



Negative Declaration & Notice Of Determination

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

ENVIRONMENTAL DETERMINATION NO. ED Number 20-12

DATE: April 9, 2019

PROJECT/ENTITLEMENT: Arvus Axium (Caleb Wendorff) Conditional Use Permit;DRC2018-00154

APPLICANT NAME: Arvus Axium (Caleb Wendorff)

Email: simon@simoncaleb.com

ADDRESS: 8015 Carissa Highway, Santa Margarita, CA 93453

CONTACT PERSON: Jessica Miller – Kirk Consulting

Telephone: 805-461-5765

PROPOSED USES/INTENT: A request from Arvus Axium (Caleb Wendorff) for a Conditional Use Permit (CUP) (Previously a Minor Use Permit DRC2018-00173) to authorize up to three acres of outdoor cannabis cultivation canopy in hoop houses, up to 40,824 square feet of commercial nursery in hoop houses, up to 22,000 square feet of indoor cultivation canopy in greenhouses, 15,000 square feet of indoor processing, and up to 12,000 square feet of indoor commercial nursery. Ancillary processing activities would include curing, drying and trimming. Project development would consist of the construction of 36,000 square feet of greenhouse space, a 15,000 square foot processing building for trimming, drying, curing and storage of onsite product, 480 square feet of office space, and installation of nine water storage tanks for irrigation use and one water storage tank for fire suppression. The project will result in the disturbance of approximately 10.2 acres on two parcels totaling approximately 41 acres.

LOCATION: The project site is located at 8015 Carissa Highway, about 35 miles east of the community of Santa Margarita in the Carrizo Planning Area of the North County Planning Area.

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

STATE CLEARINGHOUSE REVIEW: YES ☒ NO ☐

OTHER POTENTIAL PERMITTING AGENCIES: California Department of Fish and Wildlife
California Department of Food and Agriculture California Department of Forestry (Calfire)
Regional Water Quality Control Board

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

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT4:30 p.m. (2 wks from above DATE)

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

Notice of Determination

State Clearinghouse No. _____

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

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

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

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

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



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

PLN-2039
12/2019

Project Title & No. (Arvus Axiom/Caleb Wendorff) Conditional Use Permit ED20-012 (DRC2018-00154)



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

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input type="checkbox"/> Agriculture & Forestry Resources	<input checked="" type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Hydrology & Water Quality	<input type="checkbox"/> Transportation
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use & Planning	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities & Service Systems
<input checked="" type="checkbox"/> Energy	<input 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.

Steve Conner, AICP		April 8, 2020
Prepared by (Print)	Signature	Date
Eric Hughes		(for) Xzandrea Fowler, Environmental Coordinator
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 **Arvus Axium** (Caleb Wendorff) for a Conditional Use Permit (DRC2018-00154) (Previously DRC2018-00173) to authorize up to 3 acres of outdoor cannabis cultivation canopy in hoop houses; up to 40,824 square feet of commercial nursery area in hoop houses; up to 22,000 square feet of indoor cultivation canopy in greenhouses; 15,000 square feet of indoor processing; and 12,000 square feet of indoor commercial nursery. Project development would consist of the construction of 36,000 square feet of greenhouse space, a 15,000 square foot processing building for trimming, drying, curing and storage of onsite product, 480 square feet of office space, and installation of nine water storage tanks for irrigation use and one water storage tank for fire suppression. The project will result in the disturbance of approximately 10.2 acres on two parcels totaling approximately 41 acres. The project site is in the Agricultural land use category and is located at 8015 Carrisa Highway, about 38 miles East of the community of Santa Margarita in the Carrizo Planning Area of the North County Planning Area.

The project includes the realignment of site drainage patterns to avoid placing cannabis cultivation operations within a 50' riparian setback. This includes constructing a new earthen drainage swale to divert storm water drainage northward along the west side of cultivation operations and under the proposed access road to a dissipation location at the northwest corner of the site. The applicant has been working with the Central Coast Regional Water Quality Control Board (CCRWQCB) to obtain conditional regulatory coverage for the drainage pattern modifications under the State Water Resources Control Board Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order).

Supporting cultivation operations would include a security office and onsite composting/mulching. Propane storage, non-compostable waste storage dumpsters and portable restrooms would be

Initial Study – Environmental Checklist

installed within proximity to the security office and parking area. The project would employ five full-time positions and would operate five days per week during one early morning shift and one evening shift. There may potentially be up to 20 seasonal employees working five days in the harvest months (typically June and November), for 10 hours per day. Outdoor cultivation harvests would typically occur 2 times per year in June and November. The processed cannabis product would be transported off-site by either a licensed employee or a licensed third party. Seasonal staffing would be provided by the local agricultural community and transported by carpool to limit trips to the site. Work in the greenhouses would be limited to regular full-time staff.

The project site's regional location in the San Luis Obispo County area is shown in Figure 1, and an aerial image is shown in Figure 2.

As shown in Figure 3 and summarized in Table 1 below, the project would occur in three development phases. Phase I will include outdoor cultivation, outdoor nursery, road improvements, and the construction of an engineered swale. Phase I would also include the placement of 72 hoop houses with a total footprint of 163,296 square feet accommodating up to 130,680 square feet of mature canopy. The outdoor nursery would consist of 18 hoop houses, with a total footprint of 40,824 square feet. Nursery plants would be maintained in a vegetative state until they would be transferred to the cultivation hoop houses or portion of the greenhouse for mature plants to complete their life cycle and mature into their flowering stage or sold for offsite use.

Phase II will consist of the construction of one (1) 15,000 square foot processing building and house trimming area (2,040 square feet), cannabis storage (400 square feet), and drying/curing (11,960 square feet) areas. A new septic/leach field system would be constructed to serve the proposed processing building restroom. The greenhouses would be constructed in Phase III. A total of twelve 3,000-square foot greenhouses totaling 36,000 square feet would be constructed. Eight greenhouses with a total floor area of 24,000 square feet will house up to 22,000 square feet of indoor (mixed-light) mature/flowering canopy. Four greenhouses with a total floor area of 12,000 square feet will be used for indoor cannabis nursery. Two (2) existing 960-square foot sheds will be used for storing pesticides, fertilizer, and tools. One (1) 480-square foot security office (mobile building) will be installed on the eastern side of the project site near the gated entrance. Details regarding proposed operations and routine maintenance are provided in Exhibit A, Attachment 1, Operations Plan.

Access to the site is provided from California State Highway 58 via an existing 16' wide dirt road. The existing road would be improved with an all-weather surface and widened to 24' in accordance with Cal Fire standards. A fire equipment turnaround will also be constructed in accordance with County of San Luis Obispo/CalFire design recommendations to ensure emergency vehicles could access the outdoor cultivation site. In addition, a 10,000-gallon water tank will be installed for emergency responders.

Initial Study – Environmental Checklist

Table 1. Project Components

Project Component	Phase	Count	Size	Footprint (sf)	Canopy(sf)
(N/E) Hoop Houses - Cultivation	I	72	2,268 sf (126' x 18')	163,296	130,680
(N) Hoop House - Nursery	I	18	2,268 sf (126' x 18')	40,824	n/a
(E) Pesticide and Fertilizer Storage	I	2	960 sf (40'x24')	1,920	n/a
(N) Mobile Structure	I	1	480 sf (40'x12')	480	n/a
(N) Compost Area	I	1	600 sf (20'x30')	600	n/a
(N) Processing Building (drying/curing, trimming, cannabis storage)	II	1	15,000 (100'x150')	15,000	n/a
(N) Greenhouse – Mature	III	8	3,000 sf (100'x30')	24,000	22,000
(N) Greenhouse - Nursery	III	4	3,000 sf (100'x30')	12,000	n/a
Total Greenhouse				36,000	22,000
Total				258,120	152,680

(E) = existing

(N) = new

(sf) = square feet

Proposed grading for the drainage realignment and project construction would result in approximately 446,419 square feet (about 10.2 acres) of disturbance, with 4,479 cubic yards (cy) of cut and 3,421 cy of fill. The unused cut soil will be stored on a designated 10,000 square foot area on the southern end of the operations footprint. The drainage realignment portion of the project would account for approximately 39,053 square feet (9%) of the total site disturbance.

All cannabis cultivation areas will be enclosed within a screened six-foot tall security fence. The entrance to the operation would be secured with a gate and no public or otherwise unauthorized access will be allowed. Three-strand barbed wire fencing would be installed along the property perimeter line. Security personnel would be stationed in the security office and monitor cameras that would be placed at access points and key operations vantage points. On-site parking would include twenty standard spaces and two ADA-accessible spaces.

Low voltage, downcast security lighting would be mounted on top of the perimeter fence posts at six feet above ground. Lighting specific to the greenhouse operations would be shielded with black out screening. No signage of any kind is proposed for the cannabis operations.

The cannabis waste created from cannabis cultivation would be stored in a 20'x30' compost area located in the fenced cultivation area and would be used for soil amendment onsite or taken offsite for disposal. All non-compostable waste would be stored in a 6'x4' dumpster to be serviced by Mid-State Solid Waste and Recycling. A new septic/leach system would serve the proposed processing building. Portable restrooms may be used when additional staff is onsite for harvesting.

Initial Study – Environmental Checklist

The expected fully operational energy usage for the proposed operation would be up to 629,072 kilowatt-hours (kWh) per year. The project would use an existing well for water supply. The estimated annual water usage for the proposed operation would be approximately 5.09 acre-feet per year (AFY).

Baseline Conditions

Existing development on site includes a single-family residence, an agricultural storage pond, and accessory agricultural structures. Several former chicken coops have been abandoned along the northeastern property line. The site also supports an existing outdoor cannabis cultivation operation per Cooperative/Collective registration CCM2016-00007 under Urgency Ordinance 3334. The proposed crop would be in areas where existing cannabis cultivation and non-cannabis related agricultural uses (storage structures, tilling, disking) currently take place. The existing accessory barn structures would serve as pesticide/fertilizer/tool storage for the project. One of three existing water wells would be used to supply the proposed project operations. An existing septic/leach system would continue to serve the existing residence.

The existing outdoor cannabis cultivation operation was found to be in violation of County code. Therefore, the project was elevated from a Minor Use Permit to a Conditional Use Permit as required by County Land Use Ordinance (LUO) Section 22.40.040. Once the operator was notified of the violation, the issues were corrected. Based on this action, the property and proposed project are in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and other applicable provisions of Title 22.

Ordinance Modifications

The project request includes a modification from the setback provisions set forth in Section 22.40.050.D.3 of the Land Use Ordinance, which establishes a minimum 300-foot setback from the property line for outdoor cultivation. The setback may be modified with a Use Permit if specific conditions of the site and/or vicinity make the required setback unnecessary or ineffective, and if the modification of the setback will not allow nuisance odor emissions from being detected offsite. The requested modification is for a reduced setback from 300' to 145' from the eastern property line. The nearest residence is on a separate parcel owned by the applicant and approximately 400' northwest of the proposed cultivation site. The nearest off-site residence to the east is approximately 650' from the eastern property line and the property is currently occupied by a licensed cannabis cultivation operation.

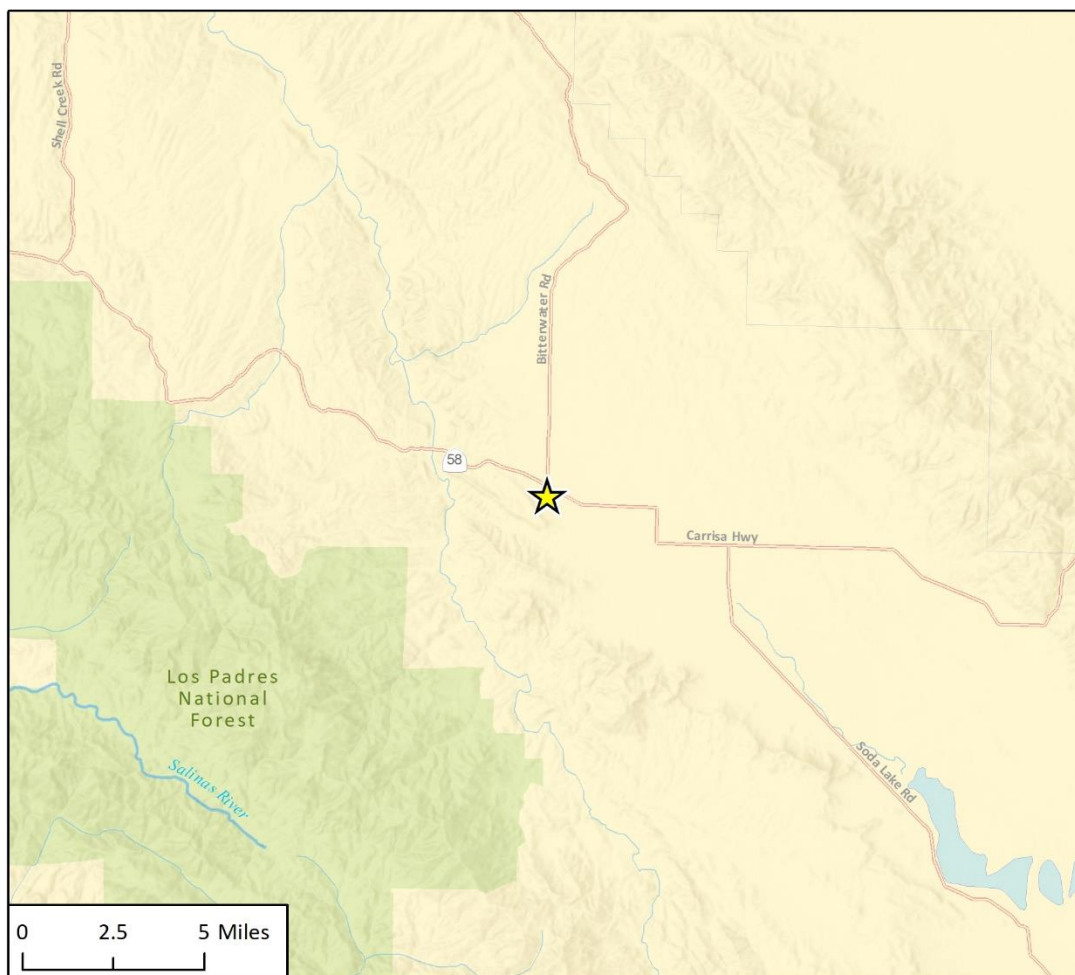
The project request also includes a modification from the parking standards set forth in Section 22.18.050.C. Indoor cannabis cultivation is considered a Nursery Specialties land use which requires one parking space per 500 square feet of floor area. The proposed processing activities are considered a New Agricultural Processing land use, which requires one parking space per 1,000 square feet of floor area. Therefore, the parking requirement for the use is 88 spaces, as shown in Table 2 Parking Requirement. The project proposes 22 parking spaces. Up to five employees may be on site at various times during the day. Therefore, 22 spaces are proposed as sufficient to meet the parking demands of the project.

Initial Study – Environmental Checklist

Table 2. Parking Requirement

Use	Parking Standard	Floor Area	Parking Requirement
Nursery Specialty	1:500	36,480	73
New Agricultural Processing	1:1,000	15,000	15
Total Required Spaces			88

Initial Study – Environmental Checklist



★ Project Location



Fig. 1-1

Figure 1 – Regional Location

Initial Study – Environmental Checklist

**Figure 2 – Project Site Aerial**

Initial Study – Environmental Checklist

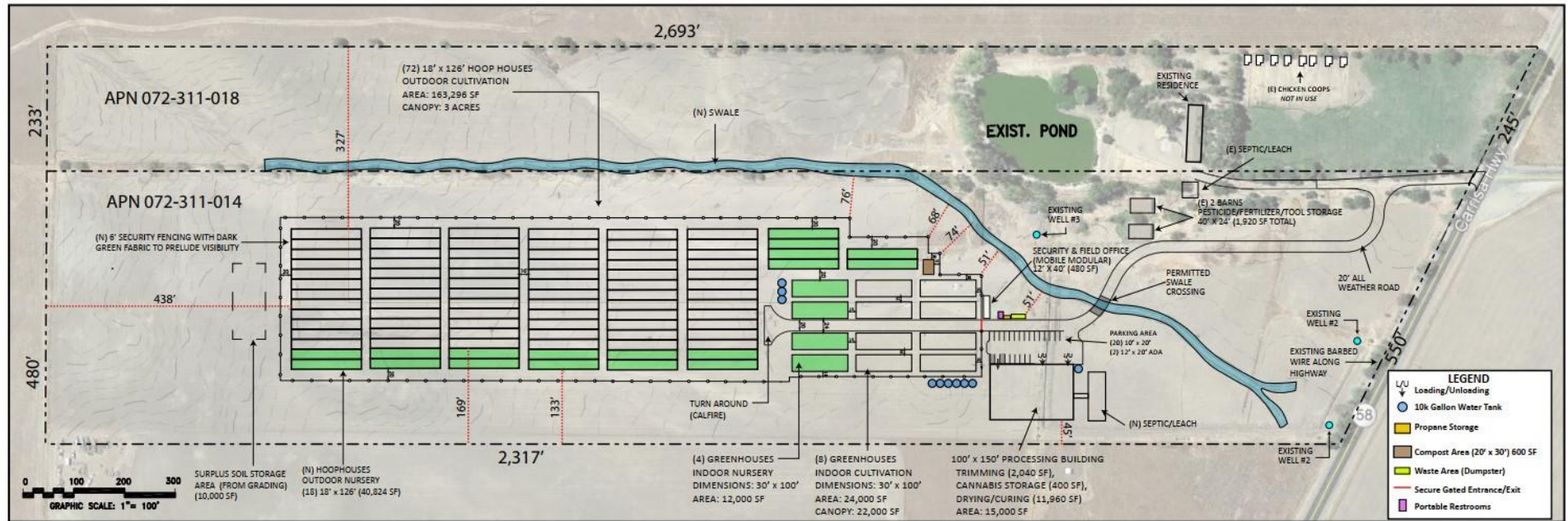


Figure 3 – Site Plan

Initial Study – Environmental Checklist

ASSESSOR PARCEL NUMBER(S): 072-311-014, 072-311-018

Latitude: 35° 22 ' 18.552" N Longitude: 120° 5 ' 37.968 " W SUPERVISORIAL DISTRICT # 5

Other Public Agencies Whose Approval is Required

<u>Permit Type/Action</u>	<u>Agency</u>
Cultivation Licenses	California Department of Food and Agriculture – CalCannabis
Written Agreement Regarding Lake and Streambed Alterations	California Department of Fish and Wildlife
Central Coast Regional Water Quality Control Board. Order WQ 2017-0023-DWQ – General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated With Cannabis Cultivation Activities.	Regional Water Quality Control Board (RWQCB)
Safety Plan Approval and Final Inspection	California Department of Forestry (CalFire)

A complete discussion of potentially applicable regulations is provided in Appendix A.

B. Existing Setting

Plan Area: Carrizo Sub: None Comm: Santa Margarita

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 41 acres

Topography: Nearly level to Gently sloping

Vegetation: Agriculture Ruderal, Herbaceous, Ornamental landscaping

Existing Uses: Agricultural uses; Single-family residence(s)

Surrounding Land Use Categories and Uses:

North: Agriculture

East: Agriculture

South: Agriculture

West: Agriculture

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.

Initial Study – Environmental Checklist

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input 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 Highway 58 in the California Valley in a predominantly rural and agricultural area, with scattered rural residences. Views from Highway 58 through the Carrizo Plain/California Valley are expansive, with the Temblor and Caliente Ranges forming the visual backdrop. The site, as with most of the surrounding properties, is currently utilized for agricultural activities and outdoor cannabis cultivation. Agricultural uses on surrounding properties include hay and barley. The property to the east of the project site is occupied by a licensed cannabis cultivation operation. The topography of the site is relatively flat to gently sloping. The majority of the property is undeveloped, with a single-family residence, an agricultural storage pond, and accessory agricultural structures located on the portion of the site nearest Highway 58. Ornamental trees are located adjacent to the residence. The project site is not located in a designated scenic area (County of San Luis Obispo 2010). There are no unique geological or physical features located on site. Highway 58 in the project vicinity is not a State Designated Scenic Highway (California Department of Transportation [Caltrans] 2020). Lastly, Table VR-2 of the Conservation and Open Space Element provides a list of Suggested Scenic Corridors; none of the roadways in the vicinity of the project site are listed in Table VR-2. Existing sources of lighting in the vicinity of the project include lighting from single-family homes and vehicles traveling along Highway 58.

State law sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (c) states: All outdoor lighting used for

Initial Study – Environmental Checklist

security purposes shall be shielded and downward facing. Section 8304 (g) states: mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

Discussion

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

The project site is not located in a designated scenic vista and no impact would occur.

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

The project site is not visible from a designated State Scenic Highway, and it does not contain any scenic resources such as trees, rock outcroppings, or historic buildings. No impact would occur.

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

The project site is in a non-urbanized area. The project involves grading of approximately 10.2 acres of the 41-acre property and the installation of 36,000 square feet of greenhouse structures within a predominantly agricultural area. Grading would not create significant cut or fill slopes visible from offsite. The greenhouses would be up to 16 feet in height and would be located on the eastern portion of the site about 66 feet south of Highway 58. In addition, eight blocks of hoop houses, totaling 204,120 square feet, would be located toward the center of the site. The proposed structures would be of similar size and scale as the existing residences and would be set back from Highway 58 such that they would only be partially visible from it.

Traffic counts taken by Caltrans for Highway 58 at Soda Lake Road in 2016 indicate an average daily traffic volume of 600 trips with a peak hour volume of 90. This suggests that the project site will be viewed frequently by motorists travelling on the Highway. However, the roadway in the vicinity of the project site is relatively straight and traffic speeds are high, around 55 miles per hour (mph) or more. Assuming a speed of 55 mph, a vehicle would pass by the project site in about 9 seconds and the potential impacts to views from the highway would be very brief.

In compliance with LUO Section 22.40.050 D. 6, cannabis plants associated with cultivation would not be easily visible from offsite. Indoor cannabis related activities would occur within secure buildings where the plants would not be visible. In addition, the project site would be enclosed within a 6-foot tall secure chain link fence, with a wind screen consisting of durable dark green fabric to preclude visibility. The project would be compatible with adjacent uses and surrounding visual character (agricultural and rural residential uses). Therefore, the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Impacts would be less than significant.

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

The existing residential uses on the project site, and within the immediate vicinity of the project site, already have exterior lighting; however, nighttime lighting in the area is minimal. The project would introduce new sources of light and glare, including exterior security lighting, as well as the use of grow lights inside the greenhouses. Security lighting would be placed along the perimeter of the property and at the entry gate to the property and would be consistent with LUO Section 22.10.060 B through F. The lighting, equipped with downward positioned shields, would illuminate the ground plane and would not direct light into the sky. Each security lighting fixture would not exceed 1,000 total lumens and would be directed downwards to reduce spillover and to minimize light pollution. Impacts from exterior security lighting would be less than significant.

The proposed greenhouses would contain interior grow lights. This light has the potential to escape through the greenhouse's opaque siding such that it could be visible from neighboring properties and Highway 58, adjacent to the property and adversely impact nighttime views. This impact is potentially significant and mitigation is required. Mitigation measure AES-1 would reduce this impact to less than significant by requiring shielding and/or blackout tarps that prevent interior light from escaping between the period of 1 hour before dusk and 1 hour after dawn.

Conclusion

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

- The project site is not located in a scenic vista or in the vicinity of a State designated scenic highway.
- The greenhouses and storage building will be located in proximity to existing structures on the project site, leaving the remaining areas of the property in their current state.
- Grading would not create significant cut or fill slopes visible from offsite.
- Cannabis activities would occur within greenhouses, hoop houses, and buildings that will prevent cannabis plants from being readily visible from offsite as required by LUO Section 22.40.050 D.6.
- Exterior security lighting would be fully shielded and downward casting to minimize light pollution and prevent light from shining off-site. However, mitigation measure AES-1 is required to reduce potentially significant impacts on nighttime views resulting from the greenhouses' interior grow lights. With implementation of mitigation measure AES-1 impacts related to nighttime lighting and glare would be less than significant.

Mitigation

AES-1

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

- Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
- 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;
- Any exterior path lighting shall conform to LUO Section 22.10.060, be located and

Initial Study – Environmental Checklist

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
<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>				
(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 in a predominantly rural and agricultural area; agricultural activities occurring on the property have included tilling and livestock ranching. A portion of the site supports an existing outdoor cannabis cultivation operation.

Initial Study – Environmental Checklist

Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Agriculture Historic/Existing Commercial Crops:
Unknown fallow

State Classification: Farmland of Local Potential In Agricultural Preserve? Yes, Carrizo
Agricultural Preserve

Under Williamson Act contract? No

The developed and undeveloped portions of the project site are relatively flat. The average slope of the parcel is under ten (10) percent.

