State of California - Department of Fish and Wildlife

2020 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (REV. 12/01/19) Previously DFG 753.5a

RECEIPT NUMBER: 40-12072020-210

STATE CLEARINGHOUSE NUMBER *(If applicable)*: 2020080275

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEADAGENCY EMAIL	DATE
COUNTY OF SAN LUIS OBISPO	ilandreth@co.slo.ca.us	12/07/2020

COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER
COUNTY SAN LUIS OBISPO	

PROJECT TITLE

SIDIFOAX, INC. CONDITIONAL USE PERMIT;DCR2019-00086

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL	PHONE NUMBER
SIDIFOAX, INC.	jhopweiler@yahoo.com	(707) 829-0215

PROJECT APPLICANT ADDRESS	CITY	STATE	ZIP CODE
7575 CARISSA HIGHWAY	SANTA MARGARITA	CA	93453

PROJECT APPLICANT *(Check appropriate box)*

☐ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☒ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)	$3,343.25	$
☒ Mitigated/Negative Declaration (MND)(ND)	$2,406.75	$ $2,406.75
☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW	$1,136.50	$
☐ Exempt from fee		
☐ Notice of Exemption (attach)		
☐ CDFW No Effect Determination (attach)		
☐ Fee previously paid (attach previously issued cash receipt copy)		
☐ Water Right Application or Petition Fee (State Water Resources Control Board only)	$850.00	$
☒ County documentary handling fee		$ $50.00
☐ Other		$

PAYMENT METHOD:

☐ Cash ☐ Credit ☐ Check ☒ Other **TOTAL RECEIVED** $ $2,456.75

SIGNATURE	AGENCY OF FILING PRINTED NAME AND TITLE
X Gabriela Ugalde	Gabriela Ugalde, Deputy County Clerk-Recorder

Filed in County Clerk's Office

Tommy Gong

San Luis Obispo - County Clerk-Recorder

40-12072020-210

12/07/2020

FISH

Pages: 133

Fee: $ 2456.75

By gugalde, Deputy

ORIGINAL - PROJECT APPLICANT COPY - CDFW/ASB COPY - LEAD AGENCY

Tommy Gong
San Luis Obispo
County Clerk-Recorder
Main Office: (805) 781-5080
Atascadero: (805) 461-6041
www.slovote.com

Receipt: 20-53527

ProductName		Extended
FISH	FISH AND WILDLIFE FILING	$2,456.75
	# Pages	133
	Document #	40-12072020-210
	Document Info:	COUNTY OF SAN LUIS OBISPO
	Filing Type	ND
Total		$2,456.75
Tender (On Account)		$2,456.75

Account#	CTY
Account Name	JE except TX & DSS
Customer Name	1002162115
Balance	$2,456.75

PLEASE KEEP FOR REFERENCE

12/7/20 9:14 AM gugalde
San Luis Obispo

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 20-134 **DATE:** August 17, 2020

PROJECT/ENTITLEMENT: Sidifoax, Inc. Conditional Use Permit;DRC2019-00086

APPLICANT NAME: Sidifoax, Inc.
Email: jhopweiler@yahoo.com
ADDRESS: 7575 Carissa Highway, Santa Margarita, CA 93453
CONTACT PERSON: Lauren Mendelsohn – Omar Figueroa **Telephone:** 707-829-0215

PROPOSED USES/INTENT: A request from Sidifoax, Inc. for a Conditional Use Permit (CUP) to authorize the multi-phased development of up to one acre of outdoor cannabis cultivation canopy, up to 22,000 square feet of indoor mixed-light cannabis cultivation in greenhouses, up to 600 square feet of indoor commercial nursery, and up to 600 square feet of non-volatile manufacturing. Ancillary processing activities would include curing, drying, trimming and packaging. Project development would result in 8.4 acres of site disturbance on one (1) 110 acre parcel and would include the construction of a 7,150 square foot microbusiness building to house the processing, storage, nursery, manufacturing and transport activities, three (3) 10,080 square foot greenhouses, installation of four (4) 10,000 gallon water storage tanks for irrigation use fire suppression and a 100 square foot water pump house. The project would employ up to six (6) people and would operate seven days per week, between the hours of 8:00 AM and 5:00 PM. Operations may take place up to 24 hours per day during harvest seasons. A modification from the parking standards set forth in Section 22.18.050.C.1 of the County's LUO is requested to reduce the required number of parking spaces from 69 to 14 spaces.

LOCATION: The project site is located at 7575 Carissa Highway, approximately 37 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 Caltrans

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.
COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 4:30 p.m. (2 wks from above DATE)

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

Notice of Determination

State Clearinghouse No. 2020080275

This is to advise that the San Luis Obispo County Planning Commission as ☒ *Lead Agency* ☐ *Responsible Agency* (approved)/denied the above described project on 11/12/20, 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.

Signature	Project Manager Name	Date	Public Agency
Ian Landreth Digitally signed by Ian Landreth Date: 2020.11.30 09:29:25-08'00'	(for)Xzandrea Fowler, Environmental Coordinator		County of San Luis Obispo
ILandreth@co.slo.ca.us	XFowler@co.slo.ca.us		

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. Sidifoax, Inc. Conditional Use Permit ED20-00134 (DRC2019-00086)

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

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

DETERMINATION: (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			August 17, 2020
Prepared by (Print)	Signature		Date
David Moran		For Xzandria Fowler, Environmental Coordinator	August 17, 2020
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 **Sidifoax, Inc.** for a Conditional Use Permit (DRC2019-0000086) to establish up to one acre of outdoor cannabis cultivation canopy, up to 22,000 square feet of indoor cannabis cultivation (in mixed-light[1] greenhouses), and ancillary nursery space, in addition to small-scale non-volatile manufacturing; up to 5,000 square feet of commercial nursery space, distribution (transport of cannabis products produced on-site only) and processing activities such as trimming, drying, curing, and packaging in a new "microbusiness" [defined as an applicant engaging in three of four commercial cannabis activities (cultivation, distribution, manufacturing) under one license] building. Project development would result in 8.4 acres of site disturbance and would include the construction of a 7,150-square foot building to house the processing, storage, nursery, manufacturing and distribution activities (referred to as the microbusiness building herein) and three (3) 10,080-square foot greenhouses. The project site is in the Agriculture land use category on a 110-acre parcel at 7575 Carissa Highway, approximately 37 miles east of the community of Santa Margarita (APN 072-211-008) in the North Shandon-Carrizo Subarea of the North County Planning Area.

A regional map and aerial image of the project site are provided in Figures 1 and 2. The proposed cannabis operations would be in areas with annual grassland and developed/disturbed land.

As shown in Figures 3 through 7 and summarized in Table 1, project construction and implementation would occur in four phases. Phase One would involve the construction of one (1) 10,080-square foot greenhouse and one (1) 7,150-square foot microbusiness building (5,000-square feet of nursery canopy using stacked shelving and 2,150-square feet of non-volatile manufacturing, distribution/transport, storage, and office space). Solar panels estimated to produce 27,000 kW annually would be installed on the roof of the microbusiness building in Phase One. In addition, the existing access road would be improved to CalFire standards and widened to 24 feet in Phase One along with a six-foot tall perimeter security fence. The agricultural perimeter road would be constructed around the project and a parking lot with 14 vehicular spaces would be constructed adjacent to the microbusiness building. Four (4) 10,000-gallon water storage tanks would be installed in Phase One with the construction of a 100-square foot pump house. Only cannabis

[1] Mixed-light uses a combination of natural light and artificial light.

product grown onsite would be transported in the distribution activities. Construction of Phase One would last up to four months.

Phase Two would involve construction of another 10,080-square foot greenhouse; construction activities would last up to two months. Phase Three would include the construction of a third 10,080-square foot greenhouse and would also take up to two months. Phase Four would include the addition of a 54,000-square foot outdoor cultivation area with an additional six-foot tall perimeter security fence.

The maximum height of the greenhouses and microbusiness building would be 16 feet and 14 feet respectively. The project would employ up to six people and would operate seven days per week, between the hours of 8:00 AM and 5:00 PM. Operations may take place up to 24 hours per day during harvest seasons (typically fall and spring).

Details regarding proposed operations and routine maintenance are provided in the Operations Plan, which is incorporated by reference, attached in Exhibit A, and available for review at the Department of Planning and Building, 970 Osos Street, suite 200, San Luis Obispo.

Table 1 – Project Components by Phase

Project Component	Count	Size (sf)	Footprint (sf)	Canopy(sf)
Phase One				
(N) Greenhouse	1	105’ x 96’	10,080	8,000
(N) Microbusiness Building (Manufacturing/Processing/Nursery)	1	55’ x 130’	7,150	5,000[1]
(N) Water Pump House	1	10’ x 10’	100	N/A
(N) Water Storage Tanks	4	N/A	N/A	N/A
Sub-Total of Phase One			***17,330***	***13,000***
Phase Two				
(N) Greenhouse	1	105’ x 96’	10,080	7,000
Sub-Total of Phase Two			***10,080***	***7,000***
Phase Three				
(N) Greenhouse	1	105’ x 96’	10,080	7,000
Subtotal of Phase Three			**10,080**	**7,000**
Phase Four				
(N) Outdoor Cultivation	1	300’ x 180’	54,000	43,560
Subtotal of Phase Four			**54,000**	**43,560**
Total			**91,490**	**70,560**

(E) = existing
(N) = new
(sf) = square feet
1. Stacked shelving.

