be removed, scarified, revegetated, and fenced (or otherwise blocked) to prohibit access. The adjacent shoulder shall be restored to County road standards.
3. **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.
4. **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.
5. **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

6. **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 3.6 peak hour trips. The estimated fee is \$30,463 (\$8,462/pht x 3.6 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.

Stormwater Pollution Prevention Plan (SWPPP)

7. **At the time of application for construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

Drainage

8. **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.
9. **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.

10. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Stormwater Control Plan.

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Air Pollution Control District San Luis Obispo County

Via Email

August 12, 2019

Young Choi
San Luis Obispo County Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
ychoi@co.slo.ca.us

SUBJECT: APCD Comments Regarding the Caldwell/Smyth Eden Dreams Cannabis Facility (DRC2018-00183)

Dear Mr. Choi:

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 4339 S. El Pomar Dr. in Templeton. The proposed project includes a Minor Use Permit for cannabis activities; 3-acres of outdoor cannabis cultivation, a 40,000 square foot greenhouse, and a 5,000 square foot processing facility. The project would develop in phases. Phase 1 would include replacing 1.8 acres of olive trees with cannabis. Phase 2 would include the construction of the greenhouse and expansion of the outdoor cultivation to the 3-acre maximum. The project referral states that soil will be imported once for plants in pots on raised beds. The project is within 1,000 feet of residential dwellings. All cultivation rooms would be equipped with a fan/carbon filter system to reduce odor.

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 action 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 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.**

Dust Control Measures

This project is greater than 4 acres AND 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.

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 but 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;
- Boilers;
- Small scale manufacturing;
- Internal combustion engines; and
- Cogeneration facilities.

Most facilities applying for an Authority to Construct 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 apply for an APCD Cannabis Manufacturing/Processing Authority to Construct (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 Authority to Construct.

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 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 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 the 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) 781-5912.

Sincerely,



JACKIE MANSOOR
Air Quality Specialist

JNM/jjh

cc: Elizabeth Ross, Applicant
Lisa Bugrova, Agent
Dora Drexler, APCD

Central Coast Regional Water Quality Control Board

August 8, 2019

Young Choi
County of San Luis Obispo
Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
ychoi@co.slo.ca.us

Via Electronic Mail Only

Dear Young Choi:

RESPONSE TO PROJECT REFERRAL, PROJECT NUMBER DRC2018-00183 CALDWELL_SMYTH / EDEN DREAMS

Thank you for the opportunity to review the subject proposed project. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) recommends enrollment in the statewide Cannabis General Order¹ be included as a condition of approval of this project. All cultivators developing land for, or engaging in, cannabis cultivation activities are required to seek enrollment in the Cannabis General Order. The Central Coast Water Board has not yet received an application for enrollment for this site.

Our review of the information provided in the project proposal indicates there appear to be two unnamed streams located on the parcel. There is insufficient information to determine whether these streams are classified as intermittent or ephemeral under the definitions established by the Cannabis General Order. The Cannabis General Order includes a riparian setback of 100 feet from intermittent streams and 50 feet from ephemeral streams and requires that no cannabis cultivation-related activities occur within the riparian setback.

The submitted plan indicates that the cultivator intends to disturb area within 100 feet of the unnamed streams. If the streams are determined to be intermittent, the cultivator would be out of compliance with the Cannabis General Order. If land disturbance has

¹ The State Water Resources Control Board Order WQ 2019-0001-DWQ General Waste Discharge Requirements and Waiver of Waste Discharge requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order) can be found online at https://www.waterboards.ca.gov/centralcoast/water_issues/programs/cannabis_cultivation

already occurred within the riparian setback, then the cultivator will be required to enroll as high risk and submit a Disturbed Area Stabilization Plan, prepared by a qualified professional, that describes how the cultivator will stabilize the disturbed area and move all cultivation-related activities out of the riparian setback.

If you have any questions, please contact Alyssa Bucci at 805-549-3333 or Alyssa.Bucci@waterboards.ca.gov.

Sincerely,

for
John M. Robertson
Executive Officer

R:\RB3\Shared\Cannabis\2 - County\San Luis Obispo\2 - NonEnrollee\County Applicants\Eden Dreams\Referral Response\Eden_Dreams_Referral_Response

cc:

Alyssa Bucci, Central Coast Regional Water Quality Board
Alyssa.bucci@waterboards.ca.gov

Arwen Wyatt-Mair, Central Coast Regional Water Quality Control Board
Arwen.wyattmair@waterboards.ca.gov

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

TO: Kate C. Shea, Senior Planner

C: TAAG board members, Vicki Janssen, Jen Caffee

FROM: Chris Cobey, TAAG Vice Chair

SUBJECT: TAAG actions at its regular December 20, 2018 meeting¹

DATE: December 30, 2018

At its regular meeting on Thursday, December 20, 2018, TAAG's board took the following actions on project applications referred to it by the County Planning Department for review and comment.

1. Application of [Caldwell / Smyth](#) for 4339 South El Pomar Drive, El Pomar Estrella sub area, for a minor use permit for three one-acre outdoor cannabis cultivations and the use of 40,000 square feet of greenhouse structures for 22,000 square feet of indoor cannabis cultivation, including drying, curing (10,000 square feet), and storage (8,000 square feet); product will be processed onsite in a to-be-built 5,000 square-foot building. The TAAG board recommended (6-1) **disapproval** unless conditions written and stated were satisfied.

The TAAG board **passed** (5-1-1) an **associated motion** that TAAG mail, by January 7, 2019, an informational notice not to exceed one double-sided page in length, drafted by the CPRC and approved by the chair or vice chair, to property owners within 1000 feet of the boundaries of the subject property of the Caldwell / Smyth application, explaining:

- The nature and extent of the proposed project,
- TAAG's recommended action on the proposed project and its reasons,
- The next steps expected on the project, and
- To what entities any comments could be conveyed by mail, email, phone, or in person,

and that similar notices be sent before any CPRC hearing of any cannabis cultivation applications to which the January 11, 2019, amended cannabis ordinance concerning pre-application notice would not apply. The informational notice could also advise recipients of the upcoming deadline for declarations of candidacy for TAAG delegate positions at the 2019 election.

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

2. Application of [Emerald Heart Farms / Mamakos](#) for 5625 Vineyard Road, Adelaida sub area, for a proposed minor use permit for 1.5-acre outdoor cannabis cultivation. The TAAG board unanimously (7-0) recommended **approval**.
3. Application of [Moondance Partners LP](#) for 2400 Acorn Spring Road, Templeton, for a lot line adjustment to reconfigure four existing legal lots. The TAAG board unanimously (7-0) recommended **approval**.
4. Application of [Durand](#) for 110 Nutwood Circle, Paso Robles, for a parcel map to split existing lot into two parcels, allocating one parcel for residence, and the other for cell tower and water tanks. The TAAG board unanimously (7-0) recommended **approval**.
5. Application of [AT&T Mobility / Sani](#) for 7250 Vineyard Drive, Adelaida sub area, for a conditional use permit for a new wireless telecommunications facility consisting of an 80-foot high antenna support structure disguised as a pine tree, ground-mounted equipment, and a generator within an 800-square-foot fenced enclosure. The TAAG board unanimously (7-0) recommended **approval**.

In other actions, the TAAG board voted unanimously to set the date of the 2019 election for delegates and alternates to be Saturday, March 2, 2019.

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

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

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

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