Table SL-2 of the Conservation/Open Space Element lists the important agricultural soils of San Luis Obispo County. Soils on the project site, their farmland classifications, and total acreages are shown in Table 3 and then described in detail below.

Table 3 – Classifications and Acreages of Soils On-site

Soil	Farmland Classifications		Acres
	Conservation/Open Space Element	FMMP	
Yeguas-Pinspring Complex (2-5 % slope)	Prime Farmland Highly Productive Rangeland Soils	Farmland of Local Potential	39 acres
Bellyspring-Panoza Complex (9-15 % slope)	Not Classified	Farmland of Local Potential	2.0 acres

Sources: Classifications based on Table SL-2 of the County General Plan's Conservation/Open Space Element and the State Farmland Mapping and Monitoring Program, 2016

Based on the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), the project site is mapped as Farmland of Local Potential and based on the San Luis Obispo County General Plan's Conservation/Open Space Element, the project site is mapped as Prime Farmland and Highly Productive Rangeland Soils.

The soil type(s) and characteristics on the subject property include:

Yeguas-Pinspring Complex (2-5 % slope) +/- 39 acres

The parent material of this soil type is alluvium derived from sandstone, shale, and basalt. The drainage class of this unit is well drained, and it is composed mostly of loam, clay, and clay loam. This soil type tends to occur on alluvial flats, and toeslopes, at elevations between 2,000 and 2,300 feet of 609 to 701 meters. This soil type is considered prime farmland if irrigated.

Bellyspring-Panoza Complex (9-15 % slope) +/- 2 acres

The parent material of this soil type is residuum weathered from sandstone. The drainage class of this unit is well drained, and it is composed mostly of sandy loam, loam, and sandy clay loam. This soil type tends to occur on hillslopes. This soil has very high runoff potential and moderate wind erodibility potential.

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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 project would be located on Farmland of Local Potential as mapped by the FMMP. However, this analysis also considers the farmland classifications of the County's Conservation and Open Space Element which, in some cases, applies a broader definition of prime farmland. Based on the County's classification in the General Plan Conservation/Open Space Element, the project would be located on approximately 6.0 acres of prime farmland. Permanent structures (e.g. the proposed greenhouses and processing building) would impact approximately 1.2 acre of prime farmland and approximately 4.8 acres would be utilized for outdoor cultivation and nursery uses, thereby temporarily converting 6.0 acres of prime farmland to a non-agricultural use (e.g., commercial cannabis operations).

Table 4 provides a summary of the changes in the acreage of important farmland in San Luis Obispo County from 2006 to 2016 (the most recent year for which data are available) as determined by the California Department of Conservation, FMMP (California Department of Conservation FMMP Farmland Conversion Reports, 2006-2016). As shown in Table 4, over the ten-year period between 2006 and 2016 the County experienced a net increase in the acreage of important farmland of about 126,781 acres.

Table 4 – Acreage of Important Farmland in San Luis Obispo County, 2006 – 2016

Land Use Category	2006	2008	2010	2012	2014	2016	Net Change
Prime Farmland	39,722	41,569	41,319	40,860	40,990	41,188	+1,466
Farmland of Statewide Importance	19,721	21,109	21,132	20,884	21,908	22,697	+2,976
Unique Farmland	36,411	38,777	39,950	39,979	43,225	45,175	+8,764
Farmland of Local Importance	174,552	309,081	307,325	304,401	289,309	288,127	+113,575
IMPORTANT FARMLAND SUBTOTAL	270,406	410,536	409,726	406,124	395,432	397,187	+126,781
Grazing Land	742,004	1,183,042	1,181,015	1,183,035	1,189,777	1,189,168	+447,164
AGRICULTURAL LAND TOTAL	1,012,410	1,593,578	1,590,741	1,589,159	1,585,209	1,586,355	+573,945

Project impacts to Farmland are considered less than significant because:

- Per the FMMP, the project site is designated Farmland of Local Importance. The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Although Table 4 does not specify acreages for Farmland of Local Potential, the total acreage of Farmland of Local Potential temporarily impacted by the project (approximately 6.0 acres) would be 0.00002 percent of the Farmland of Local Importance in the County and 0.00001 percent of the Important Farmland subtotal in the County.

Per the County General Plan, the project site is designated prime farmland. Although the County and State definition of prime farmland may differ, the total acreage temporarily

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impacted by the project (approximately 6.0 acres) would be 0.00015 percent of prime farmland (as defined by the California Department of Conservation and FMMP) in Table 4.

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

The project site is zoned and located in the Agriculture land use category; cannabis is an allowable activity within the Agriculture designation. The project site is located in the Carrizo Agricultural Preserve but is not under Williamson Act Contract. The project was referred to the County of San Luis Obispo Department of Agricultural /Weights & Measures and was reviewed for ordinance and policy consistency. The recommended conditions of approval set forth in their letter of December 4, 2019, will be incorporated into the project conditions to ensure consistency with ordinance and policy.

Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract and impacts would be less than significant.

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

The project site does not contain land which is zoned as forest land or timberland. Therefore, the project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland. No impact would occur.

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

The project site and immediate vicinity do not include any forest land. Therefore, the project would not result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur.

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

The project site and immediate vicinity are not designated Farmland per the FMMP. The proposed project would continue to support agricultural uses and no other changes to the existing environment would result in conversion to non-agricultural uses. No forest land would be affected. Impacts would be less than significant.

Conclusion

The proposed project would result in less than significant impacts to agriculture resources and no impact to forestry resources. No mitigation measures are necessary.

Sources

See Exhibit A.

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III. AIR QUALITY

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

Setting

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (APCD). The APCD is in non-attainment for the 24-hour state standard for particulate matter (PM₁₀) and the eight-hour state standard for ozone (O₃) (APCD 2015). The APCD adopted the 2001 Clean Air Plan (CAP) in 2002, which sets forth strategies for achieving and maintaining Federal and State air pollution standards. The CAP provides a complete description of the air basin and the environmental and regulatory setting and is incorporated by reference. The CAP may be reviewed in its entirety by following this link <https://www.slocleanair.org/rules-regulations/clean-air-plan.php>.

The APCD identifies significant impacts related to consistency with the CAP by determining whether a project would exceed the population projections used in the CAP for the same area, whether the vehicle trips and vehicle miles traveled generated by the project would exceed the rate of population growth for the same area, and whether applicable land use management strategies and transportation control measures from the CAP have been included in the project to the maximum extent feasible.

Thresholds of Significance for Construction Activities. The APCD developed and updated their San Luis Obispo County CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. The Handbook includes screening criteria for project impacts (Table 5). According to the Handbook, a project with grading in excess of 4.0 acres and moving 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM₁₀). In addition, a project with the potential to generate 137 pounds per day of ozone precursors (ROG + NOx) or diesel particulates in excess of 7 pounds per day can result in a

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significant impact. The APCD has estimated that a project with operations that include an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM₁₀ threshold.

Table 5 – APCD CEQA Handbook 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 (PM ₁₀), Dust ²	--	2.5 tons	--
Greenhouse Gases (CO ₂ , CH ₄ , N ₂ O, HFC CFC, F ₆ S)	Amortized and combined with operational emissions		

Notes:

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

1. Daily and quarterly emission thresholds are based on the California Health and Safety Code and the California Air Resources Board 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 based on the size of different types of projects that would normally exceed the operational thresholds of significance for greenhouse gases (GHG) 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.

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.

If a project has the potential to cause an odor or other nuisance problem which could impact a considerable number of people, then it may be significant. The nearest offsite sensitive receptor to the site is a single-family residence located approximately 650 feet east of the proposed greenhouses.

Discussion

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

The applicable air quality plan is the APCD Clean Air Plan (APCD 2002). In order to be considered consistent with the CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (APCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are

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generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to five full-time regular employees, with and up to twenty seasonal employees. The project would not result in a significant increase in employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. Project employees would generally be performing manual tasks such as planting, harvesting, and monitoring the irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program. No regional transit system serves this area and therefore improvements to the transit system are not feasible. The project site is in a rural area, off an established bikeway system, and therefore bikeway enhancements are not feasible. Therefore, the project would not conflict with or obstruct implementation of the CAP; therefore, impacts would be less than significant.

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

Construction-related impacts. The proposed earthwork associated with the cannabis cultivation and drainage realignment would be approximately 5,972 cubic yards of cut and 3,455 cubic yards of fill and the project disturbance footprint would be approximately 10.2 acres. The earthwork is not expected to exceed the 1,200 cubic yards/day threshold applied by the APCD because the project and associated grading will be completed in three phases – with construction of the roads in Phase I, construction of the processing building in Phase II and the greenhouse construction in Phase III. Grading in Phases I and II would be approximately up to two weeks duration each, and grading in Phase III would be approximately up to four weeks in duration. At no point would the daily amount of earthwork exceed 1,200 cubic yards of soil movement.

The SCCAB is in non-attainment for PM₁₀ and the area of disturbance will exceed the 4.0-acre threshold applied by the APCD. Therefore, the project would result in a potentially significant impact and standard mitigation measures apply. With implementation of mitigation measures AQ-1 and AQ-2, impacts related to the exceedance of federal, state, or APCD ambient air quality standards due to construction activities would be less than significant and less than cumulatively considerable.

Operational impacts. During operations, the project has the potential to generate some criteria pollutants, primarily from new vehicle trips. According to trip generation rates for cannabis activities applied by the Department of Public Works (Letter from Glenn Marshall dated September 18, 2018), the project is expected to generate twelve (12) average daily motor vehicle trips with one peak hour afternoon trip. According to the 2012 APCD CEQA Handbook, a project that generates fewer than 99 average daily motor vehicle trips will generate emissions that fall below the threshold of significance for ozone precursors.

LUO Section 22.40.050.D.4. requires cannabis cultivation sites to mitigate air pollution (i.e. dust) associated with driving vehicles on an unpaved road. The site is accessed from Carissa Highway (California State Highway 58), which is paved. Therefore, impacts related to exceedance of federal, state, or APCD ambient air quality standards due to operational activities would be less than significant and less than cumulatively considerable.

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

Sensitive receptors are people who have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling unit(s). The nearest offsite sensitive receptor to the site is a single-family residence located approximately 650 feet east of the proposed cultivation area.

As proposed, the project would result in the disturbance of approximately 10.2 acres to allow for the construction of 12 new greenhouses, an outdoor cultivation area, processing building, access road, and parking area. Based on the analysis in Section III.b above, the project would not result in substantial pollutant exposure due to operations. However, there could be a significant short-term increase in construction vehicle emissions or emissions of dust during construction. In accordance with the standards of the APCD CEQA Handbook, standard mitigation measures are required because sensitive receptors (single-family residences) are located within 1,000 feet of the project site and because the SCCAB is in non-attainment for PM₁₀. Accordingly, mitigation measures AQ-1 and AQ-2 would be required to reduce fugitive dust, ozone precursors, and diesel particulate matter emissions as a result of project construction and to reduce potential impacts to sensitive receptors.

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 (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Based on the APCD online 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 (ARB 2000; County of San Luis Obispo Online Land Use Viewer).

(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 which can produce potentially objectionable odors during flowering, harvest, drying, and processing. Although the project would not affect a substantial number of people, these odors could disperse through the air and be sensed by surrounding receptors. Accordingly, Section 22.40.050.D.8 of the LUO requires the following:

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

The project is located in an area designated for agricultural uses. Surrounding land uses include active agriculture, rural residential, and undeveloped lands on parcels of similar size (25-60 acres).

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

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

Exposure to unpleasant odors may affect an individual's quality of life. As discussed above, odors are not considered an air pollutant under federal or state air quality laws.

The Project incorporates the following features to address odors:

- The outdoor cannabis cultivation would be sited in the central portion of the site, set back a minimum of 300 feet from the northern, western, and southern property lines. The proposed cultivation area would be set back 145 feet from the eastern property line. However, the existing single-family residence would be approximately 650 feet east of the proposed cultivation and outside of the 300 feet of buffer required under the Land Use Ordinance. Furthermore, the neighbor to the east is operating a cannabis cultivation. Project design features and compliance with ordinance provisions would ensure that any impacts related to objectionable odors are insignificant.
- The Operations Plan required by LUO Section 23.08.416.A.3. sets forth operating procedures to be followed to help ensure nuisance odors associated with cannabis-related activities do not leave the project site.
- The project has been conditioned to operate in a manner that ensures nuisance odors associated with cannabis activities are contained on the project site.
- The project has been conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.

The incorporated features as required by the LUO and conditions of approval would ensure that the project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Impacts would be less than significant.

Conclusion

Implementation of mitigation measures AQ-1 and AQ-2, which specify fugitive dust control measures and standard control measures for construction equipment are required to reduce fugitive dust, ozone precursors, and diesel particulate matter emissions as a result of project construction and to reduce potential impacts to sensitive receptors (Exhibit B).

Mitigation

- AQ-1 Fugitive Dust Control Measures.** The following measures shall be implemented to minimize construction-generated emissions. These measures are based on APCD standard mitigation measures and would help to ensure compliance with the APCD's 20% opacity limit (APCD Rule 401) and nuisance rule (APCD Rule 402). The measures shall be shown on grading and building plans.
- a. Construction of the proposed project shall use low-VOC content paints not exceeding 50 grams per liter;
 - b. To the extent locally available, prefinished building materials or materials that do not require the application of architectural coatings shall be used;

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- c. Reduce the amount of the disturbed area where possible;
- d. Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), jute netting, or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District'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. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook;
- e. All dirt stock pile areas shall be sprayed daily as needed;
- f. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- g. 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;
- h. 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 APCD;
- i. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible after grading unless seeding or soil binders are used;
- j. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- k. 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 California Vehicle Code Section 23114;
- l. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- m. 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;
- n. The burning of vegetative material shall be prohibited. Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If there are any questions regarding these requirements, contact the APCD Engineering and Compliance Division at (805) 781-5912.
- o. 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.

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- p. When applicable, portable equipment, 50 horsepower (hp) or greater, used during construction activities shall be registered with the California statewide portable equipment registration program (issued by the California Air Resources Board) or be permitted by the APCD. Such equipment may include: power screens, conveyors, internal combustion engines, crushers, portable generators, tub grinders, trammel screens, and portable plants (e.g., aggregate plant, asphalt plant, concrete plant). For more information, contact the APCD Engineering and Compliance Division at (805) 781-5912.

AQ-2 ROG, NO_x, DPM Emissions Reductions. The following measures based on the APCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NO_x), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce exposure of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

- a. Implement Mitigation Measure AQ-1, as identified above.
- b. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - i. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 - ii. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- c. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- d. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- e. 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;
- f. 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;
- g. 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 NO_x exempt area fleets) may be eligible by proving alternative compliance;
- h. 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;
- i. Diesel idling within 1,000 feet of sensitive receptors is not permitted;

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- j. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- k. Electrify equipment when feasible;
- l. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
- m. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas, liquefied natural gas, propane or biodiesel.

Sources

See Exhibit A.

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IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The following are existing elements on or near the proposed project site relating to potential biological

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concerns.

On-site Vegetation: Nonnative annual grasses and forbs; windrow and landscaping trees and ruderal vegetation.

Name and distance from blue line creek(s): An unnamed drainage (intermittent stream) is located approximately 0.77 mile northeast of the project site. Two dry washes convey storm flows in a northeasterly direction across the property, originating from the rocky ridge to the south of the project site. Physical evidence of the washes ends within the eastern side of the property boundaries, and no direct connection is made with any larger drainages to the south. Althouse and Meade determined that these were non-jurisdictional drainage features. The applicant is working with the CCRWQCB to rectify a violation notice from the CCRWQCB related to the Cannabis General Order and have a Disturbed Area Stabilization Plan (DASP) in place to restore drainage patterns on the site.

Habitat(s): Developed; Planted Trees, Fallow Cropland; Disturbed

Site's tree canopy coverage: The property's approximate tree coverage is 5%. However, all development would occur in open, previously disturbed space.

Althouse and Meade, Inc. prepared a Biological Resources Assessment for the project site in November 2018. Althouse and Meade, Inc. conducted a reconnaissance-level field survey on June 8, 2018, within the blooming period for special-status plant species known to occur in the area. Althouse and Meade, Inc. prepared a revised Biological Resources Assessment for the project site September 20, 2019. The purpose of the Biological Resources Assessment was to (1) characterize the site's existing conditions and (2) identify biological resources that would potentially be impacted by the project. Vegetation/habitat types on site included developed, landscaped, agricultural, and disturbed land (Figure 4).

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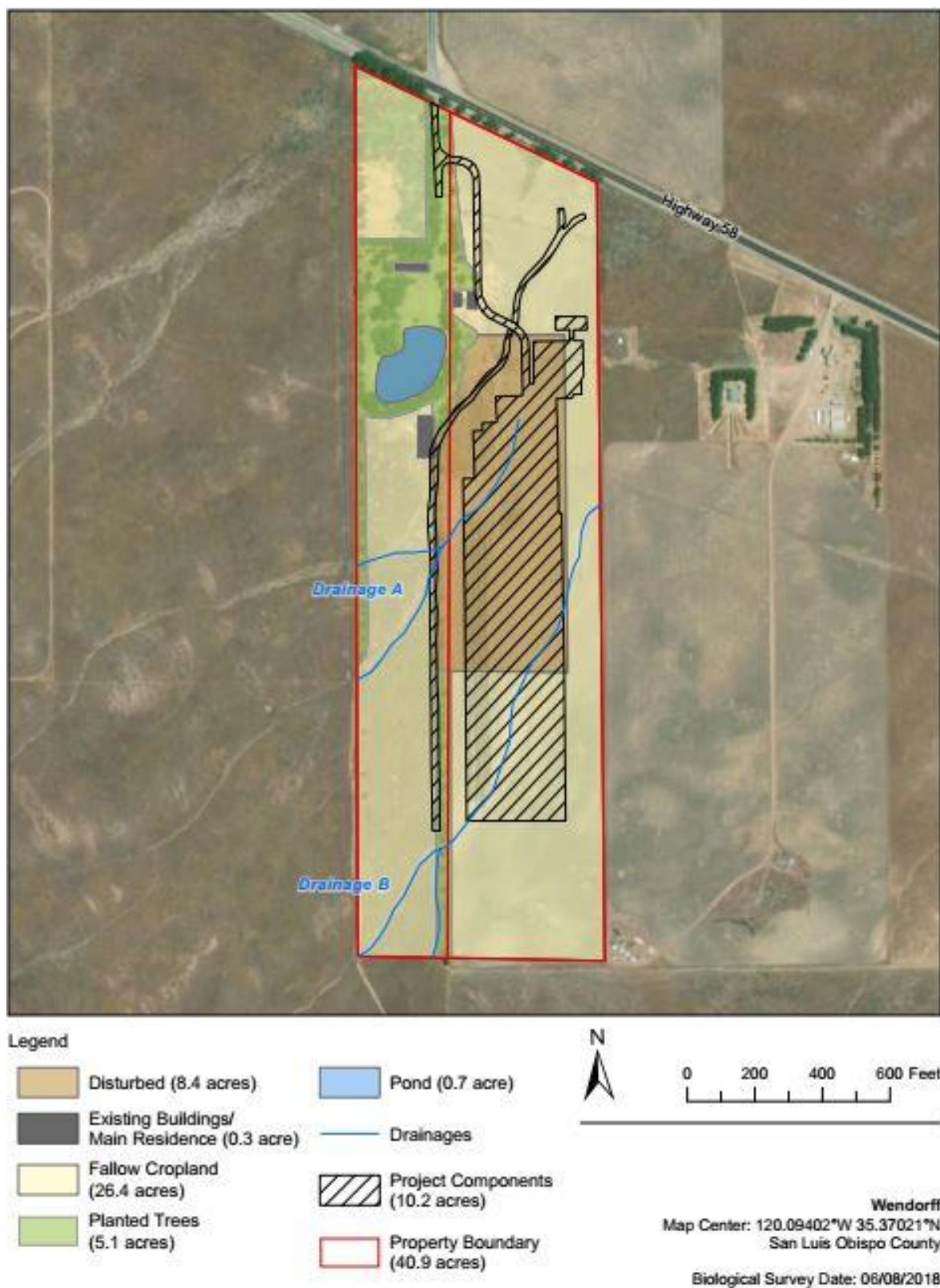


Figure 4 – Habitat Types

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Special Status Plants

Based on searches of the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) the following special status plant species were identified with having some potential to occur on site based on the presence of suitable habitat:

- Oval-Leaved Snapdragon (*Antirrhinum ovatum*)
- Salinas Milk-Vetch (*Astragalus macrodon*)
- Diamond-petaled California Poppy (*Eschscholzia rhombipetala*)
- Indian Valley Spineflower (*Aristocapsa insignis*)

However, based on the previous extensive disturbance on the site, lack of detection of any special status plant species during the reconnaissance survey that was timed during the bloom period of the species with potential to occur, and type of soils present, the Biological Resources Assessment determined that no special-status plant species are expected to occur within the study area.

Special Status Wildlife

Based on field observations and search of CNDDB the following special status wildlife species were identified as having some potential to occur on site based on the presence of suitable habitat:

- Tricolored Blackbird (*Agelaius tricolor*)
- Burrowing Owl (*Athene cunicularia*)
- California Legless Lizard (*Anniella pulchra*)
- California Glossy Snake (*Arizona elegans occidentalis*)
- Long-eared Owl (*Asio otus*)
- Giant Kangaroo Rat (*Dipodomys ingens*)
- Western Pond Turtle (*Emys marmorata*)
- Merlin (*Falco columbarius*)
- Prairie Falcon (*Falco mexicanus*)
- Loggerhead Shrike (*Lanius ludovicianus*)
- San Joaquin Coachwhip (*Coluber flagellum ruddocki*)
- Tulare Grasshopper Mouse (*Onychomys torridus tularensis*)
- Coast Horned Lizard (*Phrynosoma blainvillii*)
- Western Spadefoot Toad (*Spea hammondi*)
- American Badger (*Taxidea taxus*)
- San Joaquin Kit Fox (*Vulpex macrotis mutica*)

No special status wildlife species were detected on the project site during the reconnaissance survey conducted by Althouse and Meade, Inc. Of the 16 wildlife species with some potential to occur on the

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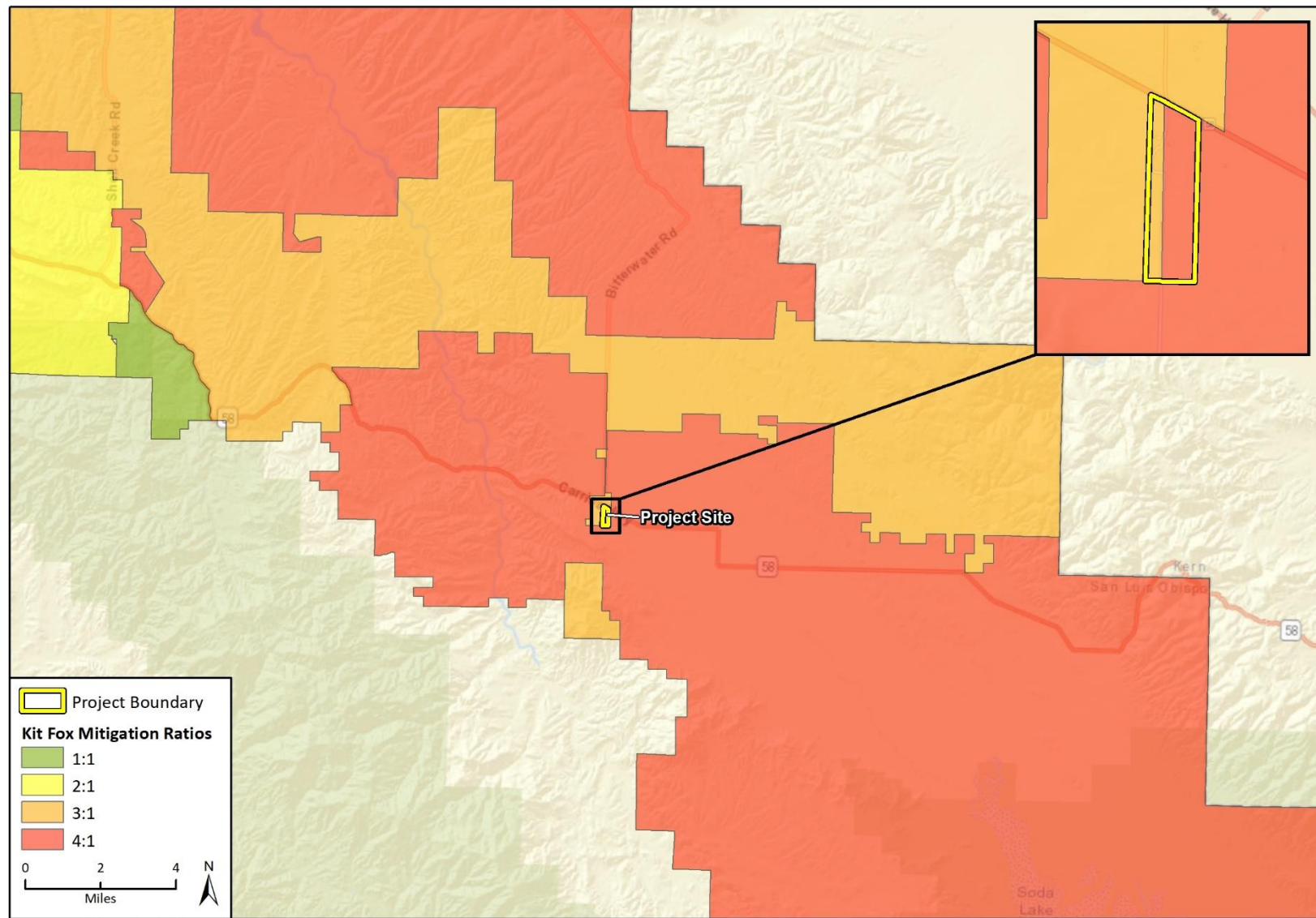
project site, three species were determined as not expected to occur, including: Giant Kangaroo Rat (*Dipodomys ingens*), Tulare Grasshopper Mouse (*Onychomys torridus tularensis*), and California Legless Lizard (*Anniella pulchra*). Although no small mammal activity was detected at the site during the surveys conducted by Althouse and Meade, Inc., the survey was not a focused survey for small mammals, and there is suitable potential habitat for special-status small mammal species immediately adjacent to the project site, to the south and west.