Access to the site would be directly from Carissa Highway (Highway 58). The cannabis operation would utilize an existing driveway. The driveway section between Carissa Highway and the main security gate would be widened to 24 feet and paved with asphalt. The internal access road would connect the proposed operations and existing residence to the paved driveway. The internal access road and perimeter agricultural roads would

be constructed with decomposed granite and improved to a 15-foot width. A culvert with rock slope protection would be constructed for drainage under the access road at the northern end. A fire equipment turnaround (designed to meet County/CalFire specifications) would be constructed to ensure adequate emergency response vehicle access to the greenhouses and operations. On-site parking would be constructed adjacent to the microbusiness building. The parking area would be a decomposed granite surface and include 13 standard spaces and one (1) ADA-compliant space.

The project would include installation of four (4) 10,000-gallon water tanks and construction of a new water service line (approximately 525 feet long) from the existing residential water service line on the property. Three of these water tanks would be dedicated to fire suppression and would be available to emergency responders. The fourth tank would be used for irrigation purposes.

The earthwork anticipated for project development would result in approximately 12,850 cubic yards of cut and 9,110 cubic yards of fill. The daily amount of earthwork would be between 600 to 800 cubic yards a day. Excess cut would be spread across the project footprint. No stockpiles or export are anticipated for the final grading design.

All cannabis operations will be enclosed within a 6-foot tall chain link security fence with slats. The main entrance to the operation would be secured with a 24-foot wide estate swing gate, and another similar gate would be installed at the proposed entrance to the fenced outdoor cultivation. Surveillance cameras would be installed for security purposes at the main entrance and discretely around the operations perimeters. Three strand barbed wire fencing would be installed along the property boundary.

Outdoor security lighting would be mounted on poles at approximately 10 feet above the ground and spaced 100 feet apart along the access road fence and at all building entrances and exits. The motion sensor-activated light fixtures would be aimed downward and shielded to minimize off-site glare and meet dark sky performance criteria. The lighting would project no more than 10 foot-candle intensity at ground level average.

Non-cannabis solid waste consisting of general refuse and recyclables will be stored in a secure room within the microbusiness building (Figure 4). The waste would be accessible by the main access road and hauled to the dump, as needed, by a waste management company. The cannabis waste created from the cultivation operations will be composted on site in a 15-foot x 15-foot area between the northernmost greenhouse and security fence.

The project has been designed to physically isolate odor-emitting activities from adjacent properties, public roadways, and neighboring residences. The greenhouses and microbusiness building would utilize odor control technologies consisting of carbon filtration, neutralization (i.e. “carbon scrubbers”), fans, and/or vacuums. The expected energy usage would be 3,446,400 kilowatt-hours (kWh) per year at full operations. In addition, the greenhouses and microbusiness building doors would remain shut except upon entering and exiting, and windows would always remain shut to prevent internal odors from being emitted externally, in accordance with the proposed employee training plan.

The proposed operations would utilize an existing on-site septic system. The project would use an existing well for water supply. The total demand for full project buildout would be approximately 2.96-acre feet per year (Wallace Group 2019). The well yield is stated to have a capacity of 50 gallons per minute (Filliponi and Thompson 2001).

Baseline Conditions:

The Biological Resources Assessment reported that the survey area within the subject parcel (a 30-acre portion including the proposed development footprint) contained California annual grassland and upper Sonoran subshrub scrub habitats, with scattered occurrences of small juniper shrubs (Ecological Assets Management LLC, 2019). Small areas of disturbed (ruderal) habitat were observed and associated with the edges of existing roads and developed areas. An area of miscellaneous debris/equipment was observed in the northern part of the site and west of the dirt access road. Several small ephemeral drainage channels are present near the proposed project site, but none would be directly impacted by the proposed project development as they are located outside the project footprint. The adjacent small drainage features contain annual grassland plants and bare soils, and do not provide habitat for aquatic or semi-aquatic species, or riparian vegetation.

An existing single-family residence and one agricultural barn are located on the southern portion of the parcel. These buildings would not be a part of the proposed cannabis operations and would still be accessed via the driveway without entering the fenced, gated area on either side of the driveway.

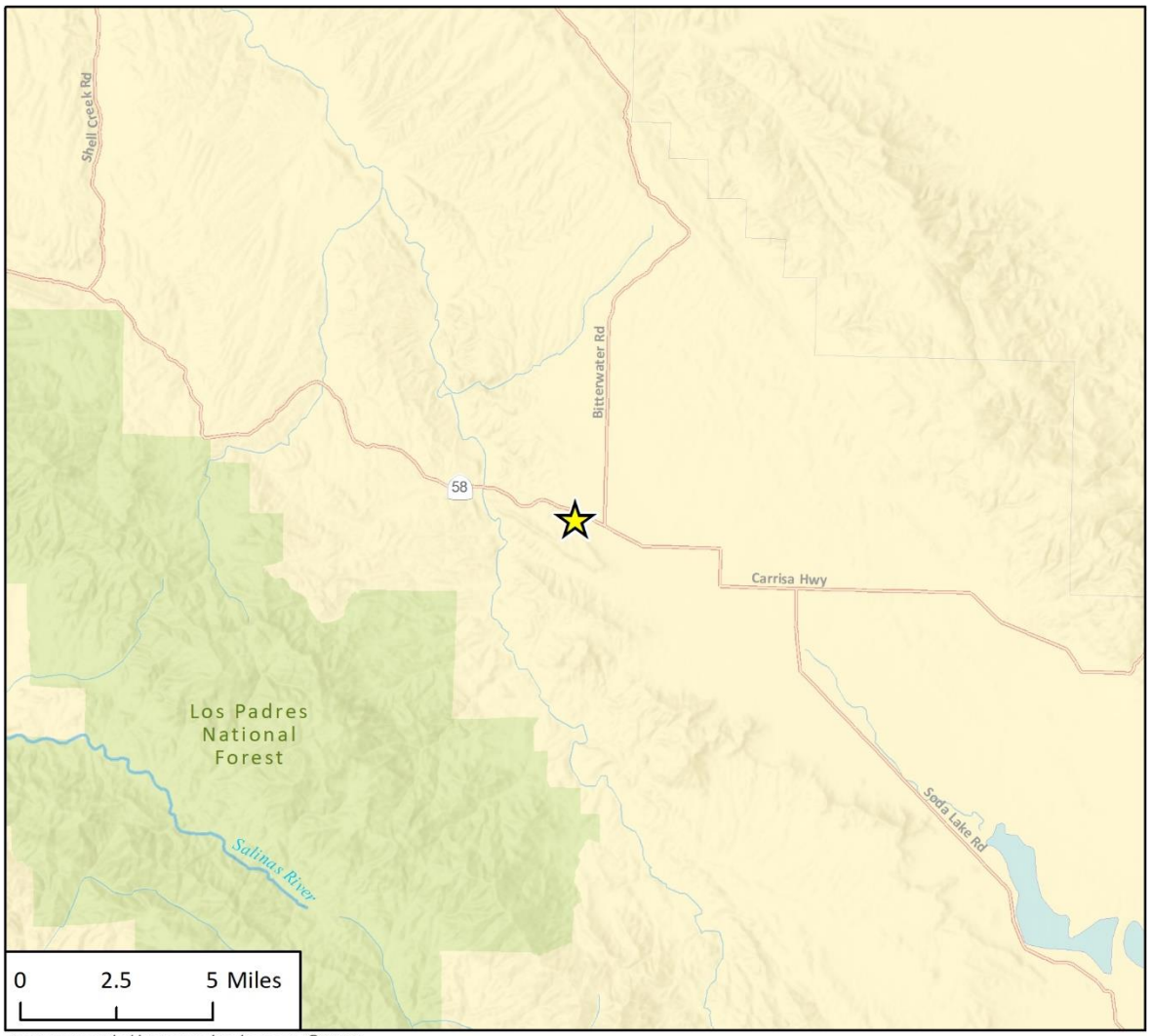
Ordinance Modifications:

Parking. The project includes a request for modification from the parking standards set forth in Section 22.18.050.C.1 of the LUO. 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. For the subject project, this would apply to the greenhouses and microbusiness building. Therefore, the parking requirement for the use is 69 spaces, as shown in Table 2. The project proposes 14 parking spaces. Up to six employees may be on site at various times during the day. Therefore, 14 spaces are proposed as sufficient to meet the parking demands of the project.

Table 2 – Parking Requirement

Use	Parking Standard	Floor Area	Parking Requirement
Nursery Specialty	1:500	30,240	61
New Agricultural Processing	1:1,000	7,150	8
Total			**69**

Initial Study – Environmental Checklist



Imagery provided by Esri and its licensors © 2020.

Project Location

N



Figure 1 – Regional Location

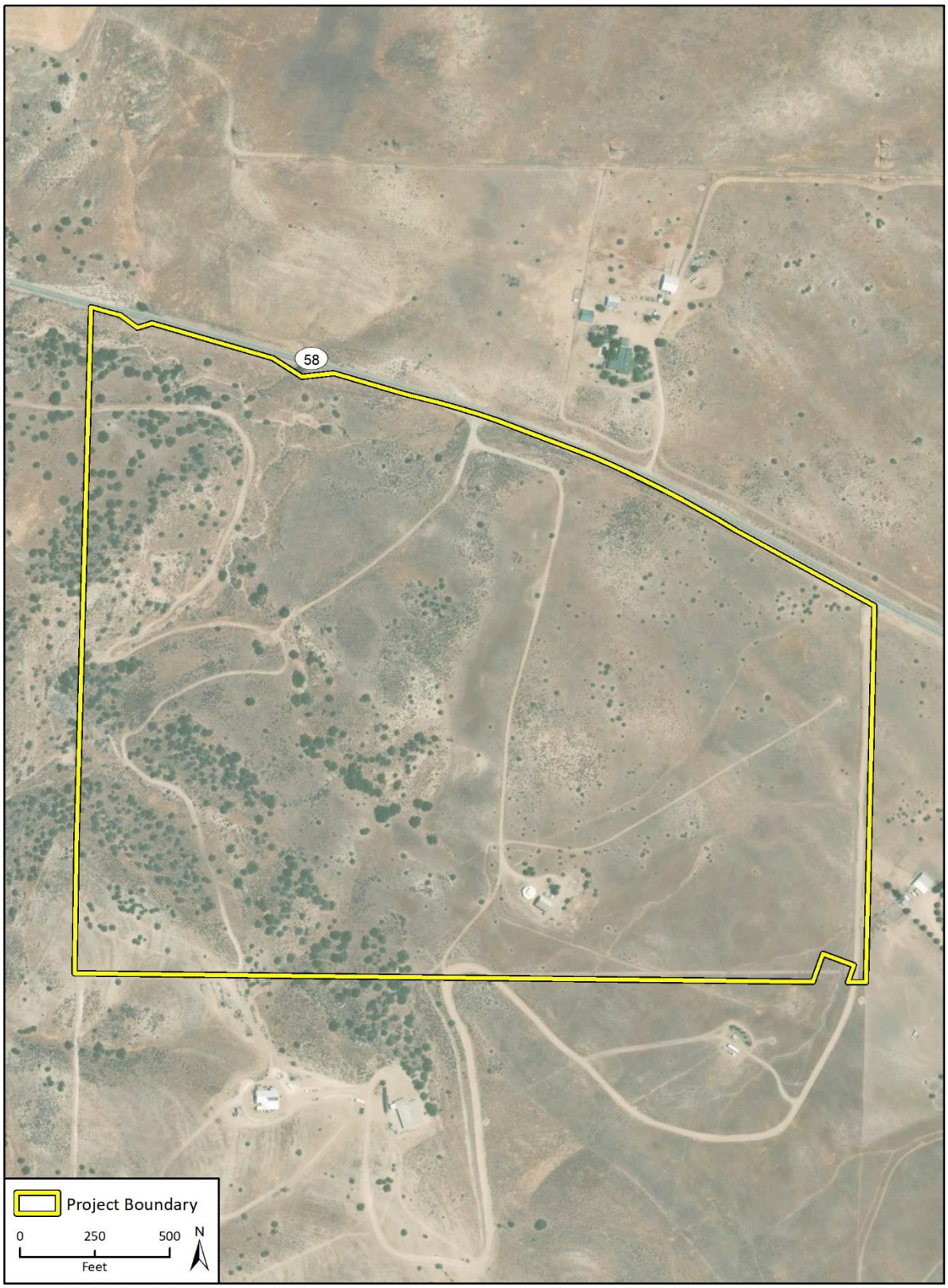
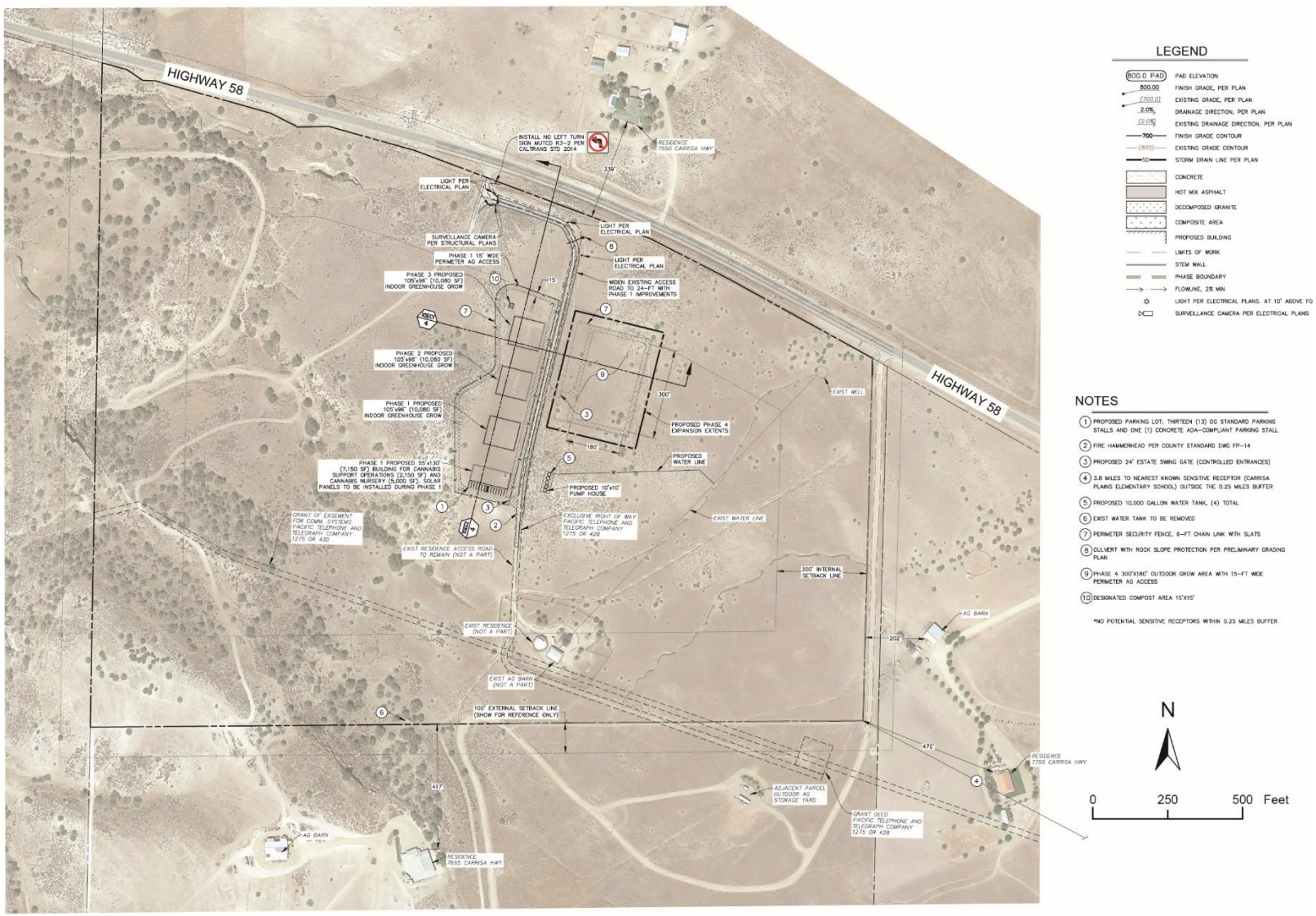
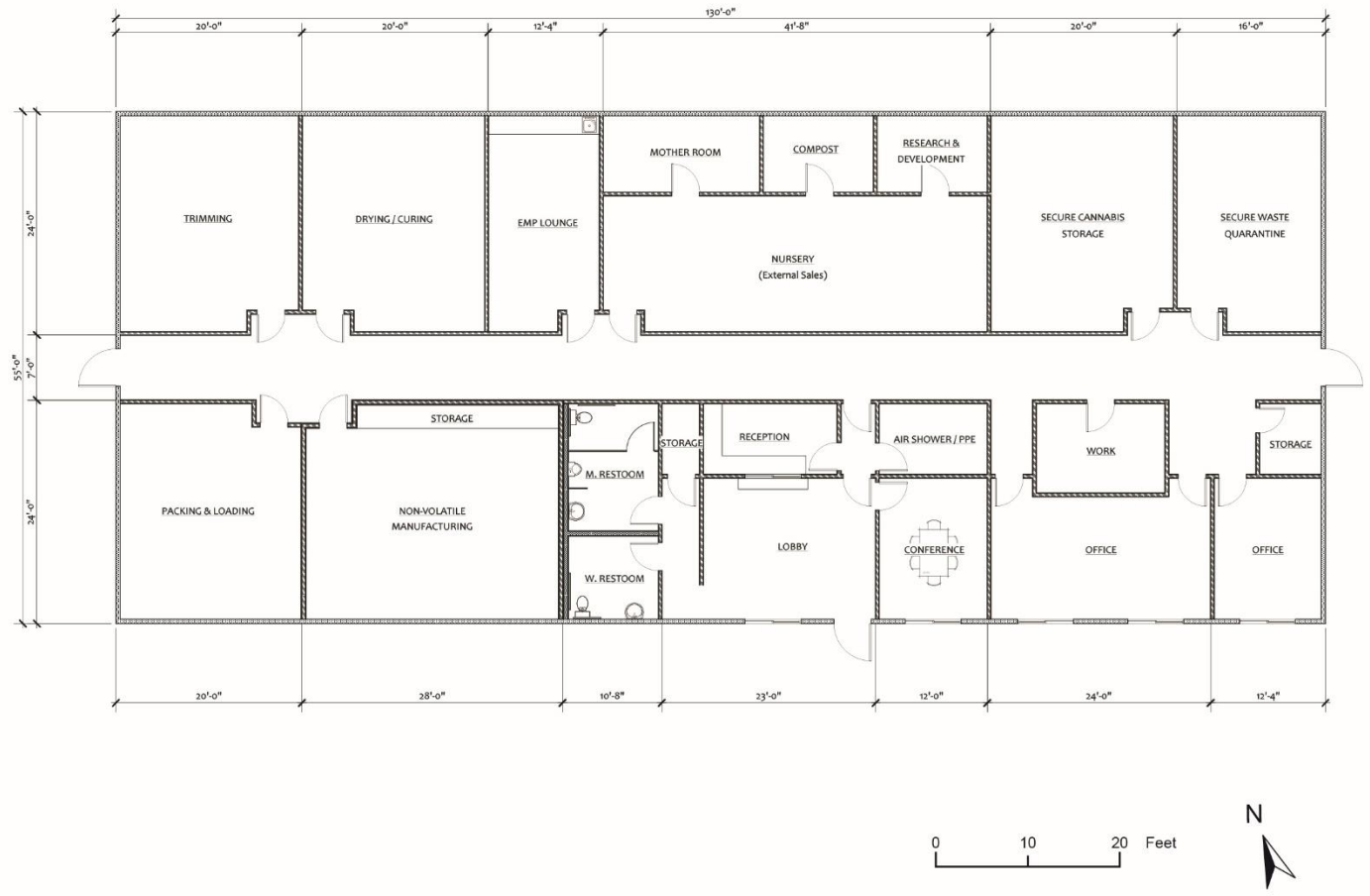