The County has established procedures for the mitigation of potential impacts to San Joaquin kit fox (*Vulpes macrotis*). If the project site lies within the kit fox habitat area (Figure 5), and the site is less than 40 acres in size, the pre-determined standard mitigation ratio for the project area is applied. The standard mitigation ratio is based on the results of previous kit fox habitat evaluations and determines the amount of mitigation acreage based on the total area of disturbance from project activities. Although the property includes two different requirements for mitigation ratios, the 4:1 standard mitigation ratio will be applied to the entire project.

If the project occurs on a site of 40 acres or more, a habitat evaluation must be prepared by a qualified biologist. The habitat evaluation is submitted to the County who reviews the application for completeness and conducts a site visit. The habitat evaluation is then submitted to the California Department of Fish and Wildlife (CDFW) for review and comment. CDFW then determines the mitigation ratio for the project which in turn determines the total amount of acreage needed to mitigate for the loss of habitat based on the total area of permanent disturbance. Mitigation for the loss of kit fox habitat may be provided by one of the following:

1. Establishing a conservation easement on-site or off-site in a suitable San Luis Obispo County location and provide a non-wasting endowment for management and monitoring of the property in perpetuity;
2. Depositing funds into an approved in-lieu fee program; or
3. Purchasing credits in an approved conservation bank in San Luis Obispo County.

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**Figure 5 – SJKF Standard Mitigation Ratio Map**

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Discussion

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

Special Status Wildlife

The project would affect approximately 10.2 acres of fallow cropland and disturbed habitat. The area would be cleared of vegetation and encircled by a fence. Such effects could adversely impact sensitive wildlife species that utilize the fallow cropland habitat. Construction and operational personnel may not recognize sensitive species. Implementation of mitigation measure BR-1 would increase environmental awareness and reduce construction impacts to a less than significant level.

San Joaquin Kit Fox. Site preparation, project construction, and ongoing operational ground disturbance related to outdoor cultivation activities could impact San Joaquin Kit Fox if active dens are present or an individual is traversing the site. San Joaquin kit fox was determined to have the potential to occur within the survey area, due to presence of suitable habitat. The project would impact a small area in relation to the regional habitat diversity and the large amount of open space surrounding the proposed development. A Kit Fox Habitat Evaluation form was prepared for the project on July 6, 2018 by Daniel Meade. The evaluation was reviewed by the California Department of Fish and Wildlife. Approximately 0.9 acre of potential habitat would be temporarily impacted by creation of an engineered swale. That portion will be restored to usable habitat with no further maintenance required, resulting in a score of 76 out of 100. Approximately 9.3 acres of potential habitat would be permanently converted and will no longer support kit fox, resulting in a score of 73 out of 100. Therefore, impacts should be mitigated at a ratio of four acres conserved for each acre impacted (4:1), consistent with the Mitigation Ratio Map. The project would result in 10.2 acres of potential habitat disturbance on site. Therefore, the standard mitigation requirement for the project is: 10.2 acres X [4:1] = 40.8 acres.

Potential direct impacts to kitfox, if present, could occur during initial site preparation, construction, and operational activities that may directly take an individual or entomb an animal in an active den. Indirect impacts include an increase in anthropogenic activities (e.g. site lighting, trespass outside of project footprint) that may deter denning, a reduction in the prey base for foraging kit fox, and alteration or removal of suitable habitat. Potentially significant impacts associated with project construction and operational activities would be reduced to less than significant with implementation of BR-1 through BR-7. Indirect impacts to would be reduced to less than significant with incorporation of mitigation measures AES-1, which would reduce potential impacts associated with nighttime lighting to less than significant and BR-14, which would reduce potential impacts associated with trespass outside of the project footprint and site disturbance to less than significant.

American Badger. Although American badger was not present during the reconnaissance-level survey, this species is known to occur throughout the project vicinity. Further, due to their transient nature, American badger could occupy the site or move through the site at any time. Site preparation and project construction activities could impact American badger if active dens are present. The project would impact a small area in relation to the regional habitat diversity and the large amount of open space surrounding the proposed development. Direct impacts to American badger, if present, may occur as a result of construction activities that may directly take an individual

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or entomb an animal in an active den. Indirect impacts include an increase in anthropogenic activities (e.g. site lighting, trespass outside of project footprint) that may deter denning and alteration or removal of suitable habitat. As such, impacts would be potentially significant and mitigation is required in order to reduce construction impacts to badgers. Implementation of mitigation measure BR-1, BR-5 through BR-7, and BR-8 would reduce construction impacts to a less than significant level by requiring worker awareness training, biological monitoring, and pre-construction surveys. Indirect impacts would be reduced to less than significant with incorporation of mitigation measures AES-1, which would reduce potential impacts associated with nighttime lighting to less than significant and BR-14, which would reduce potential impacts associated with related to trespass outside of the project footprint and site disturbance to less than significant.

Special-Status Nesting Birds. Suitable foraging and nesting habitat is present for special-status nesting birds throughout the property. Site preparation and project construction activities could indirectly impact special-status nesting bird species such as loggerhead shrike, Long-eared Owl, Merlin, Prairie Falcon, and Tricolored blackbird that may nest within suitable habitat found adjacent to the project within the project area. These impacts would occur if construction activities take place during the typical avian nesting season, generally February 1 through September 15. Other indirect impacts may occur due to habitat loss (e.g., conversion of grassland habitat) or construction-related disturbances that may deter nesting or cause nests to fail. Increased short- and long-term anthropogenic activity including increased light pollution may also result in nest failures or deterring nesting behavior. Impacts to special-status nesting birds would be less than significant with the incorporation of mitigation measure BR-1, BR-9, and BR-5 through BR-7, which would require worker awareness training, nesting bird surveys, and biological monitoring. Indirect impacts would be less than significant with incorporation of mitigation measures AES-1, which would reduce potential impacts associated with nighttime lighting to less than significant, and BR-14, which would reduce potential impacts related to trespass outside of the project footprint and site disturbance to less than significant.

Western Burrowing Owl. Site preparation and project construction activities could impact Western burrowing owl if active burrows are present. Western burrowing owl was determined to have the potential to occur within the survey, due to presence of suitable habitat and ground squirrel burrows. The project would impact a small area in relation to the regional habitat diversity and the large amount of open space surrounding the proposed development. Potential impacts to western burrowing owl would only be anticipated to occur during initial construction activities. Direct impacts to burrowing owls, if present, may occur as a result of construction activities that may directly take an individual or entomb an active nest burrow that has eggs or nestlings. Indirect impacts include an increase in anthropogenic activities (e.g. site lighting, trespass outside of project footprint) that may deter nesting or cause a nearby nest to fail, and alteration or removal of suitable habitat. Impacts to Western burrowing owl would be less than significant with incorporation of the avoidance, protection, and monitoring measures provided in mitigation measures BR-1, BR-10, and BR-5 through BR-7, which would require worker awareness training, pre-construction surveys, and biological monitoring. Indirect impacts would be less than significant with incorporation of mitigation measures AES-1, which would reduce potential impacts associated with nighttime lighting to less than significant, and BR-14, which would reduce potential impacts related to trespass outside of the project footprint and site disturbance to less than significant.

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Special-Status Reptiles and Amphibians. Site preparation and project construction activities could impact special status reptiles and amphibians, including the California glossy snake, Coast horned lizard, San Joaquin coachwhip, Western pond turtle, and Western spadefoot toad. Direct impacts to these species, if present, may occur as a result of construction activities that may crush, trample, or entomb individuals underground. Indirect impacts include an increase in anthropogenic activities (e.g. site lighting, trespass outside of project footprint) and alteration or removal of suitable habitat. Direct impacts to these species would be less than significant with incorporation of mitigation measures BR-1, BR-13, and BR-5 through BR-7, which would require worker awareness training, surveys, and biological monitoring. Indirect impacts to would be less than significant with incorporation of mitigation measures AES-1, which would reduce potential impacts associated with nighttime lighting to less than significant, and BR-14, which would reduce potential impacts related to trespass outside of the project footprint and site disturbance to less than significant.

Special-Status Small Mammals. No special status small mammals (giant kangaroo rat and Tulare grasshopper mouse) were detected within the disturbed agricultural fields of the project site and there are no anticipated direct impacts to these species as a result of the construction phase of the project. However, there is suitable habitat for these species adjacent to the project site, and there is potential for direct impacts as a result of ongoing operational ground disturbance related to outdoor cultivation that may crush, trample, or entomb individuals underground, should they colonize the project site in the future from this adjacent suitable habitat. Indirect impacts may include an increase in anthropogenic activities (e.g. site lighting, trespass outside of project footprint). Impacts to special status small mammal species would be less than significant with incorporation of the avoidance and minimization measures provided in mitigation measure BR-1, BR-5 through BR-7, and BR-12, which would require worker awareness training, biological monitoring, and preconstruction surveys. Indirect impacts would be less than significant with incorporation of BR-14, which would reduce potential impacts related to trespass outside of the project footprint and site disturbance to less than significant.

Special-Status Plants

The proposed project would affect fallow cropland and disturbed habitat. No special status plants were observed during the reconnaissance survey that was timed during the bloom period of the species with potential to occur. Special status plants are not expected to occur on the property due to the absence of suitable soils on site and annual tilling of the soil. Therefore, the project would not impact special status plants.

- (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?*

No sensitive vegetation communities or riparian habitat were mapped by Althouse and Meade, Inc. within the footprint of the new proposed facilities and therefore no impacts are anticipated.

- (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?*

No state or federally protected wetlands were observed by Althouse and Meade, Inc. within the footprint of the new proposed facilities. The proposed project may have potential indirect impacts to a created drainage pattern that is required by the CCRWQCB as part of the DASP for the project site. Implementation of mitigation measures BR-14, BR-16 and BR-17, and compliance with the Cannabis

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General Order would reduce potential impact to less than significant.

- (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?*

Suitable foraging and nesting habitat is present for migratory birds on the project site. Potential direct impacts to nesting birds could occur if shrub or ground nesting birds are present within the disturbance area of the project site during construction activities. Potential indirect impacts to nesting activities of birds could occur near construction related activities that create noise and other disturbances that deter nesting or cause a nest to fail. Impacts to nesting birds would be temporary. With implementation of mitigation measure BR-9, which requires nesting bird surveys, impacts to migratory nesting birds would be less than significant.

Potential migratory corridors for San Joaquin kit fox could exist on the property. The proposed fencing for the project has the potential to impact kit fox migration corridors. Impacts to San Joaquin kit fox migration corridors would be less than significant with incorporation of mitigation measure BR-4.

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

The project would not result in the removal or trimming of any oak trees and therefore would not conflict with the County's Oak Woodland Ordinance. In addition, the proposed project was reviewed for consistency with other local policy and regulatory documents relating to biological resources (e.g., County LUO, General Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used). Therefore, the project would not conflict with local policies or ordinances protecting biological resources and impacts would be less than significant.

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- (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 adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other habitat conservation plans that apply to the project site. The project would not conflict with the provisions of any applicable plans and there would be no impact.

Conclusion

Potential impacts to biological resources would be reduced to a less than significant level with incorporation of mitigation measures BR-1 through BR-17, as described below and in Exhibit B. These measures require: construction and employee training program; offset of potential impact to San Joaquin kit fox; preconstruction and weekly construction site surveys for San Joaquin kit fox; San Joaquin kit fox avoidance; pre-construction surveys and avoidance for American Badger; pre-construction surveys for Burrowing Owl, Tricolored blackbird, and special-status small mammals; special-status reptile and amphibian avoidance; preconstruction surveys for nesting raptors and birds; and weekly, monthly, and annual biological monitoring. Also, mitigation measures BR-16 and BR-17 require protection measures for state waters. In addition, mitigation measures BR-14 and BR-15 include requirements for site maintenance and operations, and site restoration.

In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Sections 8304 (a) and (b) require cannabis projects to:

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

Mitigation

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

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BR-2**San Joaquin Kit Fox (*Vulpes macrotis multica*; SJKF) Habitat Mitigation Alternatives.**

Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 40.8 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before City permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy" (see contact information below), would total \$102,000, based on \$2,500 per acre (10.2 acres impacted * 4 * \$2,500 per acre).

- c. Purchase 41 (10.2 acres * 4) credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$102,000 (10.2 acres * 4 * \$2,500). This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BR-3**San Joaquin Kit Fox Protection Measures.**

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1. **SJKF Protection Measures on Plans.** All SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.
 - a. Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 15 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction. During construction, the speed limit shall be posted at the site entrance and the mid-way point of the access road.
2. **Pre-Construction Survey for SJKF.** Prior to issuance of grading and/or construction permits and prior to initiation of site disturbance and/or construction, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:
 - a. A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 250-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for signs of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF signs, and/or known or potential SJKF dens, if present. If no SJKF signs, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.
 1. If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
 2. If a known den is identified within 250-feet of any proposed project work areas, no work may start in that area.
 3. If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

BR-4

Standard SJKF Avoidance and Protection Measures. Throughout the life of the project,

- (a.) If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.

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- (b.) A maximum of 15 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
- (c.) All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
- (d.) To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
- (e.) All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
- (f.) All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
- (g.) No deliberate feeding of wildlife shall be allowed.
- (h.) Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
- (i.) Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- (j.) Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
- (k.) The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
- (l.) Permanent fences shall allow for SJFK passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines. Upon fence installation, the applicant shall notify the County to verify proper installation.
- (m.) During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or

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entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.

- (n.) If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.

BR-5 **Weekly Site Visits.** During the site disturbance and/or construction phase and for the life of the project, a qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., clearing, grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den or special status small mammal burrow was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

BR-6 **Monthly Biological Monitoring.**

- a.) Before, during, and after cannabis activities, the Applicant or project proponent must hire a qualified biologist to conduct monthly biological monitoring inspections during, before, and after cannabis activities. No monthly monitoring will be required during the fallow times of non-cannabis activities. The qualified biologist will inspect the site to ensure compliance with the above-measures and to determine if any new activities have occurred. The biologist will provide a refresher survey and/or environmental training, as needed, during the monthly inspection. The biologist will be required to submit a report to the County within a week of the inspection. If major issues are identified during the inspection (e.g., encroachment into buffer zones, new activity outside previously surveyed area, etc.), then the biologist will notify the County immediately (via phone and/or in writing). If the results of monthly inspections show repeated noncompliance with the above measures, the frequency of the inspections may be increased by the County. If the results of the monthly inspections consistently show compliance with the above measures, the frequency of the inspections may be reduced by the County.
- b.) Alternatively, if the County implements a biological monitoring program, then the Applicant or project proponent will participate in that program in lieu of hiring the biologist directly.

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BR-7 Annual Biological Resource Surveys. Throughout the life of the project, annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping. Applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g., giant kangaroo rat) no more than 14 days prior to the start of initial ground disturbance or initiating outdoor cannabis activities (including removal of stockpiled materials) to ensure SJKF and special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 250-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 250 feet of the disturbance area, then the County must be contacted for further guidance. The County will contact the appropriate resource agencies.

BR-8 American Badger (*Taxidea taxus*) Protection Measures

1. **Pre-construction survey for American Badgers. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** a qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.
 - a. If a potential den is discovered, they shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. The den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.
 - b. If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season, nursing young may be present), measured outward from the burrow entrance. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no

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longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

BR-9

Nesting Birds Protection Measures

1. **Pre-construction Survey for Sensitive and Nesting Birds. Prior to issuance of grading and/or construction permits and prior to initiation of site disturbance and/or construction**, if work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. 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. A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
 - b. If special-status avian species (aside from the burrowing owl or tricolored blackbird) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
 - c. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).
 - d. If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BR-10

Burrowing Owl (*Athene cunicularia*; BUOW) Protection Measures

1. **Pre-construction Survey for BUOW. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, if work is planned to occur within 150 meters (approximately 492

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

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

Each exclusion zone shall encircle the burrow and have a radius as specified in the table above. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the burrow is no longer in use.

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

BR-11

Tricolored Blackbird (*Agelaius tricolor*) Protection Measures

1. **Pre-construction Survey for Tricolored Blackbird** If work is planned to occur during the typical nesting bird season (i.e., February 1 through September 15), a qualified wildlife biologist shall conduct pre-construction surveys for nesting tricolored blackbirds within 10 days prior to the start of initial project activities.
 - a. If an active tricolored blackbird nesting colony is found, a minimum 300-foot exclusion zone shall be observed in accordance with “Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015” (CDFW 2015). The exclusion zone shall encircle the nesting colony and have a radius of 300 feet from the outside border of the colony. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained for the

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duration of the breeding season or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival.

- b. If 10 days lapse between project phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the tricolored blackbird survey shall be repeated.

BR-12 Special-status Small Mammals Protection Measures.

Preconstruction Survey for Special-status Small Mammals (Giant kangaroo rat and Tulare grasshopper mouse). Prior to issuance of grading and/or construction permits and within 14 days prior to initiation of site disturbance and/or construction, a qualified biologist shall complete a preconstruction survey for special-status small mammal species (e.g. giant kangaroo rat and Tulare grasshopper mouse) no more than 14 days prior to the start of initial project activities to ensure special-status small mammal species are not present within proposed works areas. The survey will include mapping of all potentially active special-status mammal burrows within the proposed work areas, access routes, and staging areas plus a 50-foot buffer. All potentially active burrows will be mapped and flagged. If avoidance of the burrows is not feasible, the appropriate resource agency shall be contacted for further guidance.

BR-13 Special-status Reptiles and Amphibians Protection Measures.

Pre-construction Survey for Special-status Reptiles and Amphibians. Prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct a pre-construction survey immediately before any initial ground disturbances (i.e. the morning of the commencement of disturbance) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special status reptiles and/or amphibians are found in the area of disturbance, they will be allowed to leave the areas on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range.

If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring will be repeated.

BR-14 Site Maintenance and General Operations. The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to

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operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

1. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
2. Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
3. Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
4. Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
5. Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
6. 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.

BR-15

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

BR-16

Protection of State Waters. Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g., California Department of Fish and Wildlife [CDFW], Regional Water Quality Control Board) shall be obtained, as necessary. Any additional measures required by these agencies shall be implemented as necessary throughout the project.

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BR-17

Protection of State Waters. During construction, project activity occurring within 50 feet of aquatic habitat (e.g., swales, drainages, ponds, vernal pool, etc., identified in biological report) shall occur during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining controls, which shall be implemented to prevent erosion and sedimentation into drainages and wetlands. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard materials. These controls shall be installed and maintained for the duration of the project.

Sources

See Exhibit A.

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V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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 Obispeno Chumash and Salinan tribes. No historic structures are present on site.

Per US Geographical Survey maps, the project site is not within 300 feet of a National Hydrography Dataset (NHD) stream or other features which would be indicative of prehistoric human occupation.

Discussion

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

No historic resources are located on site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5. There would be no impact.

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

Heritage Discoveries, Inc. conducted and prepared a Phase I Archaeological Surface Survey in July 2018, which included a records and literature search, as well as a field inspection of the site. The literature and records search was conducted at the Central Coast Information Center (CCIC), University of California, Santa Barbara. The search did not reveal any listed environment properties or any archaeological sites within the study area or within a 0.5-mile radius of the project site. The field inspection in June 2018 did not indicate the presence of any cultural resources. Therefore, the project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5 and potential impacts would be less than significant.

In compliance with AB 52 Cultural Resources requirements, outreach to four Native American tribes was conducted (Northern Salinan, Xolon Salinan, Yak Tityu Northern Chumash, and the Northern Chumash Tribal Council). No comments were received.

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

No human remains have been associated with the project site. However, in the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required. This section requires that, in the event archaeological resources are encountered during project construction, construction activities cease, and the County Planning Department be notified of the discovery. If the discovery includes human remains, the County Coroner shall also be notified. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (d) requires the project to Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered. Potential impacts would be less than significant.

Conclusion

The record search and field inspection did not identify any prehistoric or historic materials located on or near the project site. No tribal cultural resources were identified during AB 52 consultation. Therefore, significant impacts are not anticipated.

Per County LUO Section 23.05.140, 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. No significant impacts to cultural resources are expected to occur, and no additional mitigation measures are necessary.

Sources

See Exhibit A.

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VI. ENERGY

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

Setting

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 GHG-free resources (PG&E 2017).

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

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

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

In 2010, the EWP established a goal to reduce community-wide GHG emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "address future energy needs through increased conservation and efficiency in all sectors" and "increase 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

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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 goals and policies in the COSE and EWP address the 2005 GHG emissions reduction targets for California (Executive Order S-03-05) issued by California's Governor in 2005. The targets include:

- By 2010 reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels;
- By 2050, reduce GHG emissions to 80% below 1990 levels.

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the *2019 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements. While the CBC has strict energy and green-building standards, U-occupancy structures (such as greenhouses) are typically not regulated by these standards.

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. The LUO establishes criteria for project eligibility, required application content for solar electric facilities proposed within this designation, permit requirements, and development standards (LUO 22.14.100). The project site is not located in a Renewable Energy Area combining designation.

Energy Use in Cannabis Operations

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

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

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

Discussion

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

Construction-related Impacts. During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment and for vehicle travel. The precise amount of construction-related energy consumption is uncertain. However, construction would not require a large amount of fuel or energy usage because of the limited extent and nature of the proposed improvements and the minimal number of construction vehicles and equipment, worker trips, and truck trips that would be required for a project of this small scale. State and federal regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. Therefore, project construction would not encourage activities that would result in the use of large amounts of fuel and energy in a wasteful manner. Energy consumption during construction would not conflict with a state or local plan for renewable energy; construction period impacts would be less than significant.

Operational Impacts

Electricity. A cannabis project would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation if it utilizes substantially more energy (>20%) than a generic commercial building of the same size. Based on the California Commercial End-Use Survey Report (Itron, Inc 2006) prepared for the California Energy Commission, a generic commercial building utilizes 21.25 kWh/sf annually (13.63 kWh from electricity and 7.62 kWh from natural gas).

The CBC 2019 Building Energy Efficiency Standards includes mandatory energy efficiency standards; however, U-occupancy structures (such as greenhouses) are exempt from these standards and therefore are not necessarily using efficient energy practices. A project's processing, manufacturing, distribution, or retail structure would be subject to the CBC 2019 Building Energy Efficiency Standards, and therefore the energy demand of these uses would not be wasteful, inefficient, or unnecessary. Because the cultivation activities would not be subject to these state energy efficiency regulations, they could potentially result in wasteful, inefficient, or unnecessary energy consumption.

In order to calculate a project's energy demand, the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018) are used in this analysis. This calculation form contains formulas for estimating electricity use of cannabis operations. The form assumes that indoor cultivation uses 200 kWh/sf

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annually and that mixed light (greenhouse) cultivation uses 110 kWh/sf annually. Because the County does not allow lighting or climate control for outdoor cultivation activities, it is assumed that energy use associated with outdoor cultivation (e.g. water pump) would be minor. As discussed above, non-cultivation activities such as manufacturing would be subject to CBC standards regarding energy efficiency and therefore would not result in wasteful or inefficient energy use for the purpose of this analysis.