Figure 2 – Project Location



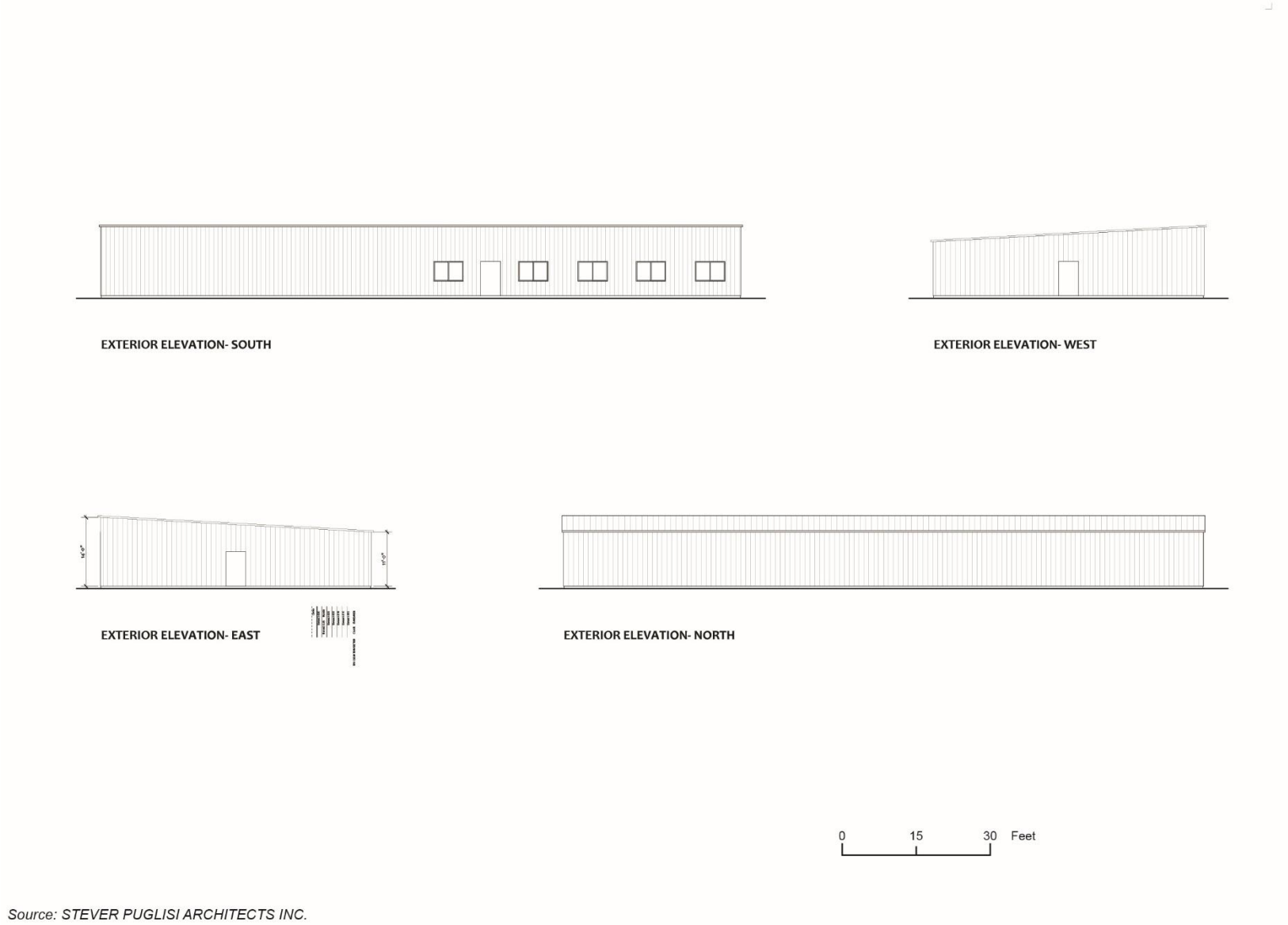
Source: NORTH COAST ENGINEERING, 2019

Figure 3 – Overall Site Plan



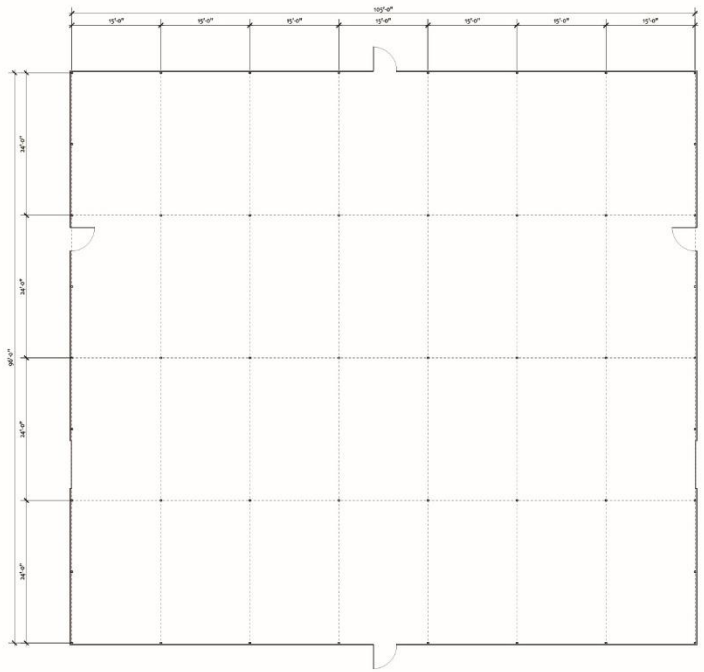
Source: STEVER PUGLISI ARCHITECTS INC.

Figure 4 – Microbusiness Building Floorplan

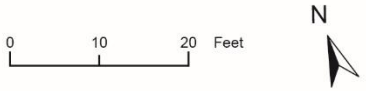


Source: STEVER PUGLISI ARCHITECTS INC.

Figure 5 – Microbusiness Building Elevations

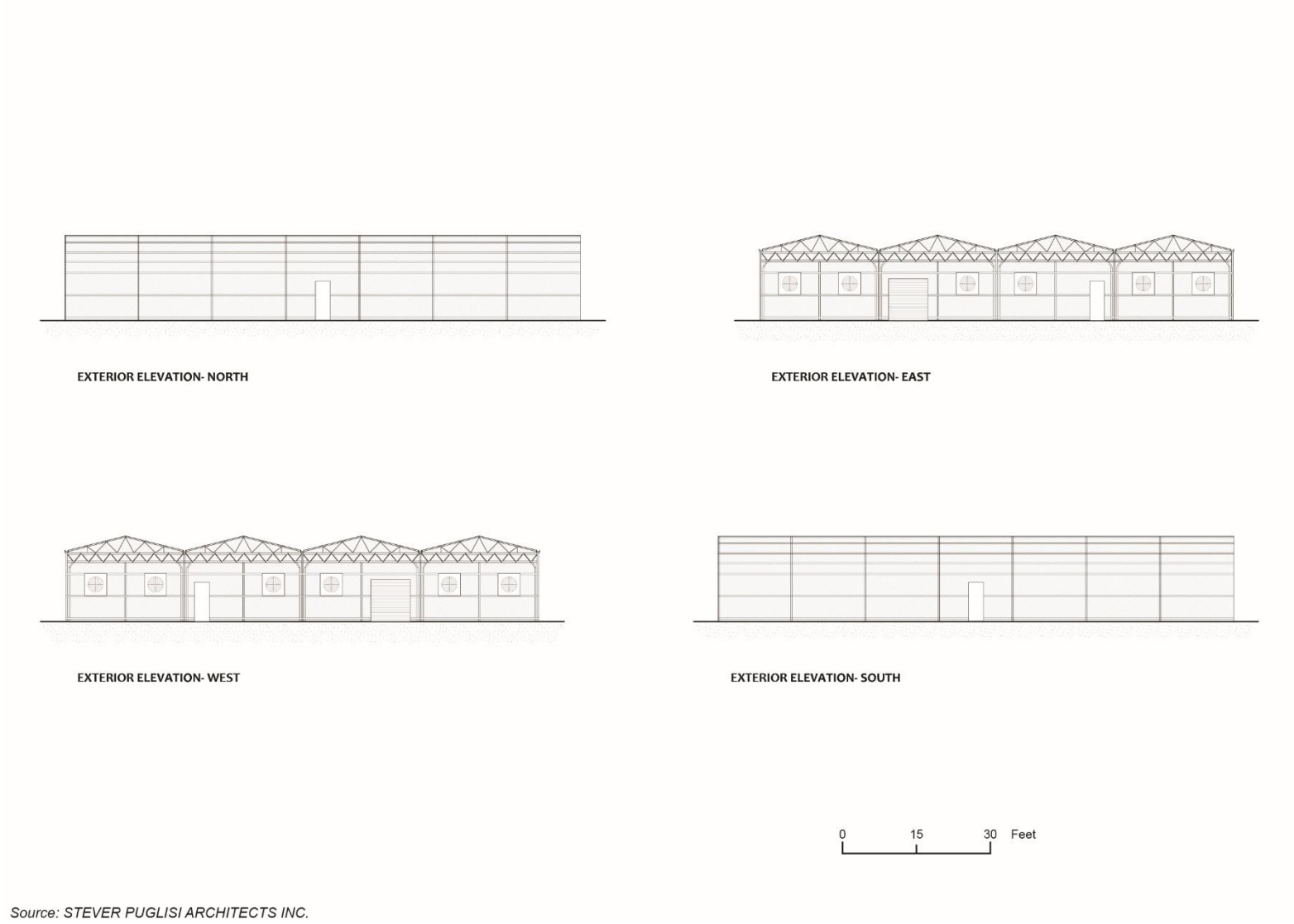


FLOOR PLAN



Source: STEVER PUGLISI ARCHITECTS INC.

Figure 6 – Greenhouse Floor Plan



Source: STEVER PUGLISI ARCHITECTS INC.

Figure 7 – Greenhouse Exterior Elevations

Initial Study – Environmental Checklist

ASSESSOR PARCEL NUMBER(S): 072-211-008

Latitude: 35.37622º N **Longitude:** 120.10777 º W **SUPERVISORIAL DISTRICT #** 5

Other Public Agencies Whose Approval is Required

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

A more complete discussion of other agency approvals and licensing requirements is provided in Appendix A of this Initial Study.

B. Existing Setting

Plan Area: North County **Sub:** Shandon-Carrizo(North) **Comm:** California Valley

Land Use Category: Agriculture

Combining Designation: Renewable Energy

Parcel Size: 110 acres

Topography: Gently sloping to to moderately sloping

Vegetation: Grasses; Shrubs

Existing Uses: Single-family residence(s) ;accessory structures

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
Except as provided in Public Resources Code Section 21099, would the project:					
(a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
(b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
(c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
(d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

Setting

The site is located along Carissa Highway/Highway 58 in a predominantly rural and agricultural area, with scattered rural residences. The nearest residence is a single-family residence located approximately 650 feet north of the proposed greenhouse and outdoor cultivation area (339 feet from the property line). The project site slopes gently downward to the north. One single-family residence and one agricultural barn are on the southern portion of the site. On-site vegetation is characterized primarily by grassy and shrubby areas and ruderal habitats.

Per the County Conservation and Open Space Element, the project site is not located in a designated scenic vista containing protected scenic resources (County of San Luis Obispo 2010). There are no unique geological or physical features located on site. Table VR-2 of the Conservation and Open Space Element provides a list of Suggested Scenic Corridors which includes Highway 58 from the Santa Margarita urban reserve line to the Kern County line. The project site is located along this Suggested Scenic Corridor (County of San Luis Obispo 2010). However, Highway 58 in the project vicinity is not a State Designated or State Eligible Scenic Highway (California Department of Transportation [Caltrans] 2020). Existing sources of lighting in the vicinity of the project site 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

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 would disturb approximately 8.4 acres of the 110-acre property for the installation of three greenhouses and a processing building, and one acre of outdoor cannabis cultivation canopy within a predominantly rural and agricultural area. The greenhouses would be up to 16 feet in height and would be set back approximately 400 feet from Carissa Highway. The processing building would be up to 14 feet in height set back over 900 feet from Carissa Highway. The proposed structures would be of similar height as the existing residences and would be set back from Highway 58 such that they would only be partially visible from it. Grading would not create significant cut or fill slopes visible from offsite.

The project site can be seen by motorists along the portion of Carissa Highway that borders the northern property line. 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 shall not be easily visible from offsite. Indoor cannabis related activities would occur within secure buildings where the plants would not be visible. The outdoor cultivation site would be set back 300 feet from the northern property line and screened by a 6-foot tall security fence. 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.

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

Existing sources of light in the project vicinity include exterior lighting on the on-site residence and the nearby residences; however, nighttime lighting in the area is minimal. The project would

introduce new sources of light, including exterior security lighting, as well as the use of grow lights inside the greenhouses. Outdoor security lighting is proposed in the center of the site along the main access road and at all building entrances and exits. Proposed security lighting would be fully shielded, downward casting, and motion-activated, and would be consistent with LUO Section 22.10.060 B through F to minimize light pollution. Therefore, the new exterior lighting would not create a new source of substantial light or glare.

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 Carissa Highway, adjacent to the property and adversely impact nighttime views. This impact is potentially significant and mitigation is required. With implementation of mitigation measure AES-1 potential impacts would be less than significant.

Conclusion

The project would not adversely impact a scenic vista, designated scenic highway, or the visual character or quality of public views of the site and its surroundings. Implementation of mitigation measure AES-1 would reduce potentially significant impacts on nighttime views resulting from the greenhouses' interior grow lights to 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:

a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;

b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;

c. Any exterior path lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. Exterior path lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and

d. Any exterior lighting used for security purposes shall be motion activated, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site, and shall be of the lowest-lumen necessary to address security issues.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

II. AGRICULTURE AND FORESTRY RESOURCES

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

Setting

The project site is located in a predominantly rural and agricultural area.

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

Land Use Category: Agriculture

State Classification: Grazing, Farmland of Local Potential

Historic/Existing Commercial Crops: Unknown

In Agricultural Preserve? Yes, Carrizo Agricultural Preserve

Under Williamson Act contract? No

The site is gently sloping to moderately sloping.

Table SL-2 of the Conservation/Open Space Element lists the important agricultural soils of San Luis Obispo County. Based on the County's Conservation/Open Space Element (COSE), the project site contains mostly soil that is not considered prime farmland. One small portion is considered prime farmland, but it covers the far northeastern corner of the property where no development is proposed. The Department of Conservation Farmland and Monitoring Program (FMMP) classifies the soils on site as Farmland of Local Potential and Grazing land.

Based on the Natural Resources Conservation Service Soil classifications, the soil type(s) and characteristics on the site include:

Seaback-Calleguas-Panoza complex (30-50% slope)

> The parent material of this soil type is residuum weathered from soft calcareous sandstone or conglomerate, shale and/or conglomerate. The drainage class of this unit is well drained, and it is composed of loam, clay loam, and weathered bedrock. This soil type tends to occur on backslope, mountainflank, and sideslope of hills and mountains, at elevations between 2,500 and 2,800 feet. This soil is considered not prime farmland per the COSE.

Bellyspring-Panoza Complex (9-15% slope)

> The parent material of this soil type is residuum weathered from sandstone, calcareous, shale and/or conglomerate. The drainage class of this unit is well drained, and it is composed of sandy loam, loam, sandy clay loam, and weathered bedrock. This soil type tends to occur on backslope and sideslope of hillslopes, at elevations between 1,630 and 3,560 feet. This soil is considered not prime farmland per the COSE.

Yeguas-Pinspring complex (2-5% slope)

> The parent material of this soil type is alluvium derived from sandstone, shale, basalt and mixed rocks. The drainage class of this unit is well drained, and it is composed of loam, clay loam, gravelly coarse sandy loam, and sandy loam. This soil type tends to occur on footslope and toeslope of alluvial fans and alluvial flats, at elevations between 2,000 to 2,300 feet. This soil is considered prime farmland if irrigated per the COSE.

San Timoteo-San Andreas-Bellyspring complex (15-30% slope)

> The parent material of this soil type is residuum weathered from soft, calcareous sandstone. The drainage class of this unit is well drained, and it is composed of sandy loam, fine sandy loam, sandy clay loam, gravelly sandy loam, and weathered bedrock. This soil type tends to occur on backslope, side slope, mountainflank of hillslopes and mountains, at elevations between 1,500 and 3,300 feet. This soil is considered not prime farmland per the COSE.

Tables 3 and 4 provide a summary of the NRCS, Conservation/Open Space, and FMMP farmland classifications of the project site along with the acreage impacted by the project.

Initial Study – Environmental Checklist

Table 3 – NRCS and Conservation/Open Space Element Farmland Classifications and Acres Impacted

Soil Name	Total Acres	COES Classification	NRCS Classifications	Area Impacted By Project (acres)
Seaback-Calleguas-Panoza Complex (30-50% slope)	60.65	Not Classified As Important Farmland	Not Prime	0.33
Bellyspring-Panoza Complex (9-15% slope)	44.99	Not Classified As Important Farmland	Not Prime	8.07
Yeguas-Pinspring complex (2-5% slope)	1.22	Prime Farmland	Prime Farmland if Irrigated	0.00
San Timoteo-San Andreas-Bellyspring complex (15-30% slope)	2.62	Highly Productive Rangeland Soils	Not Prime	0.00
Total:	**110.00**	**--**	**--**	**8.40**

Sources: NRCS 2020, Conservation and Open Space Element

Table 4 – Farmland Mapping and Monitoring Program Classifications and Acres Impacted

FMMP Classification	Total Acres	Area Impacted by Project (acres)
Farmland of Local Potential	1.73	0.00
Grazing Land	108.27	8.40
Total:	**110.00**	**8.40**

Sources: FMMP 2016

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 site does not contain any land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the FMMP. A small portion of the project site (about 1.22 acres) is designated prime farmland if irrigated by the County's COSE, but it covers the northeastern corner of the property where no development is proposed. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use and no impact would occur.

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

The project site is within the Agriculture land use category where cannabis activities are an allowable use. The project site is located within the Carrizo Agricultural Preserve Area 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 June 11, 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 does not contain 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 Farmland Mapping and Monitoring Program. The project would not alter the existing environment such that it could result in the conversion of Farmland to non-agricultural use. The project site and immediate vicinity does not contain forest land. 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.

III. AIR QUALITY

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

Setting

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 (PM_{10}) and the eight-hour state standard for ozone (O_3) (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 determines 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 2-2). According to the Handbook, a project with grading in excess of 4.0 acres and/or a project that will move 1,200 cubic yards of earth per day can exceed the construction thresholds for diesel particulate matter (PM_{10}) and ozone precursors (ROG + NOx). 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 PM_{10} threshold.