The proposed project would include up to 24,000 sf of mixed-light cultivation floor area in eight greenhouses and 12,000 sf of nursery cultivation floor area in four greenhouses for a combined total of 36,000 sf. A preliminary estimate of the project's cultivation energy demand, based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018), is provided in Table 6. No diesel, gasoline, or natural gas is proposed.

Table 6 – Project's Projected Operational Energy Use

Project Component	Size (sf)	Rate (kWh/year-sf)	Projected Energy (kWh/year)
Generic Commercial Building of Comparable Size	36,000	21.25	765,000
Mixed-Light Cultivation (greenhouses, includes nursery)		110	3,960,000
Percent In Excess of Generic Commercial Building			518%

1. Source: Itron, Inc, March 2006

Based on the California Energy Commission Report, a typical non-cannabis commercial building of 36,000 sf would use 765,000 kWh per year (21.25 kWh/sf x 36,000 sf). Based on the energy consumption rates above, the proposed project's cultivation activities would use 518% more energy than a generic non-cannabis commercial building of the same size. This amount of energy use would potentially be wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures, which has the potential to conflict with state and local plans for energy efficiency. Impacts would be potentially significant and would require mitigation. Implementation of mitigation measures ENG-1 and ENG-2 would be required to reduce impacts to less than significant.

Fuel Use. Ongoing operation of the project would result in fuel use associated with employee motor vehicle trips and deliveries. For purposes of determining whether fuel use would be wasteful and inefficient and cumulatively considerable, project-related fuel use estimates are compared with the total fuel use from motor vehicles in San Luis Obispo County using the following assumptions:

- Daily vehicle miles travelled in San Luis Obispo County in 2020 (estimate from 2014 Regional Transportation Plan): 7,998,615
- 172 million gallons of fuel consumed per year / 365 days = 471,232 gallons of fuel use per day
- 471,232 gallons of gasoline and diesel fuel consumed per day / 7,998,615 miles travelled per day = 0.058 gallons of fuel consumed per day per mile travelled
- Average Daily Trips (ADT) for Project x 38 miles (assuming travel from Santa Margarita) = Daily Vehicle Miles Travelled (VMT)

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- Daily VMT x gallons per mile travelled = Daily gallons of fuel use
- 12 Average Daily Trips for operations for 260 days

Table 7 provides a summary of total sales of gasoline and diesel fuel in San Luis Obispo County in 2018.

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Table 7 – State and County Fuel Consumption in 2018

Fuel	Statewide	San Luis Obispo County
Gasoline	13,475 million gallons	150 million gallons (or, about 410,958 gallons per day)
Diesel	1,602 million gallons	22 million gallons

Source: California Energy Commission 2018

Operational Fuel Use

12 ADT x 38 miles = 444 VMT per day

444 x 260 days = 115,440 total VMT per year

115,440 x 0.058 gallons consumed per mile travelled = 6,696 gallons per year

Total fuel use associated with operation of the project would be 0.00004% of the total daily fuel consumed in the County. Accordingly, fuel consumption associated with the project would not be wasteful, inefficient or unnecessary.

Conclusion

The project would result in a potentially significant environmental impact due to inefficient or unnecessary electricity use in the proposed greenhouses during long-term operations. Inefficient energy use would potentially conflict with state or local energy efficiency plans. Implementation of mitigation measures ENG-1 and ENG-2 would reduce potential impacts to less than significant by requiring the applicant to prepare and implement an Energy Conservation Plan that reduces or offsets the project's energy demand.

*Mitigation***ENG-1**

Energy Conservation Plan. Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, an Energy Conservation Plan with a package of measures that, when implemented, would reduce or offset the project's energy demand to no more than 20% above the energy demand of a generic commercial building of the same size. The Energy Conservation Plan shall include the following:

1. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.
2. A program for providing a reduction or offset of all energy demand to no more than 20% above the energy demand of a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar

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Choice program or Regional Renewable Choice program or other comparable public or private program.

- ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but are not limited to, the following:
 - 1. Participating in an annual energy audit.
 - 2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
 - 3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 - 4. Implementing automated lighting systems.
 - 5. Utilizing natural light when possible.
 - 6. Utilizing an efficient circulation system.
 - 7. Ensuring that energy use is below or in-line with industry benchmarks.
 - 8. Implementing phase-out plans for the replacement of inefficient equipment.
 - 9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
- iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to additional environmental review.]
- iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand to a level that is no more than 20% or more above the energy demand of a generic commercial building of the same size.

ENG-2

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

Sources

See Exhibit A.

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VII. GEOLOGY AND SOILS

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

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

Setting

The following relates to the project's geologic aspects or conditions:

Topography: Nearly level

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: Moderate

Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Not known

Other notable geologic features? None

Geology and Soils: The project site is not located within the Geologic Study Area designation and is not within a high liquefaction area. The Setting in Section 2, Agricultural Resources, describes the soil types and characteristics on the project site. The site's potential for liquefaction hazards are considered moderate. The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site (California Geologic Survey 2018). Prior to the issuance of a building permit, the site is subject to the preparation of a geological report per the County's Land Use Ordinance (LUO section 22.14.070 (c)) to evaluate the area's geological stability.

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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 resource availability.

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize impacts. The plan must be 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 also 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 extension who monitors this program.

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 in an Alquist-Priolo Fault Zone, and no active fault lines cross the project site (California Geologic Survey 2018). Therefore, the project site would not be susceptible to rupture of a known earthquake fault or strong seismic ground shaking and the project would not exacerbate any existing hazards. Impacts would be less than significant.

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

The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site (CGS 2018). A fault zone exists approximately 4,100 feet to the north; however, the project does not propose any structures that would be affected by ground shaking and the project would not exacerbate any existing hazards. All habitable structures are subject to compliance 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 that cannot be addressed through the application of appropriate building codes. Impacts would be less than significant.

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

The project site is not located within the Geologic Study Area designation and is not within a high liquefaction area. The Setting in Section 2, Agricultural Resources, describes the soil types and characteristics on the project site. The site's potential for liquefaction hazards are considered moderate. Prior to issuance of building permits and in compliance with LUO section 22.14.070 (c), the applicant would be required to submit a geotechnical report. Additional measures beyond compliance with code requirements are not needed. Implementation of plan and ordinance requirements would reduce potential impacts associated with liquefaction to a less than significant level. The project would not exacerbate any existing hazards; impacts would be less than significant.

(a-iv) Landslides?

The site's potential for landslides is considered low and the site's topography is nearly level. The project would not exacerbate any existing hazards related to landslides; impacts would be less than significant.

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

The proposed project would result in approximately 446,419 square feet (10.2 acres) of ground disturbance. Grading would include both cut and fill activities. During grading activities, there is a potential for erosion and down-gradient sedimentation to occur. The required SWPPP and sedimentation and erosion control plan for construction would ensure that potential impacts associated with erosion and the loss of topsoil would be less than significant.

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

The developed and undeveloped portions of the project site are relatively flat. The average slope of the parcel is under five (5) percent. The Setting in Section 2, Agricultural Resources, describes the soil types and characteristics on the project site. No new structures are proposed that would be at risk or would exacerbate existing hazardous conditions. The relevant provisions of the California Building Code would ensure potential risks associated with site landslide, lateral spreading, subsidence, liquefaction or collapse would be avoided. Impacts would be less than significant.

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

The soils associated with the project site are described in Section 2, Agriculture. None of the soils are considered expansive as defined by Table 18-1-B of the Uniform Building Code. Therefore, impacts would be less than significant.

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

Municipal sewer systems are not available at the site. According to the NRCS Web Soil Survey, soils of the project site present significant limitations for the use of septic leach fields. The proposed project would include the installation of a portable restroom and a new septic/leach system.

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Compliance with County code requirements during the submittal of the project for a building permit would ensure that impacts would be less than significant.

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

There are no unique geologic features on site. No paleontological resources are known to exist in the area. The record search and field survey conducted as part of the Cultural Resources Survey did not identify any prehistoric materials located on the project site (Heritage Discoveries, Inc. 2018). Therefore, impacts would be less than significant.

Conclusion

Compliance with ordinance requirements will ensure that potential impacts associated with geology and soils are less than significant. Therefore, no mitigation measures are necessary.

Sources

See Exhibit A.

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VIII. GREENHOUSE GAS EMISSIONS

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

Setting

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

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

In March 2012, the SLOAPCD approved thresholds for Greenhouse Gas (GHG) emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. The Bright-Line Threshold of 1,150 Metric Tons CO₂/year (MT CO₂e/yr) is the most applicable GHG threshold for most projects. Table 1-1 in the SLOAPCD CEQA Air Quality Handbook provides a list of general land uses and the estimated sizes or capacity of those uses expected to exceed the GHG Bright Line Threshold of 1,150 Metric Tons of carbon dioxide per year (MT CO₂/yr). Projects that exceed the criteria or are within ten percent of exceeding the criteria presented in Table 1-1 are required to conduct a more detailed analysis of air quality impacts.

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

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

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

The County Energy Wise Plan (EWP 2011) identifies ways in which the community and County government can reduce GHG emissions from their various sources. Looking at the four key sectors of energy, waste, transportation, and land use, the EWP incorporates best practices to provide a blueprint for achieving greenhouse gas emissions reductions in the unincorporated towns and rural areas of San Luis Obispo County by 15% below the baseline year of 2006 by the year 2020. The EWP includes an Implementation Program that provides a strategy for actions with specific measures and steps to achieve the identified GHG reduction targets including, but not limited to, the following:

- Encourage new development to exceed minimum CalGreen requirements;
- Require a minimum of 75% of nonhazardous construction and demolition debris generated on site to be recycled or salvaged;
- Continue to implement strategic growth strategies that direct the county's future growth into existing communities and to provide complete services to meet local needs;
- Continue to increase the amount of affordable housing in the County, allowing lower-income families to live closer to jobs and activity centers, and providing residents with greater access to transit and alternative modes of transportation;
- Reduce potable water use by 20% in all newly constructed buildings by using the performance methods provided in the California Green Building Code;
- Require use of energy-efficient equipment in all new development;
- Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index of 10 for high-slope roofs and 68 for low-slope roofs; and
- Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities.

In 2016 the County published the EnergyWise Plan 2016 Update, which describes the progress made toward implementing measures in the 2011 EWP, overall trends in energy use and emissions since the baseline year of the inventory (2006), and the addition of implementation measures intended to provide a greater understanding of the County's emissions status.

Pursuant to Section 8305 of the Title 3, Division 8, Chapter 1 of the California Code of Regulations, beginning January 1, 2023, CDFA will require all indoor, tier 2 mixed-light license types of all sizes, and nurseries using indoor or tier 2 mixed-light techniques, shall ensure that electrical power used for commercial cannabis activity meets the average electricity GHG emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program, division 1, part 1, chapter 2.3, article 16.

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Discussion

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

(a-b.) The proposed project would generate GHG emissions as a result of energy use. CalEEMod was used to determine GHG emissions from a “typical” amount of indoor or mixed light cultivation:

Table 8 – Project’s Projected Operational GHG Emissions (CO₂e)

Project Component	Size (sf)	Rate (MT CO ₂ e/year/sf)	Projected GHG Emissions (MT CO ₂ e/year)
Mixed-Light Cultivation (greenhouses, includes nursery)	36,000	0.058 ¹	2,088.00 ²
TOTAL	36,000	-	2,088.00

Notes:

1. Source: CalEEMod 2016
2. Includes GHG emissions associated with energy use and fuel consumption.

Based on this information, the proposed project would exceed the SLOAPCD’s Bright Line Threshold of 1,150 MTCO₂e and conflict with the plans for the reduction of GHG emissions. To mitigate this potential operational impact, the project would be required to implement a package of measures that would reduce or offset the project’s energy demand to reduce or offset potential project-related emissions to levels below the 1,150 MTCO₂e Bright Line Threshold. Implementation of mitigation measure ENG-1 and ENG-2 would help to reduce the project’s GHG emission by reducing energy consumption. In addition, implementation of mitigation measure GHG-1 would be required to reduce the project’s GHG emissions to a less than significant level.

Conclusion

The project would result in potentially significant GHG emissions during long-term operations and would potentially conflict with plans adopted to reduce GHG emissions. Implementation of mitigation measure ENG-1 and ENG-2 would help to reduce the project’s GHG emission by reducing energy consumption or sourcing energy from a zero emissions source. Potential impacts related to GHG emissions would be reduced to less than significant with implementation of mitigation measure GHG-1, which requires the applicant to demonstrate how the project will reduce emissions below the threshold or purchase carbon offsets.

In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8305 relating to Renewable Energy Requirements:

Beginning January 1, 2023, all indoor, tier 2 mixed-light license types of all sizes, and nurseries using indoor or tier 2 mixed-light techniques, shall ensure that electrical power used for

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commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program, division 1, part 1, chapter 2.3, article 16 (commencing with section 399.11) of the Public Utilities Code.

Mitigation

GHG-1

Greenhouse Gas Emissions Reduction or Offset Program. Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related GHG emissions below the 1,150 MTCO₂e Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

- 1) Implementation of mitigation measures ENG-1 and ENG-2.
- 2) Purchase of GHG offset credits from any of the following recognized and reputable voluntary carbon registries:
 - i) American Carbon Registry;
 - ii) Climate Action Reserve;
 - iii) Verified Carbon Standard.
 - iv) Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.
- 3) Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.
 - a. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.

Sources

See Exhibit A.

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IX. HAZARDS AND HAZARDOUS MATERIALS

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

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Setting

To comply with Government Code section 65962.5 (known as the “Cortese List”) the project applicant consulted the following databases/lists to determine if the project site contains hazardous waste or substances:

- 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” CDO and 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 consultation concluded that the project site is not located in an area of known hazardous material contamination.

According to CalFire’s San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a “high” severity risk area for fire. The closest fire station to the project site is San Luis Obispo County Fire Station 42, which is approximately 8 miles from the site. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 5 and 10 minutes (San Luis Obispo County 1999).

The project is not within the Airport Review area; and no schools are located within a quarter-mile of the project site.

Discussion

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

(a-b) Construction-related impacts: Construction activities would involve the use of small amounts of hazardous materials, such as oil, fuel, and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. During construction activities, the use of any on-site hazardous materials that may be stored or transported would be required to follow standard protocols (as determined by the U.S. EPA, DTSC, California Department of Health and Safety, and San Luis Obispo County) for maintaining health and safety. Proper use of materials in accordance with local, State, and federal requirements, and as required in construction documents, would minimize the potential for accidental releases or emissions from hazardous materials. Implementation of mitigation measure BR-14 would further minimize any potential for leaks and spills during project construction and reduce impacts to a less than significant level.

The California Division of Occupational Safety and Health (Cal-OSHA) enforces hazard communication program regulations which contain worker safety training and hazard information requirements, such as procedures for identifying and labeling hazardous substances,

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communicating hazard information related to hazardous substances and their handling, and preparation of health and safety plans to protect workers and employees.

Operational impacts: The project does not propose the routine use of hazardous materials and would not generate hazardous wastes. Project operations would involve the intermittent use of small amounts of hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous. The project will be conditioned to conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required County permits, State licenses, County ordinance, and State law and regulation. In accordance with LUO Section 22.40.050 C, 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 hazard response plan.

Project operation would include the use of a propane tank. Storage, handling, and transportation of propane and other liquefied petroleum fuels are regulated by both the State of California Fire Code and Cal-OSHA. Installation, operation, and maintenance of the propane tank would be subject to the County's Certified Unified Program Agency (CUPA) requirements, including implementation of a Hazardous Materials Business Plan to be approved by the County, and compliance with the California Fire Code. Required compliance with County requirements and the California Fire Code would reduce the potential hazard from use of the propane tank.

Because the applicant and its contractors would be required to comply with existing and future hazardous materials laws and regulations addressing the transport, storage, use, and disposal of hazardous materials, the potential to create a significant hazard from accidental conditions 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?*

No schools are located within a quarter-mile of the project site. No impact would occur.

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

The "Cortese list" database consultation concluded that the project site is not located in an area of known hazardous material contamination. No impact would occur.

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

The project is not within the Airport Review area. No impact would occur.

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

The project is not expected to conflict with any regional emergency response or evacuation plan. The project would not change existing circulation patterns, would not generate substantial new traffic, and would not affect emergency response routes. Refer to Section XVII, Transportation, for further discussion of emergency access and project traffic. As such, impacts would be less than significant.

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

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a state responsibility area and a "high" severity risk area for fire. The closest fire station to the project site is San Luis Obispo County Fire Station 42, which is approximately 8 miles from the site. The project would be required to comply with the California Fire Code and County LUO (Title 16 Fire Prevention), including but not limited to, providing emergency vehicle access, installing a new all-weather 24' wide fire access road and hammerhead turnaround, installing a fire pump and hydrant, maintaining a dedicated fire-fighting water supply on-site, and installing fire sprinklers at the project site. The project is required to comply with and will be conditioned to meet all standards. Further, the project would not exacerbate existing hazards related to wildland fires, as it would not construct habitable structures that would expose additional people to risk of harm. Impacts would be less than significant.

Conclusion

The project is required to comply with County Ordinances and CalFire/San Luis Obispo Fire Department Standards. In addition, implementation of mitigation measure BR-14 would further minimize any potential for leaks and spills during project construction and reduce impacts to a less than significant level. Impacts related to hazards would be less than significant. No further mitigation is required.

Mitigation

Implement mitigation measure BR-14.

Sources

See Exhibit A.

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X. HYDROLOGY AND WATER QUALITY

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

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Setting

WATER SUPPLY— The project proposes to use an existing on-site well and a new well as its water source.

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? No

Closest creek? Unnamed Distance? Approximately 0.77 mile

Soil drainage characteristics: Well drained

The topography of the project is nearly level. An unnamed drainage is located approximately 0.77 mile northeast of the project site. Two dry washes convey storm flows in a northeasterly direction across the property, originating from the rocky ridge to the south. As described in the NRCS Soil Survey, the soil surface is considered to have low to high erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Low

A sedimentation and erosion control plan is required for all construction and grading projects (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 extension who monitors this program.

WATER DEMAND -- LUO Section 22.08.418.D.5 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, the LUO 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.

The project site is not located within a LOS III groundwater basin.

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Discussion

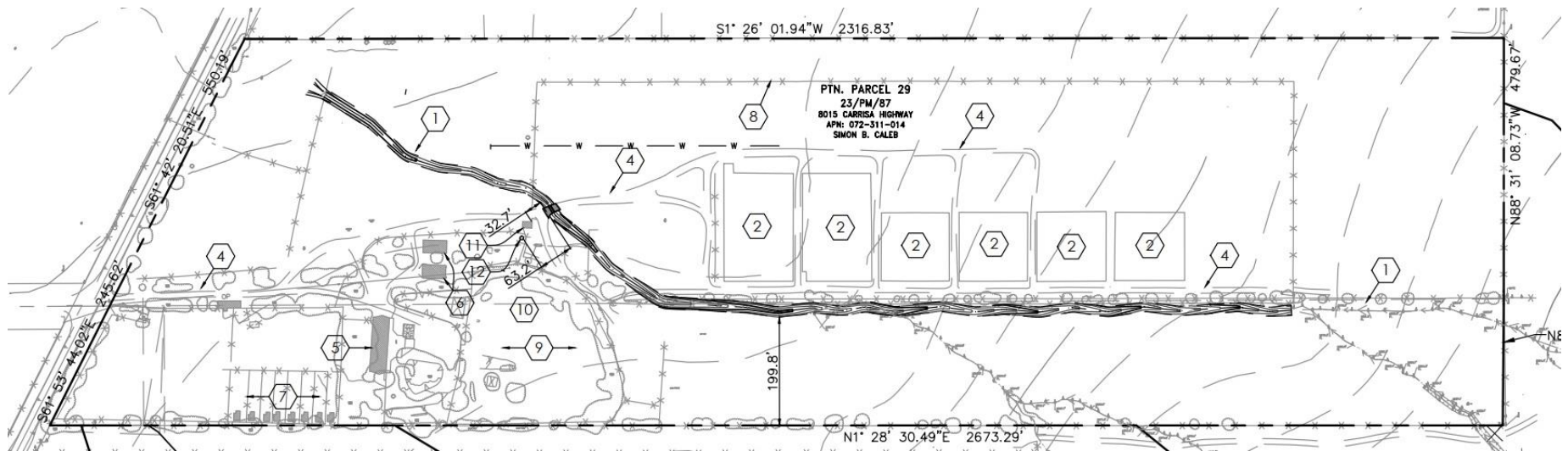
- (a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

With regards to project impacts on water quality the following conditions apply:

- Approximately 10.2 acres of site disturbance is proposed;
- The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- The project will be disturbing over one acre and will be required to prepare a SWPPP, including Best Management Practices for water quality control which will be implemented during construction;
- The proposed cultivation area is not on highly erodible soils, nor on moderate to steep slopes;
- The project is not within a 100-year Flood Hazard designation;
- The project is more than 100 feet from the closest creek or surface water body;
- All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;
- All cannabis cultivation applicants are required to provide proof of enrollment in or exemption from the applicable State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board program for water quality protection (Cal. Code of Regs. tit.3 §8102(o).)

Two braided ephemeral channel systems (part of an alluvial fan complex north of Syncline Hill) flow through the middle of the site in a generally southwest to northeast direction, as identified in the Biological Resources Assessment. The drainage realignment is relatively small, located within non-native annual grassland habitat, and is expected to convey little flow during a major rain event. The proposed project would realign the channels so that potential flow would be directed around, rather than through the site (Figure 6) (Althouse and Meade, June 2019). One low-water road crossing will also be installed where the channel crosses the site access road. Excess soil cut would be stockpiled in a 10,000 square foot area at the southern end of the operations area (Figure 3).

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DRAINAGE EXHIBIT NOTES

- 1 PROPOSED DRAINAGE SWALE WITH 50 YEAR STORM EVENT DRAINAGE CAPACITY. REFER TO HYDROLOGY REPORT FOR DETAILS AND CALCULATIONS.
- 2 EXISTING HOOP HOUSE.
- 3 NOT USED.
- 4 EXISTING ACCESS ROAD.
- 5 EXISTING RESIDENCE.
- 6 EXISTING AGRICULTURAL STRUCTURE.
- 7 EXISTING ANIMAL CORRALS.
- 8 EXISTING FENCE.
- 9 EXISTING POND.
- 10 EXISTING IRRIGATION EQUIPMENT
- 11 EXISTING AG EXEMPT BUILDING TO REMAIN.
- 12 EXISTING WELL TO REMAIN.

Figure 6 – Drainage Exhibit

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The applicant has applied for regulatory coverage of the realignment work in the drainage which is considered (Tier 2, low-risk) under Water Quality Order No. WQ 2019-0001-DWQ (Cannabis General Order), San Luis Obispo County in November 2018. In January of 2019, Central Coast Water Board (CCWB) staff visited the site for routine inspections and observed violations (cannabis cultivation and earth work within the required 50-foot setback from riparian areas) of the Cannabis General Order. CCWB staff issued a notice of violation and required the applicant to re-enroll as a Tier 2, high risk site. This re-enrollment required the applicant to prepare a Disturbed Area Stabilization Plan (DASP) to stabilize and restore impacted areas of the minimum riparian setback and move all cannabis cultivation disturbed area outside of the setback (Althouse and Meade, June 2019). The drainages were identified as Class III watercourses with minimum setbacks of 50 feet. The proposed project will be required to comply with prescribed conditions which were specified in an attached letter from the CCWB, dated September 6, 2019. Implementation of mitigation measures BR-14 and BR-17, which require site maintenance and erosion and sediment control plans, would be required to reduce impacts on water quality to less than significant.

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

The proposed project would use approximately 5.09 acre-feet of water per year for cannabis cultivation, nursery uses, and the proposed processing building. A breakdown by project component is summarized in Table 9 below.

Table 9 – Water Demand Estimates by Project Component

Canopy	Rate	Gross Demand (gallons/year)	Gross Demand (AFY)
22,000 sf (Greenhouse cultivation)	0.1 gal/sf/day x 260 days	572,000	1.76
12,000 sf (Greenhouse nursery)	01. Gal/sf/day x 260 days	299,000	0.96
130,680 sf (Outdoor cultivation)	0.03 gal/sf/day x 150 days	588,060	1.81
40,824 sf (Outdoor nursery)	0.03 gal/sf/day x 150 days	183,708	0.56
TOTAL			5.09 AFY

Nine water storage tanks would be installed for irrigation use, and one water storage tank would be installed for fire suppression. Water supply for the project would be provided by an on-site domestic groundwater well. The existing well produces 34.4 gallons per minute (GPM), with a recovery time of four hours (Bailey Drilling and Pump 2019). The well pump test and water quality analysis from 2018 conclude that the well produces sufficient water to meet the project's proposed water demand. Water use is required to be metered and these data will be provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity (5.09 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount. In addition, the project will be conditioned to apply Best Management

Initial Study – Environmental Checklist

Practices for water conservation to maintain water use at or below the water analysis projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

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

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

The project would not substantially decrease groundwater supplies. Further, the project would not result in the addition of impervious surfaces that would interfere substantially with groundwater recharge, and the project site is not located over an impacted groundwater basin. Impacts to water supply 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?*

Construction of the project will result in approximately 10.2 acres of ground disturbance, and soils loosened during excavation and grading could degrade water quality, if mobilized and transported off-site via water flow. However, the project will be conditioned to provide final grading, erosion and sedimentation control plans for review and approval prior to building permit issuance as required by LUO Sections 22.52.100, 1106 and 120. In addition, the project will disturb more than 1.0 acre and will therefore be required to enroll in coverage under California's Construction General permit and prepare a SWPPP. The SWPPP will identify BMPs that will be implemented to prevent soil erosion and discharge of other construction-related pollutants, such as sandbag barriers, proper management of construction materials, dust controls, and construction worker training. In addition, mitigation measure BR-17 would be required to address potentially significant impacts associated with erosion and sediment transport.

In addition, the proposed project would realign the drainage on the project site so that potential flow would be directed around, rather than through the site (Figure 6) (Althouse and Meade 2019). One low-water road crossing would also be installed where the channel crosses the site access road. Excess soil cut would be stockpiled in a 10,000 square foot area at the southern end of the operations area (Figure 3). This has the potential to result in erosion. As discussed under Section X.a above, the applicant is required to comply with the Central Coast Water Board conditions. Compliance with the existing regulations and implementation of mitigation measures BR-14, BR-16 and BR-17 would reduce impacts to less than significant.

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

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

The project would result in the addition of approximately 51,000 sf of new impervious surfaces for the construction of the proposed greenhouses and processing building. The proposed buildings would be located on nearly level ground. Compliance with the sedimentation and erosion control plan/SWPPP would ensure that impacts related to surface runoff remain less than significant. The property will primarily remain in an open, natural condition that would accommodate storm flows and would not exacerbate runoff that would affect any nearby stormwater drainage systems or cause polluted runoff; impacts would be less than significant.

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

The project is not within any flood zones. The project footprint would be designed with a 50-foot buffer to avoid encroaching on the realigned ephemeral drainages onsite. As such, the project would not impede flood flows. The project would redirect flood flows with the realignment. The realignment would direct the potential flow around, rather than through the site. One low-water road crossing would be installed where the drainage crosses the site access road. The drainage alignment is relatively small and located within non-native annual grassland habitat. The drainage is expected to receive little flow during a major rain event. Therefore, impacts would be less than significant.

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

The project site is located approximately 44 miles inland from the Pacific Ocean and is not located in the Coastal Zone. Therefore, there is no risk from tsunami or seiche. The project site is not located in a dam inundation area and is not subject to flooding risks from dam failure. Since the project site is relatively flat, and is not located adjacent to hillsides, mudflow risks are insignificant. No impacts would occur.

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

The proposed project includes outdoor cultivation with hoop houses, 36,000 square feet of greenhouses, and a 15,000 square foot processing building. While the project would use groundwater, it would not affect any impacted groundwater basins. The project will be conditioned to comply with relevant provisions of the Central Coast Regional Water Quality Control Board Basin Plan. Therefore, potential impacts related to obstructing implementation of a water quality control plan or sustainable groundwater management plan would be less than significant.

Conclusion

Adherence to existing regulations and implementation of mitigation measures BR-14, BR-16 and BR-17 would reduce potential impacts to surface water quality during construction and operation of the project to less than significant. Potential impacts to hydrology and water quality would be less than significant.

Mitigation

Implementation of mitigation measures BR-14 BR-16 and BR-17 would be required.

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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 Land Use Ordinance:

1) LUO Chapter 22.92 – Carrizo Planning Area

Under the County's Cannabis Activities Ordinance (Ordinance 3358), Cannabis Cultivation is allowed within the Agricultural land use category with a minimum parcel size of ten acres. 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.

Discussion(a) *Physically divide an established community?*

The project site is primarily undeveloped, with one existing single-family residence and existing accessory structures in an agricultural and rural area. It is not located near an established community and the operation's proposed footprint would not create any barriers. As such, implementation of the project would not physically divide an established community. Impacts would be less than significant.

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

The proposed project was reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g., County LUO, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE 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 would be required to adhere to all regulations and development standards as listed in the County LUO Chapter 22.40. This includes the receipt of all necessary permits, submittal of plans, adherence to application requirements, and limitations on use and cultivation.

Initial Study – Environmental Checklist

The project is not within or adjacent to a Habitat Conservation Plan area. Since the project proposes cultivation and ancillary uses, it is consistent and compatible with the surrounding uses for agriculture and rural residential.

Conclusion

No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XII. MINERAL RESOURCES

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

Setting

The San Luis Obispo County Mineral Designation Maps indicate the site is not located in a Mining Disclosure Zone or Energy/Extractive Area.

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 resource availability.

Conclusion

The project site is not located within an area of known mineral resources. There would be no impact.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XIII. NOISE

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

Setting

The project is not within close proximity of loud noise sources other than road noise from Highway 58, as the project site and surrounding area consist of agricultural uses and scattered rural residential homes on agricultural land. The nearest offsite sensitive receptor to the project site is a single family residence approximately 650 feet east of the property line. The offsite property to the east is currently occupied by a licensed cannabis cultivation operation. The nearest onsite sensitive receptor is on a separate parcel owned by the applicant and approximately 400 feet northwest of the proposed cultivation site. The Noise Element of the County's General Plan includes projections for future noise levels from known stationary and vehicle-generated noise sources.

The project is subject to the County's standards for exterior noise provided in LUO Section 22.10.120 (Table 10). Section 22.10.120 B. sets forth standards that apply to sensitive land uses that include (but are not limited to) residences.

Table 10 - 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.

Discussion

Initial Study – Environmental Checklist

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

Construction Impacts: Construction activities would 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 would also be a source of noise and vibration. 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. The project would be required to adhere to County regulations and therefore construction impacts would be less than significant.

Operational Impacts: The project is not expected to generate loud noises or conflict with the surrounding uses. 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 Carissa Highway (Highway 58) would be comparable to background noise levels generated by surrounding agricultural operations and existing vehicular traffic.

Noise resulting from the use of wall- or roof-mounted HVAC and odor mitigation equipment would be expected to generate noise levels of approximately 62 dBA at the source. Noise attenuates (diminishes) at a rate of six (6) dB per doubling of distance. Therefore, project related noise sources producing 62 dB at the source will be perceived to produce about 29 dB at the nearest property line, assuming a distance of 45 feet from the nearest building along the eastern property line. Therefore, the resulting noise is not anticipated to exceed the maximum allowable nighttime level (65 dB) nor the hourly nighttime average equivalent noise level (45 dB).

Operation of the project would not expose people to significant increased levels in the long term. Impacts would be less than significant.

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

Construction activities can sometimes 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 would be a source of noise and vibration. Construction-related noise and vibration impacts would be temporary and localized and would not expose persons to or generate excessive levels of groundborne vibration or noise. 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. The project would be required to adhere to County regulations and therefore construction 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?*

The project is not located within an Airport Review designation. Therefore, aviation-related noise impacts are not applicable. No impact would occur.

Conclusion

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

Initial Study – Environmental Checklist

Sources

See Exhibit A.

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. As of 2018, per the Department of Finance's Population and Housing estimates, the County of San Luis Obispo contains approximately 280,101 persons, and approximately 121,661 total housing units (DOF 2018).

Discussion

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

The project site includes one existing single-family residence. The residence would continue to be used as a residential use and would not be used for cannabis activities. The proposed project would not result in the removal or construction of any housing. The project is expected to employ up to five full-time people, and up to 20 people during harvest periods for the duration of one week. This increase in employment would not result in a substantial increase in employment in the County. Therefore, the project would not result in a need for a significant amount of new housing and would not displace existing housing. Impacts would be less than significant.

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

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. Impacts would be less than significant.

Conclusion

The project would not result in a 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.

Sources

See Exhibit A.

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XV. PUBLIC SERVICES

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

Setting

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

Police: County Sheriff Location: Santa Margarita (Approximately 38 miles to the west)

Fire: Cal Fire (formerly CDF) Hazard Severity: High Response Time: 5-10 minutes
Location: Approximately 8 miles to the east

School District: San Luis Coastal Unified School District.

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?

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The California Department of Forestry and Fire Protection (CalFire) provides mutual and automatic aid supporting the County of San Luis Obispo. The nearest CalFire station (Station 42) is located approximately 8 miles to the west at 13050 Soda Lake Road. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 5 and 10 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. One (1) 10,000 gallon water storage tank will be installed for potential fire suppression needs. The existing access road would be upgraded to a 24-foot wide all-weather surface - per CalFire standards. A fire equipment turnaround per Cal Fire Standard 4, Access Roads and Driveways, would be required and constructed. The potential environmental effects of these components have been evaluated throughout this Initial Study.

In a referral response dated December 11, 2019, CalFire Fire Inspector Clint Bullard stated that the cumulative effects of adding commercial development within areas such as this continues to place challenges upon the ability of CalFire/County Fire to provide effective and efficient emergency services within rural areas. Inspector Bullard stated that the response time would be 10-15 minutes. Therefore, several requirements must be satisfied prior to final inspection and occupancy. The project will meet all standards as part of the Conditional Use permit process. Incorporation of these standards will ensure that the project's incremental impacts to Fire Department services would be less than significant.

Police protection?

The project site is in the existing service range for the County Sheriff Department. Construction on-site would not normally require services from the Sheriff's Department, except in cases of trespassing, theft, and/or vandalism. The project includes a detailed security plan that must be reviewed by the County Sheriff. The plan includes limited access areas, a video surveillance system, and alarm system. Incorporation of security techniques would serve to reduce the need for police/sheriff enforcement. Since the site is currently in the existing service range, it would not require additional police protection or law enforcement services and would not trigger changes that would affect police protection services. Therefore, the project would not result in the provision of or need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts. Impacts related to police protection facilities would be less than significant.

Schools?

Parks?

Other public facilities?

As discussed in Section XIV, Population/Housing, the project does not include the construction of any habitable structures and would not increase population. As such, the project would not generate new demand for schooling, park services, or other governmental facilities. Since 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

Initial Study – Environmental Checklist

potential cumulative impacts to less than significant levels. No significant public service impacts are anticipated, and no mitigation measures are necessary.

Sources

See Exhibit A.

XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<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

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

Discussion

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

The proposed project is not a residential project or large-scale employer and would not result in a significant population increase. Therefore, the project would not 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. Impacts would be less than significant.

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

- (c) The project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Impacts would be less than significant.

Conclusion

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

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Sources

See Exhibit A.

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 type="checkbox"/>	<input checked="" 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 is located along State Highway 58, which is maintained by Caltrans. Data for Highway 58, obtained from Caltrans' 2016 Traffic Volumes on California State Highways, shows an Annual Average Daily Traffic (AADT) below 1,000 vehicles, both east and west of the project site (Central Coast Transportation Consulting 2018). The project site is not located within the County's road improvement fee area.

Discussion

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

The project would not involve construction or operational activities that would adversely affect public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities. No impact would occur.

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

As discussed in Section VI., Energy, the project would generate 115,440 VMT per year or approximately 316 VMT per day. In November 2017, the Governor's Office of Planning and Research (OPR) released a technical advisory containing recommendations regarding the assessment of vehicle miles travelled (VMT). VMT refers to the amount and distance of automobile travel

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attributable to a project. As noted in the OPR guidelines, agencies are directed to choose metrics that are appropriate for their jurisdiction to evaluate the potential impacts of a project in terms of VMT. The change to VMT was formally adopted as part of updates to the CEQA Guidelines on December 28, 2018. The current deadline for adopting policies to implement SB 743 and the provisions of CEQA Guidelines section 15064.3(b) is July 1, 2020. The County of San Luis Obispo has not yet adopted VMT policies, and, until the County does, there is no guidance on how to evaluate the proposed project in terms of VMT. Therefore, the project would not conflict with or be inconsistent with an applicable threshold of significance adopted per CEQA Guidelines section 15064.3, subdivision (b).

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

The project does not propose any features that would delay, disrupt, or result in unsafe conditions. The project would improve the existing site access driveway approach in accordance with Caltrans standards. Impacts would be less than significant.

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

The applicant would improve the existing site access driveway approach in accordance with Caltrans standards. As discussed in the Project Description, a hammerhead turnaround would be constructed adhering to County of San Luis Obispo/Cal Fire design specifications, which would ensure that access to the cultivation site is maintained for emergency response vehicles. The proposed grade and widths of the access roads and driveways are permissible per CalFire standards. Therefore, the project would not result in inadequate emergency access. Impacts would be less than significant.

Conclusion

The project's transportation impacts would be less than significant with the applied project design features, and no mitigation measures 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 type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project is located in an area historically occupied by the Obispeno Chumash and Salinan tribes. Per US Geographical Survey maps, the project site is not within 300 feet of a National Hydrography Dataset (NHD) stream or other features which would be indicative of prehistoric human occupation.

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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)?*

No historic resources are located on site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5. There would be no impact.

(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.*

In compliance with AB 52 Cultural Resources requirements, outreach to four Native American tribes was conducted (Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council). No comments were received.

Heritage Discoveries, Inc. conducted and prepared a Phase I Archaeological Surface Survey in July 2018, which included a records and literature search, as well as a field inspection of the site. The literature and records search was conducted at the Central Coast Information Center (CCIC), University of California, Santa Barbara. The search did not reveal any listed environment properties or any archaeological sites within the study area or within a 0.5-mile radius of the project site. A field inspection conducted by Heritage Discoveries, Inc. in June 2018 did not indicate the presence of any cultural resources. Impacts would be less than significant.

Conclusion

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

Sources

See Exhibit A.

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XIX. UTILITIES AND SERVICE SYSTEMS

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

Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "Basin Plan"), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to all new wastewater systems.

For onsite septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- Sufficient land area (refer to County's Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;

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- The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on percolation rates]);
- The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- Potential for surface flooding (e.g., within 100-year flood hazard area);
- Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances); and
- Distance from creeks and water bodies (100-foot minimum).

To assure a system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more factors exist;

- The ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);
- The topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or
- The separation between the bottom of the leach line to bedrock or high groundwater is inadequate.

Based on the Natural Resource Conservation Service's (NRCS) Soil Survey map, the soil type(s) for the project are Yeguas and Pinspring soils and Bellyspring and Panoza soils. Ideal soil percolation rates are between 30 and 120 minutes per inch. The main limitation(s) of this soil for wastewater effluent include:

--Poor filtering characteristics due to the very permeable nature of the soil, without special engineering will require larger separations between the leach lines and the groundwater basin to provide adequate filtering of the effluent. In this case, based on general knowledge of the area, it is expected that there will be adequate separation for filtering of effluent before reaching any groundwater source.

--Shallow depth to bedrock, which is an indication that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, the chances increase for the effluent to infiltrate cracks that could lead directly to groundwater source or surrounding wells without adequate filtering or allow for daylighting of effluent where bedrock is exposed to the earth's surface. In this case, due to limited availability of information relating to the shallow depth to bedrock characteristic, the following additional information will be needed prior to issuance of a building permit: soil borings at leach line location(s) showing that there is adequate distance to bedrock. If adequate distance cannot be shown, a County-approved plan for an engineered wastewater system showing how the basin plan criteria can be met will be required.

--Slow percolation, where fluids will percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be greater than 30 and less than 120 minutes per inch. In this case, a soils report will need to be prepared to identify percolation rates.

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Construction-related wastewater would be accommodated by licensed on-site portable restroom and hand-washing facilities and disposed of in accordance with existing regulations. Operation-related wastewater would be mostly handled by licensed on-site portable restroom and hand-washing facilities. Phase III of the operations would include the construction of a processing building with a restroom. The wastewater generated by the processing building would be handled by a new septic/leach system.

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?*

Water Supply. The project would also use an existing onsite well as its water source. Therefore, the project would not result in the construction or expansion of a new water facility, the construction of which would cause significant environmental effects.

Wastewater. One new septic/leach system would be constructed. The County Department of Health requires as a condition of approval that the applicant verify that the proposed new onsite wastewater system will be adequate for the proposed use. Based on the above discussion and information provided, the site appears to be able to support an onsite system that will meet CPC/Basin Plan requirements. Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show to the county compliance with the County Plumbing Code/ Central Coast Basin Plan, including any above-discussed information relating to potential constraints. Therefore, based on the project being able to comply with these regulations, it would not result in new significant environmental effects.

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

As discussed in Section X, Hydrology and Water Quality, the proposed project would use approximately 5.09 acre feet per year of water per year for cannabis cultivation, nursery uses, and the proposed processing building.

The project will obtain water from an existing onsite well. The well produces 34.4 gallons per minute (GPM), with a recovery time of four hours (Bailey Drilling and Pump 2019). The well pump test and water quality analysis from 2018 conclude that the well produces sufficient water to meet the project's water demand. In addition, the project site is not located over an impacted groundwater basin. The project will be conditioned such that water usage will be metered and reports will be provided to the Planning and Building Department demonstrating that the project does not exceed the projected water demand of 5.09 acre feet per year. Based on the application information and the standard conditions, impacts would be less than significant.

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

The project will not be served by a wastewater treatment provider. No impact would occur.

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

The nearest landfill to the site is the Chicago Grade Landfill, located approximately 40 miles to the west in the community of Templeton. This landfill has a remaining permitted capacity of 6,022,396 cubic yards and can accept 500 tons per day (CalRecycle 2019). Solid waste generated during construction and operation of the project would not be a substantial amount and would represent a small fraction of the daily permitted tonnage of this facility. In addition, in accordance with LUO Section 22.40.040.A.3.h, the applicant has provided a Waste Management Plan as part of the proposed Operations Plan, attached in Exhibit A, and available for review at the Department of Planning and Building, 970 Osos Street, suite 200, San Luis Obispo. The applicant will work with the local solid waste disposal company to handle general non-cannabis refuse as needed. Therefore, the project would not generate solid waste in excess of local standards or the capacity of the local infrastructure and impacts would be less than significant.

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

No applicable federal solid waste regulations would apply to the project. At the State level, the Integrated Waste Management Act mandates a reduction of waste being disposed and establishes an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill compliance. San Luis Obispo County has access to adequate permitted landfill capacity and reduction, reuse, and recycling programs to serve the proposed project. Construction and operational waste generated as a result of the project would require management and disposal in accordance with local and state regulations. The project would not conflict with or impede implementation of such programs. Impacts would be less than significant.

Conclusion

Potential impacts to utilities and service systems would be less than significant. No mitigation measures are necessary.

Sources

See Exhibit A.

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XX. WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input 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

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. The closest fire station to the project site is San Luis Obispo County Fire Station 42, which is approximately 8 miles from the site. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 5 and 10 minutes (San Luis Obispo County 1999).

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

The project would not conflict with any regional emergency response or evacuation plan. The project would not change existing circulation patterns, would not generate substantial new traffic, and would not affect emergency response routes. Refer to Section XVII, Transportation, for further discussion of emergency access and project traffic. Impacts would be less than significant.

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

The Conditional Use Permit will be conditioned to meet the general requirements of CalFire, including the preparation of a safety plan and final inspection by CalFire. All requirements would be in accordance with County Ordinances and Cal Fire/San Luis Obispo Fire Department Standards. Compliance with the Fire Safety Plan would reduce fire related impacts to less than significant levels. Moreover, the project proposes outdoor cultivation in a flat area cleared from native vegetation and does not include any specific fire hazards that would exacerbate wildfire risks. Given the proposed design and the application of standard conditions, potential impacts would be less than significant.

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

Per Cal Fire Standard 4, Access Roads and Driveways, a new all-weather 24-foot wide fire access road and hammerhead turnaround would be required and constructed. The development footprint is less than 5% slope throughout, therefore only all-weather roads are proposed.

In a referral response dated December 11, 2019, CalFire Fire Inspector Clint Bullard stated that the cumulative effects of adding commercial development within areas such as this continues to place challenges upon the ability of CalFire/County Fire to provide effective and efficient emergency services within rural areas. Inspector Bullard stated that the response time would be 10-15 minutes. Therefore, several requirements must be satisfied prior to final inspection and occupancy, including the installation of a commercial fire sprinkler system and multiple fire hydrants. The project will be conditioned to meet these standards. Incorporation of these standards will ensure that the installation or maintenance of associated infrastructure would not exacerbate fire risk in the area. Impacts would be less than significant.

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

As designed, the operation would be entirely located on flat, unvegetated areas and would be required to meet Building Code and County standards for drainage, stormwater, and flood hazards. None of the operations would be located on slopes. Therefore, the project would not expose people or structures to significant risks such as flooding or landslides, as a result of runoff or post-fire instability. Moreover, the project would not exacerbate any existing hazards. Impacts would be less than significant.

Conclusion

All requirements would be in accordance with County Ordinances and CalFire/San Luis Obispo Fire Department Standards. This would reduce fire related impacts to less than significant levels and no mitigation measures are necessary.

Sources

See Exhibit A.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion

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

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 Exhibit B 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 the major

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

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

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." Section 15355 of the CEQA Guidelines further states that individual effects can be various changes related to a single project or the change involved in a number of other closely related past, present, and reasonably foreseeable future projects. The discussion of cumulative impacts must reflect the severity of the impacts as well as the likelihood of their occurrence. However, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Furthermore, the discussion should remain practical and reasonable in considering other projects and related cumulatively considerable impacts. Furthermore, per State CEQA Guidelines, Section 15130 (a) (1), an EIR should not discuss impacts which do not result in part from the project evaluated in the EIR. The State CEQA Guidelines allow for the use of two different methods to determine the scope of projects for the cumulative impact analysis:

- List Method - A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency (Section 15130).
- General Plan Projection Method - A summary of projections contained in an adopted General Plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact (CEQA Guidelines §15130).

This MND examines cumulative effects using both the List Method and the General Plan Projection method to evaluate the cumulative environmental effects of the project within the context of other reasonably foreseeable cannabis projects and regional growth projections.

Existing and Reasonably Foreseeable Projects

Table 11 provides a summary of the total number of cannabis activities for which the County has either approved or has received an application as of the date of this initial study. As shown on Table 11, the County has received applications for a total of 115 cultivation sites (including indoor and outdoor) with a total canopy of 330 acres. Under the County's cannabis regulations (LUO Sections 22.40. et seq. and CZLUO Section 22.80 et seq.), the number of cultivation sites allowed within the unincorporated county is limited to 141, and each site may have a maximum of 3 acres of outdoor canopy and 22,000 sq.ft. (0.5 acres) of indoor canopy. Therefore, if 141 cultivation sites are ultimately approved, the maximum total cannabis canopy allowable in the unincorporated county will be 493 acres (141 sites x 3.5 acres of canopy per site = 493 acres). The actual location and range of cannabis activities associated with future cannabis applications is speculative.

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Table 11 – Summary of Cannabis Activities for Unincorporated San Luis Obispo County¹

Project Type	Total Number of Cannabis Activities	Canopy (acres)	Approved
Indoor Cultivation	115	89	10
Outdoor Cultivation		241	10
Total Cultivation	115	330	20
Nursery	43	--	3
Processing	9	--	0
Manufacturing	25	--	6
Non-Storefront Dispensary	30	--	6
Distribution	7	--	0
Transport Only	4	--	0
Laboratory	1	--	1
Total:	234	330	36

Notes:

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

For purposes of assessing the cumulative impacts of cannabis activities, the following assumptions are made:

- All 115 cultivation sites will be approved and developed;
- Each cultivation site will be developed as follows:
 - 3 acres of outdoor cultivation;
 - 0.5 acres of indoor cultivation;
 - 19,000 sq.ft. of ancillary nursery;
 - A total area of disturbance of 4.5 acres to include the construction of one or more buildings to house the indoor cultivation, ancillary nursery and processing;
 - A total of six full-time employees;
 - A total of six average daily motor vehicle trips; and
 - All sites will be served by a well and septic leach field.

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A search was undertaken to identify reasonably foreseeable projects in the vicinity of the project area that may have overlapping or cumulative impacts with the proposed project. Figure 7 depicts these projects.