Table 5 – 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	

Source: SLO County APCD CEQA Air Quality Handbook, page 2-2.
Notes:
1. Daily and quarterly emission thresholds are based on the California Health & Safety Code and the 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 PM_{10} 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 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 PM_{10}. According to the APCD estimates, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM_{10} threshold.

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 sensitive receptor to the site is a single-family residence located approximately 650 feet north of the proposed greenhouse and outdoor cultivation area (339 feet from the property line).

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 generally not applicable. 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 and 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?

As proposed, the project would result in the disturbance of approximately 8.4 acres for the construction of improved access roads, three greenhouses, an outdoor cultivation area, a microbusiness building, and a parking/delivery area. This would result in the creation of dust and short-term vehicle emissions during the construction phase, as well as long-term vehicle emissions associated with employee trips during operation.

Construction-related Impacts. The project would result in the disturbance of approximately 8.4 acres. The earthwork anticipated for project development would result in approximately 12,850 cubic yards of cut and 9,110 cubic yards of fill. As described in the project description, the daily amount of earthwork would be between 600 to 800 cubic yards a day. Therefore, earthwork would not exceed the APCD's 1,200 cubic yards/day threshold.

However, the SCCAB is in non-attainment for PM_{10} and the area of disturbance will exceed the APCD's 4.0-acre threshold. Therefore, the project would result in a potentially significant impact and standard mitigation measures would be required. With implementation of mitigation measure AQ-1 impacts related to the exceedance of 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 criteria pollutants (ozone precursors and fine particulates), primarily from new vehicle trips. According to estimates provided in the permit application, the project is expected to generate up to 10 daily motor vehicle trips associated with cultivation activities and up to five daily motor vehicle trips associated with distribution activities. 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. Motor vehicle access to the project site is accessed via Carissa Highway which is a paved. Therefore, the provisions of LUO 22.40.050.D.4 do not apply.

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.

(c) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are people that 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 sensitive receptor is a single-family residence located off-site approximately 339 feet north of the property line.

As proposed, the project would result in the disturbance of approximately 8.4 acres to allow for the construction of three new greenhouses, an outdoor cultivation area, a microbusiness building, access road, and parking area. Based on the analysis in 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. Accordingly, mitigation measures AQ-1 and AQ-2 would be required to reduce fugitive dust 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 on-line map of potential NOA occurrence, the project site is not 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 the flowering, harvest, drying, and processing stages. 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 of the LUO mandates the following:

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

The 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 to 60 acres or larger).

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

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

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 laws air quality laws.

The Project incorporates the following features to address odors:

- The indoor and outdoor cannabis cultivation would be sited in the central portion of the site, surrounded by 6-foot-tall fencing, and set back a minimum of 300 feet from all property lines.
- The Operations Plan required by LUO Section 22.40.040.A.3. sets forth operating procedures to be followed to help ensure odors associated with cannabis related activities do not leave the project site.
- The applicant has prepared an odor reduction plan that will be implemented as a condition of approval. Odor management will include the installation of carbon scrubbers on the greenhouse and manufacturing/storage/processing building.
- The project has been conditioned to operate in a manner that ensures odors associated with cannabis activities are contained on the project site.
- The project has been conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.

The project 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 construction related air quality emissions to a less than significant level. Project design combined and regulatory compliance would ensure that any operational impacts are less than significant.

Mitigation

AQ-1 Fugitive Dust Emissions Reductions.

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

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

b. 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.

c. All dirt stock-pile areas should be sprayed daily as needed.

d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.

f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.

g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

j. Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified..

k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

l. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

m. 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 Idling Restrictions Near Sensitive Receptors.

To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques. These measures shall be shown on grading and building plans:

a. 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.

b. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation.

c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5-minute idling limit.

d. Diesel idling within 1,000 feet of sensitive receptors is not permitted.

e. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.

Sources

See Exhibit A.

IV. BIOLOGICAL RESOURCES

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

Initial Study – Environmental Checklist

Setting

The following are existing biological resources or habitats on or near the proposed project site:

On-site Vegetation: Wild oats, annual brome grassland, annual fescue, miniature lupine, several owl's clovers, short-podded lotus, California plantain, Valley popcorn flower, and juniper shrubs.

Name and distance from blue line creek(s): Unnamed intermittent stream, on the property approximately 600 feet west of the proposed project area of disturbance.

Habitat(s): California annual grassland, Upper Sonoran subshrub scrub, anthropogenic/ruderal/disturbed.

Site's tree canopy coverage: None

A Biological Resources Assessment (BRA) was prepared in July of 2019 by Ecological Assets Management, LLC. (EAM) for the proposed project. The BRA covered a 30-acre portion (survey of the proposed site and adjacent areas) of the 110-acre parcel. The BRA included a California Natural Diversity Database (CNDDB) records search, and four field surveys conducted in March, April, and May of 2019.

Habitat types on site include: annual grassland, Upper Sonoran subshrub scrub, and anthropogenic (Figure 8). All survey areas not shown as Upper Sonoran subshrub scrub on Figure 8 were either ruderal or annual grassland habitat. Although the site is located on the edge of an area identified as a vernal pool region (County of San Luis Obispo Land Use View online mapping application), vernal pools were not observed within the BRA survey area or on the subject parcel (EAM 2019). The headwater portion of a small ephemeral drainage channel is present near the southwest portion of the proposed survey area. However, general project site topography directs runoff to the north (toward Carissa Highway) away from the ephemeral drainage. Runoff from the project site eventually connects with another smaller ephemeral drainage located within the shoulder of Carissa Highway and is directed to the west, where it flows through a culvert under the property's access road (at the entry gate) and then eventually flows into San Juan Creek located approximately 2.5 miles to the west. During the March site visit these drainages contained moist soils and showed evidence of recent flows, but the drainages were completely dry during the April and May site visits. These drainage features do not provide habitat for aquatic or semi-aquatic species, due to the lack of persistent soil moisture, riparian vegetation and very limited duration of water.

Special Status Plants

Special status plant species were not observed during the field surveys. According to the CNDDB records search, 46 special status plant species have been reported to occur within a nine quadrangle search of the project site. However, due the previously disturbed nature of the project site and lack of suitable habitat, only 12 special status plant species have the potential to occur on site:

- Indian Valley spineflower (*Aristocapsa ingignis)*
- La Panza mariposa-lilly (*Calochortus simulans)*
- Dwarf calycadenia (*Calycadenia villosa*)
- California jewel-flower (*Caulanthus californicus)*
- Lemmon's jewelflower (*Caulantus lemmonii)*
- Recurved larkspur (*Dephinium recurvatum)*
- Kern Mallow (*Eremalche parryi ssp. kernensis)*
- Diamond-petaled California poppy (*Eschscholzia rhombipetala)*
- Trumpet-throated gilia (*Gilia tenuflora ssp. amplifaucalis)*
- Munz's tidy-tips (*Layla munzii)*
- San Joaquin woolythreads (*Monolopia congdonii)*

- Large-flowered nemacladus (*Nemacladus secundiflorus var. secundiflorus)*

Four site surveys were conducted in March, April and May 2019 in order to cover the spring blooming period for all special status annual plant species with the potential to occur within the vicinity of the subject parcel. Special status plants were not detected on the project site during the site surveys.

Special Status Wildlife

During the four site visits, two special status wildlife were observed within the survey area:

- California horned lark (*Eremophila alpestris actia)*
- Loggerhead shrike (*Lanius ludovicianus*)

Based on the CNDDB records search, 39 special status wildlife species have been reported within the vicinity of the project site. However, due to the previously disturbed nature of the project site and lack of suitable habitat, only eleven special status wildlife species have the potential to occur on site:

- California glossy snake (*Arizona elegans occidentalis)*
- Blunt-nosed leopard lizard *(Gambelia sila)*
- San Joaquin coachwhip (*Masticophis flagellum ruddocki)*
- Coast horned lizard (*Phrynosoma blainvillii)*
- Grasshopper sparrow (*Ammodramus savannarum)*
- Burrowing owl (*Athene cunicularia)*
- Giant kangaroo rat (*Dipodomys ingens)*
- Tulare grasshopper mouse (*Onychomys torridus tularensis)*
- McKittrick pocket mouse (*Perognathus inornatus neglectus)*
- American badger (*Taxidea taxus)*
- San Joaquin kit fox (*Vulpes macrotis mutica)*

In addition to the observed presence of California horned lark and loggerhead shrike, there is moderate potential for the presence of grasshopper sparrow and burrowing owl, and a number of other birds subject to the California Fish and Game Code Section 3503. The potential presence of these species was not documented within the CNDDB, but they could potentially utilize the annual grassland and subshrub habitat as foraging and/or nesting habitat. The site has the potential to provide suitable habitat for numerous special-status reptile species, such as California glossy snake, blunt-nosed leopard lizard, San Joaquin coachwhip, and coast horned lizard. The site has moderate potential to provide suitable habitat for Giant kangaroo rat, Tulare grasshopper mouse and McKittrick pocket mouse. There is a moderate potential for San Joaquin kit fox and American badger to be transient visitors to the project site.