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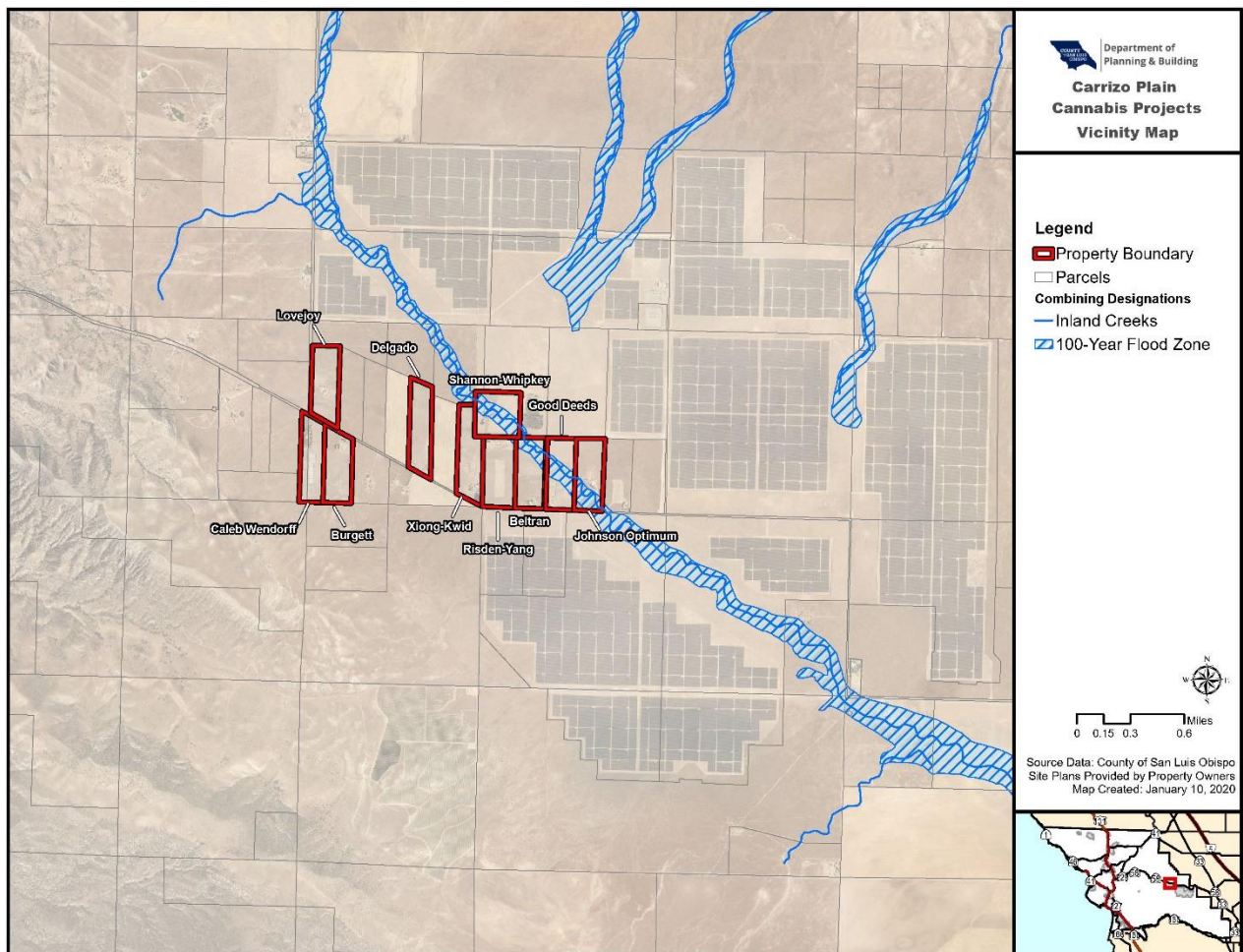


Figure 7 – Project Site with Reasonably Foreseeable Cannabis Projects in the Vicinity

Discussion

Cumulative Construction Impacts. Project-related construction activities are relatively benign and would result in limited, minimal, and short-term impacts. The project-level mitigation measures identified in this Initial Study would ensure project-related construction impacts are not cumulatively considerable.

Aesthetics and Visual Resources

The analysis provided in Section I. Aesthetic and Visual Resources provides an overview of the visual setting. The relatively large average parcel size in the surrounding area reduces potential for cumulative aesthetic impacts related to additional development or commercial activity that could occur in the area. Such future uses would be separated enough to diminish the visual impact of the overall viewshed from any location.

Grow lights in new greenhouses in the area could affect nighttime views; however, the proposed project, as well as other proposed cannabis projects would be required to implement mitigation that prevents all interior lighting from being detected outside the facilities between the period of 1 hour

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before dusk and 1 hour after dawn. Therefore, the project's potential contribution to this impact would be less than significant.

Agricultural Resources

Table 12 provides a summary of the potential impacts to important farmland from all cannabis cultivation applications as of the date of this MND based on the following assumptions:

- All of the applications are approved;
- Each site is developed as described above;
- Cultivation sites often have multiple soil types with different qualities of farmland. For this analysis, the number of cultivation sites impacting a particular important farmland classification is assumed to be directly proportional to the total acreage for the farmland classification. For example, *Prime Farmland* is about 19% of the total acreage potentially impacted by the approved and currently active cultivation applications. Therefore, the number of cultivation sites assumed to impact Prime Farmland is: $115 \times .19 = 22$ sites.

Table 12 – Cumulative Impacts to Important Farmland Associated with Approved and Reasonably Foreseeable Cannabis Cultivation Projects

Farmland Classification	Total Acres for All Cultivation Projects by Farmland Classification	Percent of Total Acres	Number of Applications for Cultivation	Number of Cultivation Sites by Farmland Classification	Potential Area of Disturbance (Acres)
Prime Farmland if Irrigated	1,298.8	19%	115	22	98.1
Farmland of Statewide Importance	980.3	14%	115	16	74.0
Not Prime Farmland	4,568.8	67%	115	77	345.2
Total:	6,848.0	--	--	115	517.5

Source: NRCS Soil Survey, 2019.

The analysis provided in Section II. Agricultural Resources, indicates that the project will not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as mapped by the Farmland Mapping and Monitoring Program. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the project to potential cumulative impacts to Farmland is less than significant.

Air Quality

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The analysis provided in Section III.b, Air Quality, concludes that the project's potential construction-related emissions would exceed APCD thresholds of significance for both project-related and cumulative impacts. With implementation of mitigation measures AQ-1 and AQ-2, construction-related emissions would be less than significant and less than cumulatively considerable. Operational emissions would fall below APCD thresholds; therefore, impacts would be less than significant and less than cumulatively considerable.

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Biological Resources

The analysis provided in Section IV., Biological Resources, concludes that the project will have a less than significant impact so long as the recommended avoidance and mitigation measures are implemented for special status species. Also, as discussed in Section IV, the project would impact a small area in relation to the regional habitat diversity and the large amount of open space surrounding the proposed development. In addition to compliance with applicable federal, state, and local regulations relating to preservation of sensitive species in the region, adherence to the proposed mitigation measures that will be implemented by each regional project would reduce cumulative biological impacts to a less than significant level. Therefore, the project, in combination with all identified cumulative projects, would not result in a cumulatively considerable impact.

Energy Use

Cannabis cultivation typically uses an insignificant amount of natural gas. Accordingly, this assessment of cumulative impacts is based on the demand for electricity. The analysis provided in Section VI., Energy, states that the project will increase the demand for electricity by about 3,960,000 kWh per year. Table 13 provides a summary of total electricity demand associated with development of all 115 previously approved and currently-active cannabis cultivation projects. The summary was derived using the CalEEMod computer model used by the California Air Resources Board and assumes all 115 sites are developed with the maximum allowable canopies: 3 acres for outdoor cultivation and 22,000 sq. ft. for indoor cultivation.

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Table 13 – Projected Demand for Electricity from Approved and Reasonably Foreseeable Cannabis Cultivation Projects

Land Use	Total Electricity Demand from Current Cannabis Cultivation Projects ¹ (Kilowatt Hours/Year)	Total Electricity Demand (Gigawatt Hours/Year)	Electricity Consumption in San Luis Obispo County in 2018 ² (Gigawatt Hours)	Total Demand in San Luis Obispo County with Cannabis Cultivation (Gigawatt Hours/Year)	Percent Increase Over 2018 Demand
Outdoor Cultivation	184,259,000	184			
Indoor Cultivation	620,400,000	620			
Total:	804,659,000	804	1,765.9	2,569	45%

Notes:

1. Source: CalEEMod 2016 v.3.2. Assumes 115 cultivation projects with 3.5 acres of cannabis canopy.
2. Source: California Energy Commission, 2019.

Table 13 indicates that electricity demand in San Luis Obispo County could increase by as much 45% if all 115 cultivation projects are approved and constructed, which could result in a significant cumulative energy impact. Table 14 shows the percent increase in the projected 2030 demand throughout PG&E's service area for electricity, assuming all 115 cultivation projects are approved and implemented. As shown, cultivation projects would increase projected 2030 demand by 2.4 percent.

Table 14 – Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared With Projected 2030 Demand.

Increased Electricity Consumption in San Luis Obispo County with 115 Cannabis Cultivation Projects ¹ (Gigawatt Hours)	804
Projected 2030 Demand ²	33,784
Percent Increase in 2030 Demand with Cannabis Cultivation	2.4%

Notes:

1. Source: CalEEMod 2016 v.3.2. Assumes 115 cultivation projects with 3.5 acres of cannabis canopy.
2. Source: Pacific Gas and Electric, 2018, Integrated Resource Plan. PG&E is required by State law (the Renewable Portfolio Standard) to derive at least 60% percent of their electricity from renewable sources by 2030. These sources are “bundled” and offered for sale to other Load Serving Entities (utility providers).

As discussed in Section VI. Energy, with implementation of mitigation measure ENG-1 and ENG-2, the project is to required to implement an Energy Conservation Plan to reduce or offset its energy demand to no more than 20% above the demand of a comparable commercial building, such that it

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would not result in wasteful or inefficient energy use. Therefore, the project's contribution to the increased demand for electricity, when considered with the growth of demand in other parts of the PG&E service area for electricity, would not be considered wasteful and inefficient and cumulatively considerable.

Greenhouse Gas (GHG) Emissions

As discussed in Section VIII., the project is expected to generate 2,088 metric tons of GHG emissions per year, which would exceed the APCD's Bright-Line Threshold of 1,150 metric tons of GHG emissions per year. With the implementation of mitigation measure GHG-1, the project's contribution to cumulative climate change impacts would be less than significant and less than cumulatively considerable.

Hydrology/Water Demand

For purposes of assessing the cumulative impact to water supplies, the following assumptions are made:

- All 13 cannabis cultivation projects in the Carrizo Plain Groundwater Basin are approved and implemented;
- All 13 projects in the Carrizo Plain Groundwater Basin derive their water demand from groundwater resources;
- Water demand associated with outdoor cannabis cultivation is assumed to be 0.03 gallons per day per square foot of canopy, and 0.1 gallons per day per square foot of canopy for indoor cultivation;
- The growing period for outdoor cultivation and ancillary nursery is assumed to be 270 days; the growing season for indoor cultivation is assumed to be 365 days; and
- This analysis assumes no recycling of water.

As shown in Table 15, the total estimated water demand from the 13 reasonably foreseeable projects in the Carrizo Plain Groundwater Basin is 75.84 acre feet per year. Water demand associated with cannabis cultivation within groundwater basins without an assigned Level of Severity for water supply are not in a state of overdraft and the County's Resource Management System has concluded that they are expected to meet the estimated demand from urban, rural and agricultural demand for at least 15 years. As shown in Table 16, the marginal demand associated with cannabis cultivation is insignificant in relation to the available storage capacities of the basin. Therefore, the quantity of groundwater to be used for the project and within the cumulative impact area compared to the quantity of available groundwater indicates that combined project contributions are not anticipated to rise to a cumulatively considerable level.

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Table 15 – Total Estimated Water Demand from Reasonably Foreseeable Projects in the Carrizo Plain Groundwater Basin

Bulletin 118 Groundwater Basin ¹	Number of Cultivation Projects	Acres	Total Estimated Water Demand from Cannabis Cultivation AF/Year ²	Total Storage/Safe Yield ^{2,3}	Status of Groundwater Basin ³
Carrizo Plain Groundwater Basin	13	585.01	75.84	Total storage estimated to be 400,000 AF / Safe Yield 8,000-10,000 AFY	No Level of Severity

Notes:

1. Source: California Department of Water Resources Bulletin 118.
2. 2014-2016 Resource Summary Report.
3. 2014 Integrated Regional Water Management Plan.

Noise

Operation of the project would not expose people to significant increased levels in the long term. Project-related impacts associated with ground-borne noise or ground-borne vibration would be site-specific and would not combine with other projects.

The project-related contribution to traffic noise levels would be negligible in operation as discussed in Section XIII., Noise. When combined with cumulative traffic, which is likely to be higher than existing traffic levels, the project's contribution to traffic, and associated noise levels, would be smaller on a proportional basis, and would therefore not represent an audible contribution to cumulative traffic noise levels. Therefore, the project's contribution to regional traffic noise impacts would not be cumulatively considerable.

Population and Housing

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

Cannabis cultivation activities typically employ 4 – 6 full-time workers and up to 12 workers temporarily during the harvest. The 2050 employment forecast does not account for employment

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

Public Services

Public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact and will reduce the cumulative impacts to less-than-significant levels.

Transportation

The Department of Public Works has derived trip generation rates for cannabis cultivation from traffic reports and through the trip generation rates published by the Institute of Traffic Engineers. Table 17 provides an estimate of total ADT and vehicle miles traveled associated with buildout of the 115 approved and active cannabis cultivation projects.

Table 17 – Cumulative Average Daily Trips from Cannabis Cultivation.

Use	Unit ¹	ADT ²	Cannabis Cultivation	Total ADT	PM Peak Hour Trips	Vehicle Miles Traveled
Indoor Cultivation ³	1,000 sf	0.27	2,530,000 sf	690	10.3	19,320
Outdoor Cultivation ⁴	Acres	2.00	345 acres	683	68.3	19,126
Seasonal Employees ⁵	Employee	2.00	460 employees	460	460	12,880
Total:				1,833	538.6	51,326

Notes:

sf = Square feet.

1. Units based on gross square feet, acres, and employees.

2. Source: San Luis Obispo County Department of Public Works.

3. Includes greenhouses, plant processing, drying, curing, etc.

4. Includes hoop houses.

5. Seasonal trips are adjusted based on the annual frequency.

The most recent estimate of total vehicle miles travelled (VMT) for the County is from 2013 at which time total VMT per day was estimated to be 7,862,000. Assuming a 1% annual growth in VMT during the intervening six years, the current (2019) VMT is estimated to be about 8,333,720. Accordingly, the 51,326 VMT associated with cannabis cultivation would result in an increase of about 0.61 percent in the total county VMT. The small increase in VMT is not expected to result in significant impacts on

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the transportation system and as discussed in Section XVII., Transportation, would not conflict with or be inconsistent with an applicable threshold of significance adopted per CEQA Guidelines section 15064.3, subdivision (b). Therefore, potential transportation impacts are not anticipated to rise to a cumulatively considerable level.

- (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 III. Air Quality, VII. Geology & Soils, VII. Greenhouse Gas Emissions, IX. Hazards & Hazardous Materials, X. Hydrology and Water Quality, XI. Land Use and Planning, XIII. Noise, XIV. Population & Housing, XIX. Utilities and Service Systems, and XX. Wildfire. Potential impacts related to Air Quality and GHG emissions have been identified. Project design combined with regulatory compliance and implementation of mitigation measures AQ-1, AQ-2 and GHG-1 would ensure that any impacts related to construction and operations would be less than significant. There is no substantial evidence that adverse effects to human beings are associated with this project. Therefore, impacts would be less than significant with incorporation of mitigation measures included Exhibit B.

Conclusion

The project has been determined not to meet the Mandatory Findings of Significance with implementation of mitigation measures for Air Quality, Biological Resources, Energy, and Greenhouse Gas Emissions (Exhibit B).

Mitigation

See Exhibit B for full list of mitigation measures.

Sources

See Exhibit A.

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Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Services	None
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	None
<input checked="" type="checkbox"/>	County Sheriff's Department	None
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	Attached
<input type="checkbox"/>	CA Coastal Commission	None
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	Attached
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	Attached
<input type="checkbox"/>	CA Department of Transportation	None
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Northern Chumash Tribal Council</u>	None
<input checked="" type="checkbox"/>	Other <u>Building Division</u>	Attached
<input checked="" type="checkbox"/>	Other <u>Assessor</u>	None
<input checked="" type="checkbox"/>	Other <u>U.S.Fish and Wildlife</u>	None
<input type="checkbox"/>	Other _____	
<input type="checkbox"/>	Other _____	

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

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- ☒ Energy Wise Plan
☒ Carrizo Area Plan/Shandon-Carrizo sub area
 ☐ etc.)
☐ Other

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

- Abalone Coast Analytical, Inc. Water Quality Analysis, January 2019.
- Althouse and Meade, Inc., Biological Resources Assessment, November 2018.
- Althouse and Meade, Inc., 8015 Carissa Highway Disturbed Area Stabilization Plan, June 2019.
- Bailey Drilling and Pump, Pump Test Report, January 2019.
- Central Coast Water Board (CCWB), DASP Approval letter, September 6, 2019.
- Heritage Discoveries, Inc., Phase I Archaeological Surface Survey, October 2018.

Other County References

- California Air Resources Board (ARB) 2000. A General Location Guide for Ultramafic Rocks in California – Areas More Likely To Contain Naturally Occurring Asbestos.
https://ww3.arb.ca.gov/toxics/asbestos/ofr_2000-019.pdf accessed March 2020. California Department of Finance. 2018. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark.
<http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/> (accessed September 2018).
- California Department of Conservation. 2006-2016. California Farmland Conversion Reports.
<https://www.conservation.ca.gov/dlrp/fmmp/Pages/SanLuisObispo.aspx> (accessed March 2020).
- California Department of Food and Agriculture. 2017. Medical Cannabis Cultivation Program. Literature Review of the Impacts of Cannabis Cultivation.
https://static.cdfa.ca.gov/MCCP/document/Literature%20Review_February_2017.pdf
- Itron, Inc. 2006. California Commercial End-Use Survey Consultant Report for the California Energy Commission. <https://ww2.energy.ca.gov/2006publications/CEC-400-2006-005/CEC-400-2006-005.PDF>
- San Luis Obispo County. 1999. General Plan Safety Element.
<https://www.slocounty.ca.gov/getattachment/893b6c58-7550-4113-911c-3ef46d22b7c8/Safety-Element.aspx> accessed November 2019
- Santa Barbara County. 2017. Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program, Vol.1 SCH 2017071016.
- Santa Barbara County. 2018. Cannabis Energy Conservation Plan Electricity Use Calculation Form.
<http://cannabis.countyofsb.org/asset.c/86>

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Exhibit B - Mitigation Summary

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

Aesthetics and Visual Resources

- AES-1** **Nighttime Lighting.** *Prior to issuance of construction permits*, the applicant shall submit a light pollution prevention plan (LPPP) to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:
- Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
 - 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;
 - 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
 - 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** **Fugitive Dust Control Measures** The following measures shall be implemented to minimize construction-generated emissions. These measures are based on APCD standard mitigation measures and would help to ensure compliance with the APCD's 20% opacity limit (APCD Rule 401) and nuisance rule (APCD Rule 402). The measures shall be shown on grading and building plans.
- Construction of the proposed project shall use low-VOC content paints not exceeding 50 grams per liter;
 - Reduce the amount of the disturbed area where possible;
 - Water trucks or sprinkler systems shall be used during construction insufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
 - Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), jute netting, or sprinkler systems in sufficient quantities to prevent

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airborne dust from leaving the site and from exceeding the District'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. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook.

- e. All dirt stock pile areas shall be sprayed daily as needed;
- f. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- g. 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;
- h. 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 SLOAPCD;
- i. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible after grading unless seeding or soil binders are used;
- j. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- k. 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 California Vehicle Code Section 23114;
- l. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- m. 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;
- n. The burning of vegetative material shall be prohibited. Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the APCD Engineering and Compliance Division at (805) 781-5912.
- o. 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.
- p. When applicable, portable equipment, 50 horsepower (hp) or greater, used during construction activities shall be registered with the California statewide portable equipment registration program (issued by the California Air Resources Board) or be

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permitted by the APCD. Such equipment may include: power screens, conveyors, internal combustion engines, crushers, portable generators, tub grinders, trammel screens, and portable plants (e.g., aggregate plant, asphalt plant, concrete plant). For more information, contact the APCD Engineering and Compliance Division at (805) 781-5912.

AQ-2

ROG, NO_x, DPM Emissions Reductions. The following measures based on the APCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NO_x), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce exposure of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

- a. Implement Mitigation Measure AQ-1, as identified above.
- b. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - (i) Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 - (ii) Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- c. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- d. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- e. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State OffRoad Regulation;
- f. 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;
- g. 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;
- h. 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;
- i. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- j. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;

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- k. Electrify equipment when feasible;
- l. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
- m. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas, liquefied natural gas, propane or biodiesel.

Biological Resources

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

BR-2 San Joaquin Kit Fox (*Vulpes macrotis multica*; SJKF) Habitat Mitigation Measures Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a) Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 40.8 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife (Department) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before City permit issuance or initiation of any ground disturbing activities.

- b) Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary

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mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about the mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to “The Nature Conservancy”, would total \$102,000, based on \$2,500 per acre (10.2 acres impacted * 4 * \$2,500 per acre).

- c) Purchase 40.8 (10.2 acres * 4) credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity,
 - i. Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$102,000 (10.2 acres * 4 * \$2,500). This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BR-3

San Joaquin Kit Fox Protection Measures

- a) **SJKF Protection Measures on Plans** All SJKF protection measures required *before construction (prior to any project activities) and during construction* shall be included as a note on all project plans.
 - i.) *Prior to issuance of grading and/or construction permits*, the applicant shall clearly delineate the following as a note on the project plans: “Speed signs of 15 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox”. Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction. During construction, the speed limit shall be posted at the site entrance and the mid-way point of the access road.
- b) **Pre-Construction Survey for SJKF** *Prior to issuance of grading and/or construction permits*, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:
 - i. A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 250-foot buffer

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around work areas per USFWS Standard Recommendations (2011). The biologist will survey for signs of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF signs, and/or known or potential SJKF dens, if present. If no SJKF signs, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

1. If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
2. If a known den is identified within 250-feet of any proposed project work areas, no work may start in that area.
3. If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

BR-4

Standard SJKF Avoidance and Protection Measures. Throughout the Life of the Project,

- a.) If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
- b.) A maximum of 15 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed along the facility access roads prior to start of all work.
- c.) All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
- d.) To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
- e.) All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there

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is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.

- f.) All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
- g.) No deliberate feeding of wildlife shall be allowed.
- h.) Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
- i.) Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- j.) Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
- k.) The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
- l.) Permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- m.) During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.
- n.) If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.

BR-5

Weekly Site Visits During Construction, a qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., clearing, grading, diskings, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

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BR-6 Monthly Biological Monitoring

- a.) Before, during and after cannabis activities, the Applicant or project proponent must hire a qualified biologist to conduct monthly biological monitoring inspections. No monthly monitoring will be required during the fallow times of non-cannabis activities. The qualified biologist will inspect the site to ensure compliance with the above-measures and to determine if any new activities have occurred. The biologist will provide a refresher survey and/or environmental training, as needed, during the monthly inspection. The biologist will be required to submit a report to the County within a week of the inspection. If major issues are identified during the inspection (e.g., encroachment into buffer zones, new activity outside previously surveyed area, etc.), then the biologist will notify the County immediately (via phone and/or in writing). If the results of monthly inspections show repeated noncompliance with the above measures, the frequency of the inspections may be increased by the County. If the results of the monthly inspections consistently show compliance with the above measures, the frequency of the inspections may be reduced by the County.
- b.) Alternatively, if the County implements a biological monitoring program, then the Applicant or project proponent will participate in that program in lieu of hiring the biologist directly.

BR-7 Annual Biological Resource Surveys. Throughout the Life of the Project, annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping. Applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g., giant kangaroo rat and Nelson's [San Joaquin] antelope squirrel) no more than 14 days prior to the start of initial ground disturbance or initiating outdoor cannabis activities (including removal of stockpiled materials) to ensure SJKF and special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 250-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 250 feet of the disturbance area, then the County must be contacted for further guidance. The County will contact the appropriate resource agencies.

BR-8 American Badger (*Taxidea taxus*) Protection Measures

- a.) **Pre-construction survey for American Badgers.** Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, a qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.
- i.) If a potential den is discovered, they shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. The den will be monitored for 3 consecutive nights with an infra-red,

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motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.

- ii.) If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season, nursing young may be present), measured outward from the burrow entrance. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.
- iii.) Between July 1st and February 1st, all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. If badger dens are found on the property during the pre-construction survey, the CDFG wildlife biologist for the area shall be contacted to review current allowable management practices.
- iv.) If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

BR-9

Nesting Birds Protection Measures

1. **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. 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. If surveys do not locate nesting birds, construction activities may be conducted.

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- a. A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- b. If special-status avian species (aside from the burrowing owl or tricolored blackbird) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- c. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).
- d. If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BR-10

Burrowing Owl (*Athene cunicularia*; BUOW) Protection Measures

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

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

Each exclusion zone shall encircle the burrow and have a radius as specified in the table above. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the burrow is no longer in use.

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

BR-11

Tricolored Blackbird (*Agelaius tricolor*) Protection Measures

- a) **Pre-construction Survey for Tricolored Blackbird.** If work is planned to occur during the typical nesting bird season (i.e., February 1 through September 15), a qualified wildlife biologist shall conduct pre-construction surveys for nesting tricolored blackbirds within 10 days prior to the start of initial project activities.
 - i. If an active tricolored blackbird nesting colony is found, a minimum 300-foot exclusion zone shall be observed in accordance with “Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015” (CDFW 2015). The exclusion zone shall encircle the nesting colony and have a radius of 300 feet from the outside border of the colony. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained for the duration of the breeding season or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival.
 - ii. If 10 days lapse between project phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the tricolored blackbird survey shall be repeated.

BR-12

Special-status Small Mammals Protection Measures.

Preconstruction Survey for Special-status Small Mammals (e.g. Giant kangaroo rat and Tulare grasshopper mouse). Prior to issuance of grading and/or construction permits and within 14 days prior to initiation of site disturbance and/or construction, a qualified biologist shall complete a preconstruction survey for special-status small mammal species (e.g. giant kangaroo rat and Tulare grasshopper mouse) no more than 14 days prior to the start of

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initial project activities to ensure special-status small mammal species are not present within proposed works areas. The survey will include mapping of all potentially active special-status mammal burrows within the proposed work areas, access routes, and staging areas plus a 50-foot buffer. All potentially active burrows will be mapped and flagged. If avoidance of the burrows is not feasible, the appropriate resource agency shall be contacted for further guidance.

BR-13

Special-status Reptiles and Amphibians Protection Measures. Preconstruction Survey for Special-status Reptiles and Amphibians. Prior to issuance of grading/and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct a pre-construction survey immediately before any initial ground disturbances (i.e. the morning of the commencement of disturbance) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special status reptiles and/or amphibians are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range.

If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring will be repeated.

BR-14

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

- a) The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- b) Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- c) Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
- d) Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.

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- e) Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- f) 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.

- BR-15** **Site Restoration Following End of Operations.** Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.
- BR-16** **Protection of State Waters** Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g., California Department of Fish and Wildlife [CDFW], Regional Water Quality Control Board) shall be obtained, as necessary. Any additional measures required by these agencies shall be implemented as necessary throughout the project.
- BR-17** **Protection of State Waters** During construction, project activity occurring within 50 feet of aquatic habitat (e.g., swales, drainages, ponds, vernal pool, etc., identified in biological report) shall occur during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining controls, which shall be implemented to prevent erosion and sedimentation into drainages and wetlands. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard materials. These controls shall be installed and maintained for the duration of the project.

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Energy

ENG-1

Energy Conservation Plan Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, an Energy Conservation Plan with a package of measures that, when implemented, would reduce or offset the project's energy demand to no more than 20% above the energy demand of a generic commercial building of the same size. The Energy Conservation Plan shall include the following:

- a.) A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.
- b.) A program for providing a reduction or offset of all energy demand to no more than 20% above the energy demand of a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:
 - i) Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii) Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
 - 1. Participating in an annual energy audit.
 - 2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
 - 3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 - 4. Implementing automated lighting systems.
 - 5. Utilizing natural light when possible.
 - 6. Utilizing an efficient circulation system.
 - 7. Ensuring that energy use is below or in-line with industry benchmarks.
 - 8. Implementing phase-out plans for the replacement of inefficient equipment.
 - 9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
 - iii) Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]

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- iv) Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand to a level that is no more than 20% above the energy demand of a generic commercial building of the same size.

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

Greenhouse Gas Emissions

GHG-1 **Greenhouse Gas Emissions Reduction or Offset Program** Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related greenhouse gas emissions below the 1,150 MTCO₂e Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

- a.) Implementation of mitigation measures ENG-1 and ENG-2.
- b.) Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:
 - i.) American Carbon Registry;
 - ii.) Climate Action Reserve;
 - iii.) Verified Carbon Standard.
- iv.) Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.
- c.) Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.
 - i.) Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.

Hazards and Hazardous Materials

Implement Mitigation Measure BR-14

Hydrology and Water Quality

Implement Mitigation Measures BR-14, BR-16 and BR-17

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Appendix A – Other Agency Approvals That May Be Required

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

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

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

Section 8102 – Annual State License Application Requirements

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

Section 8106 – Cultivation Plan Requirements

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

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(3) A pest management plan.

Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

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

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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

State Water Resources Control Board (SWRCB). The project may require issuance of a water rights permit for the diversion of surface water or proof of enrollment in, or an exemption from, either the SWRCB or Regional Water Quality Control Board program for water quality protection.

California Department of Fish and Wildlife (CDFW)

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

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

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

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR ARVUS AXIUM (CALEB WENDORFF)
CONDITIONAL USE PERMIT
(DRC2018-00154)**

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

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

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

AESTHETIC AND VISUAL RESOURCES (AES)

- 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.

Monitoring: LPPP required at the time of application for construction permits. Implementation and compliance will be verified by the County Department of Planning and Building.

AIR QUALITY (AQ)

AQ-1

Fugitive Dust Control Measures The following measures shall be implemented to minimize construction-generated emissions. These measures are based on APCD standard mitigation measures and would help to ensure compliance with the APCD's 20% opacity limit (APCD Rule 401) and nuisance rule (APCD Rule 402). The measures shall be shown on grading and building plans.

- (a) Construction of the proposed project shall use low-VOC content paints not exceeding 50 grams per liter;
- (b) Reduce the amount of the disturbed area where possible;
- (c) Water trucks or sprinkler systems shall be used during construction insufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- (d) Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), jute netting, or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District'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. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook.
- (e) All dirt stock pile areas shall be sprayed daily as needed;
- (f) Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- (g) 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;
- (h) 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 APCD;

- (i) All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible after grading unless seeding or soil binders are used;
- (j) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- (k) 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 California Vehicle Code Section 23114;
- (l) Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- (m) 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;
- (n) The burning of vegetative material shall be prohibited. Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the APCD Engineering and Compliance Division at (805) 781-5912.
- (o) 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.
- (p) When applicable, portable equipment, 50 horsepower (hp) or greater, used during construction activities shall be registered with the California statewide portable equipment registration program (issued by the California Air Resources Board) or be permitted by the APCD. Such equipment may include: power screens, conveyors, internal combustion engines, crushers, portable generators, tub grinders, trammel screens, and portable plants (e.g, aggregate plant, asphalt plant, concrete plant). For more information, contact the APCD Engineering and Compliance Division at (805) 781-5912.

Monitoring: Required during construction. Compliance will be verified by the County Department of Planning and Building.

AQ-2

ROG, NOx, DPM Emissions Reductions. The following measures based on the APCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce exposure of sensitive receptors to substantial pollutant

concentrations. These measures shall be shown on grading and building plans:

- (a) Implement Mitigation Measure AQ-1, as identified above.
- (b) On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - (i) Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 - (ii) Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- (c) Maintain all construction equipment in proper tune according to manufacturer's specifications;
- (d) Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- (e) Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State OffRoad Regulation;
- (f) 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;
- (g) 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;
- (h) 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;
- (i) Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- (j) Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- (k) Electrify equipment when feasible;
- (l) Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
- (m) Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas, liquefied natural gas, propane or biodiesel.

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

BIOLOGICAL RESOURCES (BR)

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

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

- BR-2** **San Joaquin Kit Fox (*Vulpes macrotis multica*; SJKF) Habitat Mitigation Alternatives.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:
- (a) Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 40.8 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before City permit issuance or initiation of any ground disturbing activities.

- (b) Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about the mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy", would total \$102,000, based on \$2,500 per acre (10.2 acres impacted * 4 * \$2,500 per acre).

- b.) Purchase 40.8 (10.2 acres * 4) credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity,
 - i.) Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$102,000 (10.2 acres * 4 * \$2,500). This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

<p>Monitoring: Required prior to issuance of building permits. Compliance will be verified by the County Department of Planning and Building.</p>
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BR-3 San Joaquin Kit Fox Protection Measures

- (a) **SJKF Protection Measures on Plans** All SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.
- i.) *Prior to issuance of grading and/or construction permits*, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 15 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction. During construction, the speed limit shall be posted at the site entrance and the mid-way point of the access road.
- (b.) **Pre-Construction Survey for SJKF.** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:
- i.) A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 250-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for signs of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF signs, and/or known or potential SJKF dens, if present. If no SJKF signs, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.
1. If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
 2. If a known den is identified within 250-feet of any proposed project work areas, no work may start in that area.
 3. If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

Monitoring: Required within 30 days of the onset of construction activities.
Compliance will be verified by the County Department of Planning and Building.

BR-4 Standard SJKF Avoidance and Protection Measures Throughout the Life of the Project,

- (a.) If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
- (b.) A maximum of 15 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
- (c.) All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
- (d.) To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
- (e.) All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
- (f.) All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
- (g.) No deliberate feeding of wildlife shall be allowed.
- (h.) Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.

- (i.) Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- (j.) Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
- (k.) The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
- (l.) Permanent fences shall allow for SJFK passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- (m.) During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.
- (n.) If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.

<p>Monitoring: Required throughout the life of the project. Compliance will be verified by the County Department of Planning and Building.</p>

BR-5

Weekly Site Visits *During Construction*, a qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., clearing, grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

Monitoring: Required during construction. Compliance will be verified by the County Department of Planning and Building.

BR-6 Monthly Biological Monitoring

- a.) Before, during and after cannabis activities, the Applicant or project proponent must hire a qualified biologist to conduct monthly biological monitoring inspections. No monthly monitoring will be required during the fallow times of non-cannabis activities. The qualified biologist will inspect the site to ensure compliance with the above-measures and to determine if any new activities have occurred. The biologist will provide a refresher survey and/or environmental training, as needed, during the monthly inspection. The biologist will be required to submit a report to the County within a week of the inspection. If major issues are identified during the inspection (e.g., encroachment into buffer zones, new activity outside previously surveyed area, etc.), then the biologist will notify the County immediately (via phone and/or in writing). If the results of monthly inspections show repeated noncompliance with the above measures, the frequency of the inspections may be increased by the County. If the results of the monthly inspections consistently show compliance with the above measures, the frequency of the inspections may be reduced by the County.
- b.) Alternatively, if the County implements a biological monitoring program, then the Applicant or project proponent will participate in that program in lieu of hiring the biologist directly.

Monitoring: Required during operations. Compliance will be verified by the County Department of Planning and Building.

- BR-7 Annual Biological Resource Surveys.** Throughout the Life of the Project, annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping. Applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g., giant kangaroo rat and Nelson's [San Joaquin] antelope squirrel) no more than 14 days prior to the start of initial ground disturbance or initiating outdoor cannabis activities (including removal of stockpiled materials) to ensure SJKF and special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 250-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is

found within 250 feet of the disturbance area, then the County must be contacted for further guidance. The County will contact the appropriate resource agencies.

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

BR-8

American Badger (*Taxidea taxus*) Protection Measures

- (a.) **Pre-construction survey for American Badgers.** Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, a qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.
- i.) If a potential den is discovered, they shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. The den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.
- ii.) If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season, nursing young may be present), measured outward from the burrow entrance. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

- iii.) Between July 1st and February 1st, all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. If badger dens are found on the property during the pre-construction survey, the CDFG wildlife biologist for the area shall be contacted to review current allowable management practices.
- iv.) If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

Monitoring: Required prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction. Compliance will be verified by the County Department of Planning and Building.

BR-9

Nesting Birds Protection Measures

1. **Pre-construction Survey for Sensitive and Nesting Birds** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. 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. If surveys do not locate nesting birds, construction activities may be conducted.
 - a. A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
 - b. If special-status avian species (aside from the burrowing owl or tricolored blackbird) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

- c. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).
- d. If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

Monitoring: If work occurs between February 1 and September 15, required within one week of the onset of construction activities or tree removal/trimming activities, during project construction and until project construction terminates, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young. Compliance will be verified by the County Department of Planning and Building.

BR-10 Burrowing Owl (*Athene cunicularia*; BUOW) Protection Measures

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

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

Each exclusion zone shall encircle the burrow and have a radius as specified in the table above. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the burrow is no longer in use.

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

Monitoring: Required within 14 days prior to construction. Compliance will be verified by the County Department of Planning and Building.

BR-11 Tricolored Blackbird (*Agelaius tricolor*) Protection Measures

- (a.) **Pre-construction Survey for Tricolored Blackbird** If work is planned to occur during the typical nesting bird season (i.e., February 1 through September 15), a qualified wildlife biologist shall conduct pre-construction surveys for nesting tricolored blackbirds within 10 days prior to the start of initial project activities.
- i.) If an active tricolored blackbird nesting colony is found, a minimum 300-foot exclusion zone shall be observed in accordance with “Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015” (CDFW 2015). The exclusion zone shall encircle the nesting colony and have a radius of 300 feet from the outside border of the colony. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained for the duration of the breeding season or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival.
 - ii.) If 10 days lapse between project phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the tricolored blackbird survey shall be repeated.

Monitoring: Required within 10 days prior to start of initial project activities.
Compliance will be verified by the County Department of Planning and Building.

BR-12 Special-status Small Mammals Protection Measures.

Preconstruction Survey for Special-status Small Mammals (e.g. Giant kangaroo rat and Tulare grasshopper mouse). Prior to issuance of grading and/or construction permits and within 14 days prior to initiation of site disturbance and/or construction, a qualified biologist shall complete a preconstruction survey for special-status small mammal species (e.g. giant kangaroo rat and Tulare grasshopper mouse) no more than 14 days prior to the start of initial project activities to ensure special-status small mammal species are not present within proposed works areas. The survey will include mapping of all potentially active special-status mammal burrows within the proposed work areas, access routes, and staging areas plus a 50-foot buffer. All potentially active burrows will be mapped and flagged. If avoidance of the burrows is not feasible, the appropriate resource agency shall be contacted for further guidance.

Monitoring: Required prior to issuance of grading/and/or construction permits and within 14 days prior to initiation of site disturbance and/or construction. Compliance will be verified by the County Department of Planning and Building.

BR-13 Special-status Reptiles and Amphibians Protection Measures

Preconstruction Survey for Special-status Reptiles and Amphibians. Prior to issuance of grading/and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct a pre-construction survey immediately before any initial ground disturbances (i.e. the morning of the commencement of disturbance) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special status reptiles and/or amphibians are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range.

If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring will be repeated.

Monitoring: Required prior to issuance of grading/and/or construction permits and immediately (i.e. the morning of project commencement) prior to initiation of site disturbance and/or construction. Compliance will be verified by the County Department of Planning and Building.

- BR-14 Site Maintenance and General Operations** The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:
- (a.) The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
 - (b.) Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
 - (c.) Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
 - (d.) Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
 - (e.) Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
 - (f.) 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.

Monitoring: Required during active construction and ongoing operations. Compliance will be verified by the County Department of Planning and Building.

- BR-15 Site Restoration Following End of Operations** Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not

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

Monitoring: Required upon termination of project operations. Compliance will be verified by the County Department of Planning and Building.

BR-16 **Protection of State Waters.** Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g., California Department of Fish and Wildlife [CDFW], Regional Water Quality Control Board) shall be obtained, as necessary. Any additional measures required by these agencies shall be implemented as necessary throughout the project.

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

BR-17 **Protection of State Waters.** During construction, project activity occurring within 50 feet of aquatic habitat (e.g., swales, drainages, ponds, vernal pool, etc., identified in biological report) shall occur during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining controls, which shall be implemented to prevent erosion and sedimentation into drainages and wetlands. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard materials. These controls shall be installed and maintained for the duration of the project.

Monitoring: Required during construction. Compliance will be verified by the County Department of Planning and Building.

ENERGY (ENG)

ENG-1

Energy Conservation Plan Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, an Energy Conservation Plan with a package of measures that, when implemented, would reduce or offset the project's energy demand to no more than 20% above the energy demand of a generic commercial building of the same size. The Energy Conservation Plan shall include the following:

- (a.) A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.
- (b.) A program for providing a reduction or offset of all energy demand to no more than 20% above the energy demand of a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
 - 1. Participating in an annual energy audit.
 - 2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
 - 3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 - 4. Implementing automated lighting systems.
 - 5. Utilizing natural light when possible.
 - 6. Utilizing an efficient circulation system.
 - 7. Ensuring that energy use is below or in-line with industry benchmarks.
 - 8. Implementing phase-out plans for the replacement of inefficient equipment.
 - 9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.

- iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
- iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand to a level that is no more than 20% above the energy demand of a generic commercial building of the same size.

Monitoring: Required prior to issuance of grading and/or building permits. Compliance will be verified by the County Department of Planning and Building. The applicant shall enroll in Cannabis Monitoring Program for on-going compliance with above-mentioned measures.

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

Monitoring: Required at time of quarterly monitoring inspection. Compliance will be verified by the County Department of Planning and Building. The applicant shall enroll in Cannabis Monitoring Program for on-going compliance with above-mentioned measures.

Greenhouse Gas Emissions (GHG)

GHG-1 **Greenhouse Gas Emissions Reduction or Offset Program** Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related GHG emissions below the 1,150 MTCO₂e Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

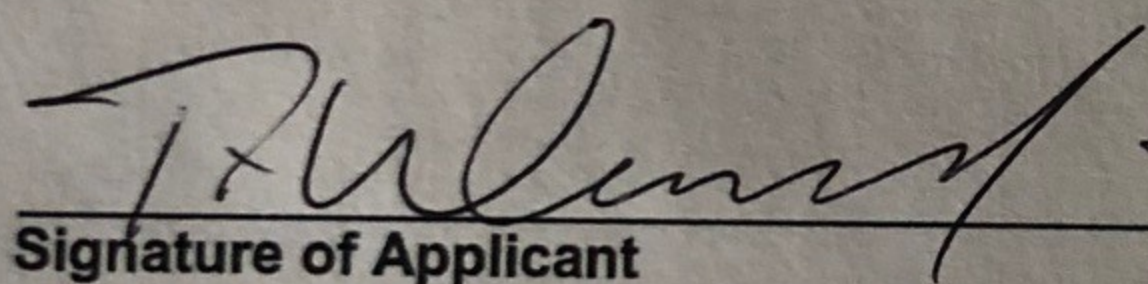
- (a.) Implementation of mitigation measures ENG-1 and ENG-2.
- (b.) Purchase of GHG offset credits from any of the following recognized and reputable voluntary carbon registries:
 - i.) American Carbon Registry;

March 18, 2020
REVISED: March 30, 2020

- ii.) Climate Action Reserve;
- iii.) Verified Carbon Standard.
- iv.) Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.
- (c.) Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.
- i.) Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 MTCO₂e Bright Line Threshold.

Monitoring: Required prior to issuance of grading and/or building permits.
Compliance will be verified by the County Department of Planning and Building.

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 Applicant

Tim Wendorff

Name (Print)

3/31/2020

Date



COUNTY OF SAN LUIS OBISPO

DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES

Martin Settevendemie, Agricultural Commissioner / Sealer of Weights & Measures

DATE: December 4, 2019
TO: Eric Hughes, Project Manager
FROM: Lynda L. Auchinachie, Agriculture Department
SUBJECT: Arvus Axiom Conditional Use Permit DRC2018-00173 (3178)

The applicant is requesting a conditional use permit to allow for phased cannabis development. The proposal includes three acres of outdoor cultivation in hoop houses, 40,824 square feet of nursery area in hoop houses, the construction of 36,000 square feet of greenhouse space for indoor cultivation and nursery plants, and a 15,000 square foot processing structure. A security office is also proposed. The approximately 40-acre project site is within the Agriculture land use category and is near California Valley.

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

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

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

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

Department of Agriculture / Weights & Measures

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

Mindy Fogg

From: Cassidy McSurdy <cmcsurdy@co.slo.ca.us>
Sent: Thursday, September 20, 2018 1:35 PM
To: Rob Mullane; Mindy Fogg; Barbara Burkhart
Subject: FW: DRC2018-00173 CALEB, NORTH COUNTY E-Referral, MINOR USE PERMIT, Santa Margarita

Building Comments

From: Michael Stoker
Sent: Thursday, September 20, 2018 9:19 AM
To: Cassidy McSurdy <cmcsurdy@co.slo.ca.us>
Cc: Cheryl Journey <cjourney@co.slo.ca.us>; Don C. Moore <dcmoore@co.slo.ca.us>
Subject: Re: DRC2018-00173 CALEB, NORTH COUNTY E-Referral, MINOR USE PERMIT, Santa Margarita

Cassidy,

Please find buildings recommendations for DRC2018-00173 below. Please 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 acre outdoor cultivation (hoop structures), 36,000 sq. ft of greenhouses, water storage tanks, and a office/security structure. 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, the 100,000 gal water storage tank, and the photovoltaic system.
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. The hoop structures will need to comply with the following or will need separate building permits:
 - Hoop structures shall not have trusses.
 - Hoop structure shall not have prefabricated components.
 - Hoop structures shall not be made of wood.
 - Hoop structures that are open on all sides may exceed 500 square feet for commercial use only; residential uses are limited to 500 square feet and limited to 10% lot coverage. Although these structures are exempt from a building permit they may still need a land use permit.
 - Hoop structures shall not be used for retail sales or storage of combustible materials.
 - Hoop structures shall not have a permanent anchoring system or foundation.
 - Hoop structures with plastic cover shall be 10 mills. Max thickness.
 - Maximum vertical 12 feet tall.
 - Maximum vertical sidewalls limited to 4 feet.
 - Does not include any plumbing, electrical, or mechanical systems or portion thereof, attached or not
6. Provide floor plans, elevations, sections, etc. to accurately show the work being completed and layout of the proposed use.
7. Provide an allowable area analysis on the plans to verify compliance with CBC Chapter 5, including Table 503 and sections 504, 506, and 508. Also, provide information stating is the building is using the separated, non-separated, or accessory occupancy method or combination of each per CBC Chapter 5.
8. 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.
9. 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.
10. The interior finishes (floors, ceiling, walls, insulation, etc) will need to be shown on the plans to comply with CBC, including Chapter 8.
11. Provide an occupant load and exiting analysis on the plans to verify compliance with CBC, including Chapter 10.
12. 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.).
13. 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.
14. 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.
15. 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.
16. Provide an equipment schedule on the plans and any referenced standards or spec sheets that are applicable.
17. 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.
18. If there are any hazardous materials, provide HIMS sheet to specify the types and quantities. Also, show proper storage location on the plans.
19. Energy Calculations will need to be provided to verify compliance with current California Energy Code.

20. 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.
21. 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, September 18, 2018 7:40 AM
To: Cassidy McSurdy
Subject: DRC2018-00173 CALEB, NORTH COUNTY E-Referral, MINOR USE PERMIT, Santa Margarita

County of San Luis Obispo
Department of Planning & Building

DRC2018-00173 CALEB, NORTH COUNTY E-Referral, MINOR USE PERMIT, Santa Margarita
APN: 072-311-018, 072-311-014

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 CALEB 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):
Cassidy McSurdy (805-788-2959 or cmcsurdy@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.

Cassidy McSurdy
County Of San Luis Obispo
Planning & Building
(p) 805-788-2959
cmcsurdy@co.slo.ca.us

Eric Hughes

From: Bullard, Clint@CALFIRE <Clint.Bullard@fire.ca.gov>
Sent: Monday, December 23, 2019 11:27 AM
To: Eric Hughes
Cc: Ian McCarville
Subject: [EXT]DRC2018-00173 (Arvus Axiom)

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

Mr. Hughes,

Regarding the primary access road for the proposed Minor Use Permit located at 8015 Carrisa Hwy. near Santa Margarita, CA. –

CAL FIRE/County Fire supports the proposal to provide a minimum 20-foot wide all-weather primary access road from the Carrisa Hwy. (Hwy. 58) to the proposed turnaround. In the area of the “permitted swale crossing”, a minor reduction of width will be allowed. This minor reduction of required width is allowed in order to reduce the impacts associated with work being done in or near the “permitted swale crossing”.