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 9), and the parcel is 40 acres or more in size, a kit fox habitat evaluation is required. Given that the parcel is within the kit fox habitat area and is approximately 110 acres in size, a habitat evaluation was prepared by EAM in accordance with the US Fish and Wildlife Service San Joaquin Kit Fox Survey Protocol for the Northern Range. EAM determined that the project would affect eight (8) acres of kit fox habitat (annual grassland) and proposed a score of 81. 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. Mitigation for the loss of kit fox habitat may be provided by one of the following:

1. Establishing a conservation easement on-site or offsite 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.

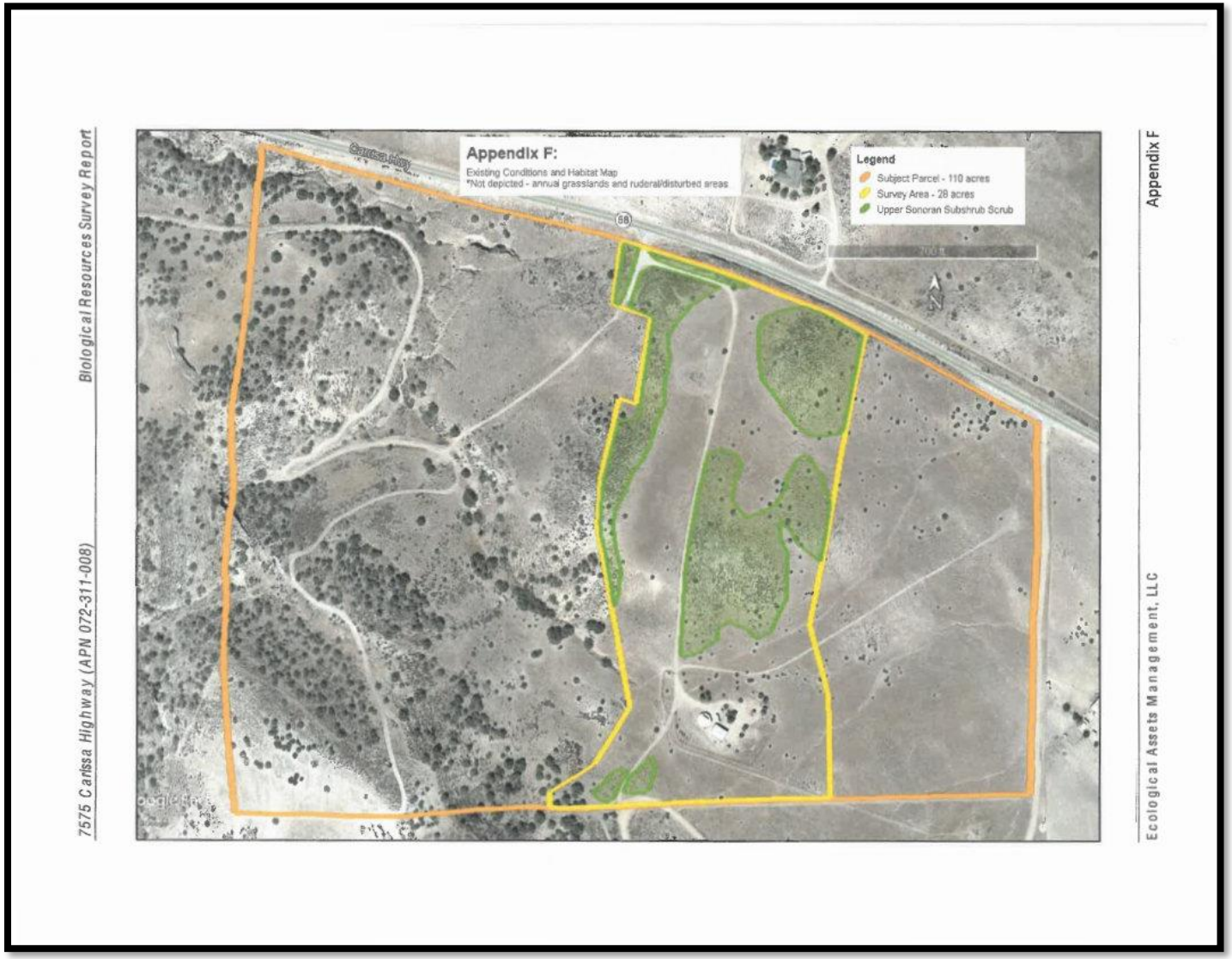


Figure 8 – Habitat Types

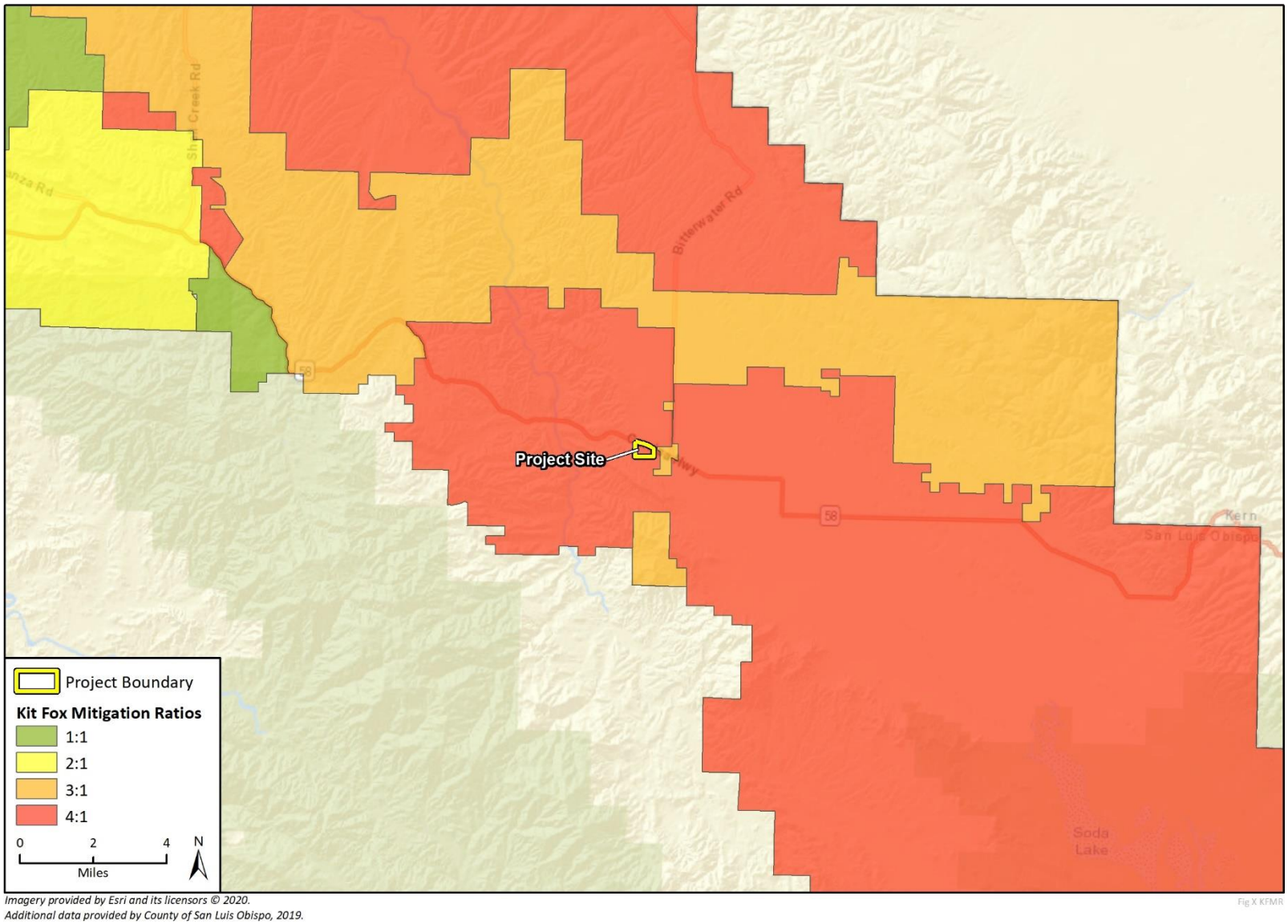


Figure 9 – San Joaquin Kit Fox Standard Mitigation Ratio Map

Initial Study – Environmental Checklist

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?*

EAM used the terms "special status" to encompass all the identified categories above for the purposes of the BRA.

Special Status Plants. Special status plants were not detected on the project site during the site surveys. No impacts to special status plant species would occur as a result of project construction or operation.

Special Status Wildlife. During the four site visits, two species listed as Species of Special Concern under State policy and regulations (California horned lark and loggerhead shrike) were observed. Potentially suitable habitat was observed for three species (blunt-nosed leopard lizard, giant kangaroo rat, and San Joaquin kit fox) listed as Endangered under both State and Federal policy and regulations. Potential habitat was observed for six other species (California glossy snake, coast horned lizard, burrowing owl, Tulare grasshopper mouse, McKittrick pocket mouse, and American badger) listed as Species of Special Concern under State policy and regulations. The proposed project has the potential to directly and/or indirectly impact special status species, based on site visit observations and presence of suitable habitat on the site. Construction and operational personnel may not recognize sensitive species. Implementation of BIO-1 would increase environmental awareness and reduce construction and operational impacts to a less than significant level.

Reptiles. Site preparation and project construction activities could impact special status reptiles, including the Blunt-nosed leopard lizard, California glossy snake, Coast horned lizard, and San Joaquin coachwhip. Direct impacts to these reptile 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 reptiles would be less than significant with incorporation of mitigation measures BIO-1 through BIO-3, and BIO-9 through BIO-11, as they would require worker awareness training, pre-construction 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 BIO-14 and BIO-15, 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 area, due to the presence of annual grassland 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

implementation of mitigation measures BIO-1, BIO-4 and BIO-9 through BIO-11 which require worker awareness training, pre-construction 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 BIO-14 and BIO-15, which would reduce potential impacts related to trespass outside of the project footprint and site disturbance to less than significant.