Please consider this to be an addendum to the Fire Safety Plan dated 12/11/19.

Thank you,

Clinton I. Bullard
Fire Inspector

CAL FIRE/San Luis Obispo County
Prevention 3425
(805)593-3425



CAL FIRE
San Luis Obispo
County Fire Department

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



Scott M. Jalbert, Unit Chief

December 11, 2019

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

Subject: DRC2018-00173 (Caleb Wendorff / Arvus Axiom)
8015 Carrisa Hwy. (Hwy. 58) East of Santa Margarita, CA.

Mr. Hughes,

CAL FIRE/San Luis Obispo County Fire Department has recently reviewed the New Project Referral information, the Supplemental Development Statement (Kirk Consulting) and the Site/Floor Plan(s) provided for the proposed Minor Use Permit to allow for large scale Cannabis cultivation activities at the location provided above. If approved, the current request would allow for the placement and use of numerous hoop houses, green houses, a 480 square foot office structure and a 15,000 square foot commercial structure to be utilized for processing, drying, trimming and storage.

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

Special Concerns:

The cumulative effects of commercial development within areas such as this continues to place challenges upon the ability of CAL FIRE/County Fire to provide effective and efficient emergency services within rural areas.

The project site is located within a geographic area where emergency services are not readily available. The nearest CAL FIRE/County Fire station (#42-Carrizo Plain) is located at 13050 Soda Lake Road within California Valley, CA. This station has an approximate 8-mile vehicular travel distance and 10-15 minute response time to the project site. A minimum of 2 fulltime firefighters are on duty at this station throughout the entire year.

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

- Where fire sprinklers are required, a Registered Fire Protection Engineer (F.P.E.) is required to design and approve of the required commercial fire sprinkler system(s), water storage system, underground piping, proposed fire hydrants and fire pump. A comprehensive written technical analysis of all fire suppression system related components is required and must be provided to CAL FIRE/County Fire prior to permit application.

- **The proposed 15,000 square foot commercial type structure, will require a properly designed and installed commercial fire sprinkler system.** The installation of a code compliant commercial fire sprinkler system will assist in mitigating fire/life safety concerns relating to large scale commercial development in remote areas with limited emergency services.
- All proposed greenhouse structures must be approved by the San Luis Obispo County Dept. of Planning & Building and CAL FIRE/County Fire. Occupancy of these greenhouses shall meet all relative minimum requirements within the CA. Building Code/Fire Code and local ordinances. If these provisions are met, fire sprinklers will not be required within the greenhouses. Commercial operations such as drying and trimming are not allowed within greenhouses.
- **VEHICULAR ACCESS** – The proposed 20-foot wide “all-weather road” does not provide sufficient width for a primary access road. This primary access road must provide a minimum width of 24-feet – (2) 10-foot travel lanes and (2) 2-foot shoulders. The entire primary access road (including turnaround) must provide an all-weather surface. All portions exceeding a 12% grade must be paved.
- **WATER STORAGE** - “Poly” and or plastic style water storage tanks shall not be allowed. Multiple or “daisy chained” tanks are not allowed to be utilized to provide water held in storage dedicated to fire suppression purposes unless designed by a Registered Fire Protection Engineer and prior approval is granted by CAL FIRE/County Fire. A manifold and flexible couplings will be required for this type of approach. The Registered Fire Protection Engineer shall determine the amount of water required to be held in storage dedicated to fire suppression purposes.
- **FIRE PUMP/HYDRANTS** – The Registered Fire Protection Engineer (F.P.E.) shall determine the appropriate size of fire pump and location of fire hydrants. Given the size/scope of the proposed project, numerous pressurized fire hydrants will be required to satisfy relative codes. All fire hydrants shall provide a minimum of (1) 4-inch and (2) 2-1/2 inch male connections. National Standard thread is required.
- **ALARMS/DETECTION** – Where commercial fire sprinklers are required, the fire sprinkler system(s) shall be monitored in accordance with all relative standards set forth within N.F.P.A. 72 and 13. **A properly designed, installed and monitored heat/smoke detection system will be required within the proposed 480-square foot office structure.** All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically monitored for integrity and to ensure valves are locked in the open position. Monitoring shall be provided by a central station licensed for receiving fire alarms.
- **OCCUPANCY CLASSIFICATION** – An occupancy classification change to any/all existing structures located onsite shall require the installation of an appropriately designed and installed commercial fire sprinkler system.
- **EMERGENCY ACCESS** – A Knox Corporation key switch shall be installed on all electric vehicular gates and rapid entry Knox boxes shall be attached to commercial structures (where required and agreed upon). The Knox boxes shall be located where approved by County Fire.

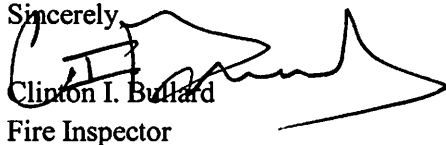
- **ADDRESSING** – Address numbers and placement shall meet current commercial standards. The minimum address numbering size of 8-inch tall numbers with a ½ inch stroke shall be placed at the entrance to the proposed project and upon the 15,000-square foot commercial structure. Numbering shall contrast to their background. Building/site identification may be required due to the size of the proposed project. Proper signage shall be required onsite in order to properly identify access and egress routes.

The proposed 40x24 square foot “barns” to be utilized for storage of pesticides, fertilizers and tools, will require additional review and permitting. Fire sprinklers may be required within these structures. Limited information was provided regarding these structures at project submittal.

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

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

Sincerely,


Clinton I. Bullard
Fire Inspector

C: Caleb, Applicant
Kirk Consulting, Agent

Eric Hughes

From: Bullard, Clint@CALFIRE <Clint.Bullard@fire.ca.gov>
Sent: Monday, December 23, 2019 11:27 AM
To: Eric Hughes
Cc: Ian McCarville
Subject: [EXT]DRC2018-00173 (Arvus Axiom)

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Mr. Hughes,

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Please consider this to be an addendum to the Fire Safety Plan dated 12/11/19.

Thank you,

Clinton I. Bullard
Fire Inspector

CAL FIRE/San Luis Obispo County
Prevention 3425
(805)593-3425



Date: September 18, 2018
To: Cassidy McSurdy, Project Planner
From: Glenn Marshall, Development Services
Subject: Public Works Revised Comments on DRC2018-00173 Caleb MUP, SR 58, California Valley, APN 072-311-014

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 site is located on SR 58, a Caltrans maintained roadway. The applicant must satisfy Caltrans concerns, if any, regarding impacts to their facilities.
- B. The project is expected to generate 12 average daily trips (ADT) with 1 afternoon peak hour trips (PHT) based on the following project description:
 - 3 ac outdoor cultivation (6 trips)
 - 22,000 square foot indoor (greenhouse) cultivation (6 trips)

Project impacts to County maintained roads are considered negligible.

- C. The proposed project is within a drainage review area. Drainage plan may be required at the time of future building permit submittal by Public Works. The applicant should review Chapter 22.52.110 or 23.05.040 of the Land Use Ordinance.
- D. This project appears to not meet the applicability criteria for Stormwater Management, it is located outside a Stormwater Management Area.
- E. 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 22,000 square foot indoor (greenhouse) cultivation.
 - c. Excepting that listed above, no other onsite uses permitted including, but not limited to: full time or seasonal employees, cultivation, greenhouse, processing, manufacturing, distribution, retail sales, tours, events, etc.
- 2. **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.

Drainage

3. **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.
4. **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.
5. **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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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 13, 2020

Tim Wendorff
c/o Jason Dart
Althouse and Meade
1602 Spring Street
Paso Robles, California 93446

**Subject: Proposed Cannabis Cultivation on Assessor's Parcel Numbers (APNs)
037-081-030 and 037-081-023 located in San Luis Obispo County**

Dear Mr. Wendorff:

This letter is the California Department of Fish and Wildlife's (CDFW) response to the proposed cannabis cultivation on APNs 037-081-030 and 037-081-023 (Project) located in northeast San Luis Obispo County near the Kern County border. The proposed cannabis cultivation will occur on both APNs which are located north of intersection of Bitterwater Valley Road and Bitterwater Road, Township 27 South, Range 17 East, on a portion of Sections 23 and 24, of United States Geological Survey topographical map Packwood Creek, M.D.B.M. (Project site).

Thank you for the opportunity to provide recommendations regarding the activities proposed at the Project site that may affect California fish and wildlife. Please note that CDFW does not approve or deny projects. CDFW is California's Trustee Agency for fish and wildlife resources. In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., California Environmental Quality Act (CEQA)), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts. CDFW also authorizes alteration of lakes or streambeds and "take" any species protected under the California Endangered Species Act (CESA).

Review of the California Natural Diversity Database (CNDDDB) reveals records for several special-status species within the vicinity of the Project area including, but not limited to federally and State Endangered and State Fully Protected Species blunt-nosed leopard lizard (*Gambelia sila*); federally and State Endangered giant kangaroo rat (*Dipodomys ingens*); federally Endangered and State Threatened San Joaquin kit fox (*Vulpes macrotis mutica*); federally and State Threatened California tiger salamander (*Ambystoma californiense*); federally Threatened red-legged frog (*Rana draytonii*); federally Endangered kern mallow (*Eremalche parryi ssp. kernensis*); State Species of Special Concern American badger (*Taxidea taxus*), burrowing owl (*Athene*

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cunicularia), western spadefoot (*Spea hammondi*); and State Rare Plant Ranked Lemmon's jewelflower (*Caulanthus lemmonii*), showy golden madia (*Madia radiata*), oval-leaved snapdragon (*Antirrhinum ovatum*) (CDFW, 2020). Review of the provided documents and aerial imagery indicates that the site is hilly and contains undisturbed grassland with multiple streams within the Project parcels. The Project has the potential to impact biological resources. An analysis of potential impacts and recommended mitigation measures summarized by species follows below.

CDFW recommends that focused biological surveys be conducted by a qualified wildlife biologist during the appropriate survey period(s) and prior to any Project-related activities to determine if the above special-status species are present and if they could be impacted. Survey results can then be incorporated into the Initial Study and used to identify any mitigation, minimization, and avoidance measures to reduce potential impacts to special status biological resources to less than significant and are advised to be enforceable by inclusion in the CEQA document prepared for this Project.

Our specific recommendations follow pertaining to compliance with Fish and Game Code §§ 2080 and 2081 regarding CESA, §§ 3503, 3503.5, and 3513 regarding nesting birds, and § 1602 Lake and Streambed Alteration.

Light Pollution: Cannabis cultivation operations often use artificial lighting or "mixed-light" techniques in both greenhouse structures as well as indoor operations to increase yields. Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication (e.g., bird song; Miller, 2006), determining when to begin foraging (Stone et al., 2009), behavior thermoregulation (Beiswenger, 1977), and migration (Longcore and Rich, 2004). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich, 2004). CDFW recommends CEQA documents address light pollution in the analysis of impacts.

Pesticides and Fertilizers: Based on the California Department of Pesticide Regulations guidance, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue-tolerance requirements and (1) registered and labeled for use that is broad enough to include use on cannabis (e.g. unspecified green plants) and (2) the product is either exempt from registration requirements or registered for a use that is broad enough to include use on cannabis. Pesticides that cannot be used for cannabis cultivation meet the following criteria: (1) not registered for food use in California or (2) California Restricted Use Pesticides (3 California Code of Regulation (CCR) § 6400) or on the groundwater protection list (3 CCR § 6800). Additionally, rodenticide use at sites with special status species, such as San Joaquin kit fox or listed kangaroo rats, may result in direct or indirect take of those special status species. CDFW recommends that CEQA

documents address the pesticides use, including the risk of secondary poisoning to native species, and fertilizer use.

Use of pesticides and fertilizers can cause run-off into watersheds, polluting them and degrading habitat quality (Bauer et al., 2015, Carah et al., 2015). Contaminated run-off can affect freshwater marshes and estuaries directly or downstream of the impact. Pesticide contaminants have been discovered in the livers of San Francisco estuary terns (Ackerman et al., 2014), potentially causing similar effects on other wetland birds. Insecticides may also impact prey availability (Hallmann et al., 2014). Fertilizer run-off has been shown to cause algae outbreaks in wetlands. CDFW recommends that CEQA documents address the pesticides use, including the risk of secondary poisoning to native species, and fertilizer use.

Water Pollution: Pursuant to Fish and Game Code § 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures this Project could result in pollution of Waters of the State from storm water runoff or construction-related erosion. Potential impacts to the wildlife resources that utilize watercourses in the Project area include the following: increased sediment input from road or structure runoff; toxic runoff associated with Project-related activities and implementation; and/or impairment of wildlife movement. The Regional Water Quality Control Board and United States Army Corps of Engineers also have jurisdiction regarding discharge and pollution to Waters of the State.

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

Blunt-nosed Leopard Lizard (BNLL): Based on aerial imagery, the Project site may contain suitable BNLL habitat and there are multiple historic occurrences within five miles of the Project site (CDFW, 2020). BNLL is a fully protected species, therefore, no take incidental or otherwise can be authorized by CDFW and Project proponents must avoid take.

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project site contains suitable habitat for BNLL. CDFW recommends full BNLL protocol surveys be conducted if construction activities will lead to habitat removal and/or BNLL adult surveys for maintenance activities in suitable habitat. CDFW recommends focused surveys following the 2019 survey methodology titled "Approved Survey Methodology for the Blunt-nosed Leopard Lizard" (CDFW, 2019). These surveys, the parameters of which were designed to optimize detectability, must be conducted to reasonably assure CDFW that take of

this fully protected species will not occur as a result of Project implementations. Please note that protocol level surveys must be conducted on multiple dates during late spring, summer, and fall and that within these time periods there are specific date, temperature, and time parameters which must be adhered to. Additionally, surveys must be conducted within one calendar year and are valid for one year from the last survey date.

If BNLL are detected or if there is potential for BNLL to be present and protocol surveys have not been conducted, CDFW recommends that in all areas where ground-disturbing project activities would occur, suitable burrows within and adjacent to potential habitat for BNLL be avoided by a minimum 50 feet. CDFW also recommends an appropriate number of qualified biologists be present during all ground-disturbing project activities to ensure that BNLL above ground are not impacted; and that any individual that may enter a project activity area be allowed to leave unobstructed on its own.

Giant Kangaroo Rat (GKR): GKR occupy both grasslands and shrub communities on a variety of soil types and on slopes up to about 22 percent and 2,850 feet above sea level (ESRP, 2018). The Project area consists of potential for suitable habitat for GKR and there is one historic occurrence of GKR within five miles of the Project site (CDFW, 2020). CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation to determine if the Project site contains suitable habitat for GKR. To determine if GKR occupies the suitable habitat contained within the Project site, CDFW recommends that focused protocol-level trapping surveys be conducted by a qualified wildlife biologist that is permitted to do so by both CDFW and the United States Fish and Wildlife Service (USFWS). CDFW advises that these surveys be conducted in accordance with USFWS's (2013) "*Survey Protocol for Determining Presence of San Joaquin Kangaroo Rats*." CDFW recommends these surveys be conducted well in advance of ground-disturbing activities in order to determine if impacts to GKR could occur.

If suitable habitat is present and trapping is not feasible, CDFW advises full avoidance of GKR through maintenance of a 50-foot minimum no-disturbance buffer around all small mammal burrows of suitable size for GKR.

If GKR are found within the Project area during small mammal trapping or if full avoidance is not feasible and take could potentially occur as a result of Project implementation, acquisition of a State incidental take permit (ITP) pursuant to Fish and Game Code § 2081(b) would be warranted to comply with CESA prior to initiating ground-disturbing activities. Alternatively, the Project proponent has the option of assuming presence of GKR and obtaining an ITP.

San Joaquin Kit Fox (SJKF): SJKF have been documented to occur near the Project area (CDFW, 2020). Review of aerial imagery indicates that the Project area consists of grassland habitat, which could serve as habitat to SJKF. CDFW recommends prior to ground disturbance, that a qualified biologist assess presence/absence of SJKF and/or

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

If dens are found during surveys, CDFW recommends implementing full avoidance for SJKF by employing no-disturbance buffers, in accordance with USFWS's (2011) recommendations. Specifically, if SJKF are found occupying atypical (i.e. manmade structure) den sites, a 50-foot no-disturbance is recommended around the occupied den structure. If potential dens are found during surveys, CDFW advises implementing a 50-foot no-disturbance buffer around these structures as well. Consultation with CDFW and implementation of a 100-foot no-disturbance buffer around dens that are used or known to have been used at any time in the past by SJKF, are found during pre-construction surveys. If a natal or pupping den is found during surveys, consultation with CDFW is recommended.

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

California Tiger Salamander (CTS): Multiple occurrences of CTS have been documented within five miles of the Project site (CDFW, 2020). CTS require both aquatic habitat for breeding and upland habitat for refuge where they spend most of their life and have been observed up to 1.24 miles from potential breeding ponds (USFWS, 2003). Prior to ground-disturbing activities, CDFW recommends that a qualified wildlife biologist assess the Project site and vicinity (i.e. up to 1.3 miles, observed CTS dispersal distance) that contains potentially suitable habitat, to evaluate the potential for CTS. CDFW recommends site assessments follow the USFWS's "*Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander*" (USFW, 2003). CDFW advises the qualified biologist determine the impacts of Project-related activities to all CTS upland and breeding habitat features within and/or adjacent to the construction footprint.

If the site assessment determines there is suitable habitat present for breeding or refugia on the subject parcel, protocol level surveys are advised to be conducted in accordance with the Interim Guidance to determine presence or a negative finding for CTS. Please note that CTS surveys may need to be conducted during years with adequate precipitation to be acceptable. If the site assessment demonstrates upland burrow refugia and/or breeding wetland habitat features suitable for use by CTS are present within and/or adjacent to the Project route footprint, absent protocol level surveys, CDFW advises a minimum 50-foot no-disturbance buffer delineated around all

small mammal burrows within suitable habitat. If burrow avoidance is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take.

If full avoidance is not feasible or protocol level surveys do not yield a negative finding, acquisition of an ITP pursuant to Fish and Game Code § 2081(b) would be warranted prior to Project implementation to comply with CESA. Alternatively, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project area and obtain an ITP from CDFW.

Burrowing Owl (BUOW): BUOW has the potential to be present on and adjacent to the property. It is possible ground-disturbing activities could impact this species. BUOW have the potential to be year-round residents. Dispersing juveniles, migrants, transients or new colonizers and can utilize the property site year-round. CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's "*Burrowing Owl Survey Protocol and Mitigation Guidelines*" (CBOC 1993) and CDFW's *Staff Report on Burrowing Owl Mitigation*" (CDFG 2012). CDFW advises that surveys include a 500-foot buffer around the Project area. Please note the guidelines suggest three or more surveys be conducted during the peak breeding season (April 15 to July 15) to determine presence (CDFG 2012).

In the event that BUOW are found, the CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

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

* meters (m)

Failure to implement the recommended buffer zones could cause adult BUOW to abandon the nest, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure, in violation of Fish and Game Code and the Migratory Bird Treaty Act.

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow

exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return.

California Red-legged Frog (CRLF): The Project site is within the range of CRLF and one historic occurrence is documented within five miles of the Project site (CDFW, 2020). CDFW recommends a qualified biologist conduct a habitat assessment on the site to determine suitability for CRLF. If there is suitable habitat onsite, CDFW recommends that a qualified wildlife biologist conduct surveys for CRLF within 48 hours prior to commencing work (two night surveys immediately prior to construction or as otherwise required by the USFWS) in accordance with the "USFWS Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog" (USFWS, 2005) to determine if CRLF are within or adjacent to the project area.

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

American badger and western spadefoot: To evaluate potential Project-related impacts to the American badger and western spadefoot, CDFW recommends that a qualified biologist conduct focused surveys for these species and their requisite habitat features, in advance of Project implementation. Avoidance whenever possible is encouraged via delineation and observing a 50-foot no-disturbance buffer around burrows and dens.

Listed Plant Species: Rare, threatened, and endangered plants have the potential of existing throughout the property. CDFW recommends that surveys for these plants and natural communities be conducted on the property well in advance of any planned ground-disturbing activities. Repeated floristic surveys conducted by a qualified botanist multiple times during the appropriate floristic period(s) are recommended in order to adequately assess the potential impacts to listed plant species (CDFW 2018; USFWS, 2000). If State-listed plants are detected during surveys, consultation with CDFW is warranted to discuss the potential for take under CESA. Plants listed as threatened or endangered under CESA cannot be addressed by methods described in the Native Plant Protection Act without incidental take authority secured under §§ 2080.1 or 2081 of the Fish and Game Code.

Lake and Streambed Alteration: CDFW has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife

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

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

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

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

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

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behavioral changes occur, CDFW recommends the work causing that change cease and CDFW consulted for additional avoidance and minimization measures.

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

If you have any questions, please contact Kelley Aubushon, Senior Environmental Scientist Specialist, at the address provided on this letterhead, by telephone at (559) 243-8153, or by electronic mail at Kelley.Aubushon@wildlife.ca.gov.

Sincerely,



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Literature Cited

- Ackerman, J. T., C. A. Eagles-Smith, G. Heinz, S. E. De La Cruz, J. Y. Takekawa, A. K. Miles, T. L. Adlesbach, M. P. Herzogg, J. D. Bluso-Demers, S. A. Demers, G. Herring, D. J. Hoffman, C. A. Hartman, J. J. Willacker, T. H. Suchanek, S. E. Schwarzbach, and T. C. Maurer, 2014. Mercury in birds of San Francisco Bay-Delta, California--trophic pathways, bioaccumulation, and ecotoxicological risk to avian reproduction. U.S. Geological Survey Open-File Report 2014-1251, U.S. Geological Survey, Reston, VA, USA.
- Beiswenger, R. E., 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. *Ecology* 58:98–108.
- Bauer, S. Olson, J., Cockrill, A., van Hattem, M., Miller, L., Tauzer, M., et al., 2015. Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds. *PLoS ONE* 10(3): e0120016. doi:10.1371/journal.pone.0120016
- California Burrowing Owl Consortium (CBOC), 1993. Burrowing owl survey protocol and mitigation guidelines. Pages 171-177 in Lincer, J. L. and K. Steenhof (editors). 1993. The burrowing owl, its biology and management. Raptor Research Report Number 9.
- California Department of Fish and Game (CDFG), 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game. March 7, 2012.
- California Department of Fish and Wildlife (CDFW), 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. State of California, California Natural Resources Agency, Department of Fish and Wildlife. March 20, 2018.
- CDFW, 2019. Approved Survey Methodology for the Blunt-Nosed Leopard Lizard. California Department of Fish and Wildlife. October 2019 (Revised).
- CDFW, 2020. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed January 13, 2020.
- Carah, J. K., J. K. Howard, S. E. Thompson, A. G. Short Gianotti, S. D. Bauer, S. M. Carlson, D. N. Dralle, M. W. Gabriel, L. L. Hulette, B. J. Johnson, C. A. Knight, S. J. Kupferberg, S. L. Martin, R. L. Naylor, and M. E. Power, 2015. High time for conservation: Adding the environmental to the debate on marijuana liberalization. *BioScience* 65:822–829.

- Endangered Species Recovery Program (ESRP), 2018. Giant kangaroo rat.
<http://esrp.csustan.edu/publications/pubhtml.php?doc=sjvrp&file=chapter02H00.html>.
- Hallmann, C. A., R. P. B. Foppen, C. A. M. Van Turnhout, H. De Kroon, and E. Jongejans, 2014. Declines in insectivorous birds are associated with high neonicotinoid concentrations. *Nature* 511:341–343.
- Longcore, T., and C. Rich, 2004. Ecological light pollution - Review. *Frontiers in Ecology and the Environment* 2:191–198.
- Miller, M. W., 2006. Apparent effects of light pollution on singing behavior of American robins. *The Condor* 108:130–139.
- Stone, E. L., G. Jones, and S. Harris, 2009. Street lighting disturbs commuting bats. *Current Biology* 19:1123–1127. Elsevier Ltd.
- United States Fish and Wildlife Service (USFWS), 2000. Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants. US Fish and Wildlife Service, January 2000.
- USFWS, 2003. Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander, October 2003.
- USFWS, 2005. USFWS Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog. August 2005.
- USFWS, 2011. Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. United States Fish and Wildlife Service, January 2011.
- USFWS, 2013. Survey Protocol for Determining Presence of San Joaquin Kangaroo Rats, March 2013.