Small Mammals. Site preparation, project construction activities, and ongoing operational ground disturbance related to outdoor cultivation could impact giant kangaroo rat, Tulare grasshopper mouse and McKittrick pocket mouse. The subject parcel, and specifically the survey area, consist of habitats that are suitable for numerous special-status small mammals. Per a personal communication with Mr. Bill Vanherweg (a qualified small mammal biologist who has specialized knowledge of these species in the Carrizo Plain), giant kangaroo rat, Tulare grasshopper mouse and McKittrick pocket mouse are potentially present within the undisturbed habitats present on the subject parcel and within the survey area. Direct impacts to these special-status small mammals, if present, may occur as a result of construction activities and ongoing operational ground disturbance related to outdoor cultivation 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 the worker awareness training, avoidance and minimization measures and biological monitoring provided in mitigation measures BIO-1, BIO-5, and BIO-9 through BIO-11. 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 BIO-14 and BIO-15, which would reduce potential impacts related to trespass outside of the project footprint and site disturbance to less than significant.

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. There are several known historical occurrences of San Joaquin kit fox within the vicinity of the subject parcel, with one occurrence immediately adjacent to Carissa Highway along the northern property line. San Joaquin kit fox was determined to have the potential to occur within the survey area, due to presence of grassland habitat, loose soils suitable for den excavation, and the presence of potential 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 direct impacts to kitfox, if present, could occur during initial site preparation and construction 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. Direct impacts to San Joaquin kit fox would be less than significant with the incorporation of the worker awareness training, avoidance and protection measures and biological monitoring provided in mitigation measures BIO-1, BIO-6 through BIO-11. 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 BIO-14 and BIO-15, which would reduce potential impacts related to trespass outside of the project footprint and site disturbance to less than significant.

American Badger. Site preparation and project construction activities could impact American badger if active dens are present. American badger was determined to have the potential to occur within the project area, due to presence of grassland habitat and potential 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 American badger would only be anticipated to occur during initial construction activities. Direct impacts to American badger, if present, may occur as a result of construction 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 and alteration or removal of suitable habitat. Direct impacts to American badger would be less than significant with the incorporation of the worker awareness training avoidance and protection measures and biological monitoring provided in mitigation measures BIO-1, BIO-9 through BIO-11, and BIO-12. 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 BIO-14 and BIO-15, which would reduce potential impacts related to trespass outside of the project footprint and site disturbance to less than significant.

Nesting and Migratory Birds. Site preparation and project construction activities could impact special-status nesting bird species such as grasshopper sparrow, California horned lark, and loggerhead shrike that may nest within suitable annual grassland and subshrub habitat found 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 the worker awareness training, nesting bird surveys and biological monitoring provided in mitigation measures BIO-1, BIO-9 through BIO-11 and BIO-13.

(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 riparian habitat or sensitive vegetation communities were mapped within the footprint of the proposed project by EAM. 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?*

Although the site is located within an area identified as a vernal pool region (County of San Luis Obispo Land Use View online mapping application), vernal pools were not observed within the BRA survey area or on the subject parcel. No state or federally protected wetlands wetlands were observed within the project site (EAM 2019). No impact would occur.

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

Suitable foraging and nesting habitat is present for migratory birds on the project site. Although no migratory species were identified during the survey, the potential for some migratory species cannot

be completely ruled out due to their transient nature. Although no tree trimming or removal will be required, the project may directly or indirectly affect sensitive and nesting bird species through project-related disturbances that may deter nesting or cause nests to fail.

Site preparation and project construction activities could impact nesting birds if construction occurs during the nesting season (February 1st through September 15th). This is anticipated to be a significant, but mitigable impact. As discussed in item (a) above, the survey area contains known habitat for two (2) special-status bird species (California horned lark and loggerhead shrike). These two species were observed during site visits. The survey area also contains potential habitat for two (2) other special-status bird species (grasshopper sparrow and western burrowing owl). In addition, the project area may also provide nesting habitat for other more common bird species protected by the California Fish and Game Code Section 3503. 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 BIO-13, impacts to migratory nesting birds would be less than significant.

Besides burrowing owl, no potential raptor nesting habitat (e.g. trees, cliffs, etc.) is within or in the vicinity of the project site. No tree removal is proposed. Therefore, construction-related disturbances would not create potential direct or indirect impacts to nesting raptors.

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 measures BIO-8, item 4 and BIO-9 through BIO-11.

(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.

(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

Impacts to California glossy snake, blunt-nosed leopard lizard, San Joaquin coachwhip, coast horned lizard, Western burrowing owl, giant kangaroo rat, Tulare grasshopper mouse, McKittrick pocket mouse, San Joaquin kit fox, American badger and nesting and migratory birds may occur during project construction and operations and maintenance. Implementation of mitigation measures BIO-1 through BIO-8, which

specify worker awareness training and avoidance and protection measures for special status species, BIO-9 through BIO-11, which require biological monitoring, BIO-12 through BIO-13 which specify protection measures for American badgers and nesting and migratory birds, and BIO-14 through BIO-15 which specify measures during operations and at the end of the operations time period, are required to reduce potential project impacts to a less than significant level. In addition, mitigation measure AES-1 would be required to reduce potential indirect project impacts from lighting to a less than significant level.

Mitigation

BIO-1 **Environmental Awareness Training.**

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

BIO-2 **Blunt-nosed Leopard Lizard Habitat Survey.**

a. Prior to start of any ground disturbances on site, a qualified biologist shall conduct a habitat assessment for blunt-nosed leopard lizard within the survey area and provide to the County a supplemental report of the assessment along with any additional recommendations and/or avoidance and protection measures.

b. If the results of the habitat assessment identify suitable habitat for blunt-nose leopard lizard, a qualified biologist shall perform focused protocol-level surveys for blunt-nosed leopard lizard following the California Department of Fish and Wildlife's 2019 " Approved Survey Methodology for the Blunt-Nosed Leopard Lizard" in all potential blunt-nosed leopard lizard habitat within the survey area previously identified in the habitat assessment. Results of the protocol survey and any recommended avoidance and protection measures shall be provided to the County in a supplemental report.

BIO-3 **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 (e.g. California glossy snake, coast horned lizard, and San Joaquin coachwhip) 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.

BIO-4 Western Burrowing Owl Avoidance and Minimization.

If work is planned to occur within 150 meters (approximately 492 feet) of Western burrowing owl 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 Western burrowing owl 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 California Department of Fish and Wildlife 2012 Staff Report on Western burrowing owl 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 Western burrowing owl burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by the California Department of Fish and Wildlife:

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 Western burrowing owl survey shall be repeated.

BIO-5 **Special status Small Mammal Protection Measures.**

Pre-construction survey for Special-status Small Mammals. 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 pre-construction survey for special-status small mammal species (e.g., giant kangaroo rat, Tulare grasshopper mouse and McKittrick pocket mouse) no more than 14 days prior to the start of initial project activities to determine if special-status small mammal species are present within proposed work areas. The survey will include mapping of all potentially active special-status small 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.

BIO-6 **San Joaquin Kit Fox (Vupes mactoris multica: SJKF) Habitat Mitigation Alternatives.**

Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County Department of Planning and Building (County) and California Department of Fish and Wildlife that states that one or a combination of the following three SJKF mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 32 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 if 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 pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and The Nature Conservancy 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. 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 the Department 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 $80,000 (8 acres impacted * 4 *$2,500 per acre).

c. Purchase 32 (8 acres *4) credits in a Department-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) 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. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total $80,000 (8 acres * 4 * $2,500). This fee is calculated based on the current cost-per-credit of $2,500 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.

BIO-7 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 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:

i. Prior to issuance of grading and/or construction permits 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 the U.S. Fish and Wildlife Service’s Standard Recommendations (2011). The biologist will survey for sign 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 sign, and/or known or potential SJKF dens, if present. If no SJKF sign, 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.

BIO-8 **Standard San Joaquin Kit Fox 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, the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and 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 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 U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and County by telephone. In addition, formal notification shall be provided in writing within three (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.

BIO-9 **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 (i.e. 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 the 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.

Initial Study – Environmental Checklist

BIO-10 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.

BIO-11 Annual Biological Resource Surveys.

Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping.

Throughout the life of the project, Applicant or Project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species and burrow mapping (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.

BIO-12 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 American 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, the den will be monitored for three (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.

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

BIO-13 Nesting Bird Protection Measures.

a. **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. 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.

i. 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.

ii. If special-status avian species (aside from the burrowing owl or tri-colored 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.

iii. 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).

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

BIO-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. 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.

BIO-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.

Initial Study – Environmental Checklist

Sources

See Exhibit A.

Initial Study – Environmental Checklist

V. CULTURAL RESOURCES

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

Setting

The project is within an area historically occupied by the Obispeno Chumash and Salinan. 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.

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. In addition, 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 (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.

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?

Central Coast Archaeological Research Consultants conducted a cultural resources study for the proposed project, which included a records and literature search, as well as a field inspection of the site (CCARC 2019). 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 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 Tityu Northern Chumash, and the Northern Chumash Tribal Council). No Native American Tribes requested consultation for the project.

(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 to 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, impacts would be less than significant and no mitigation measures are necessary.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

VI. ENERGY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☒	☐	☐
(b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☒	☐	☐

Setting

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 County Conservation and Open Space Element (COSE) 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 "[a]ddress future energy needs through increased conservation and efficiency in all sectors" and "[i]ncrease the production of renewable energy from small-scale and commercial-scale renewable energy installations to account for 10% of local energy use by 2020." In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

The 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 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 CO_2 from fossil fuel combustion, and ventilation and air conditioning to remove waste heat. Reliance on equipment can vary widely as a result of factors such as plant spacing, layout, and the surrounding climate of a given facility (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).

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?*

The project proposes indoor and outdoor cultivation, distribution, and non-volatile manufacturing. The project incorporates the following features to minimize wasteful, inefficient or unnecessary consumption of energy resources:

- The project would be constructed with fixtures, equipment, and a building that meets Title 24 building codes for energy conservation and efficiency.
- Mixed-light is proposed to be used for the greenhouse cultivation. The applicant would be guided by best practices in terms of which type of lighting to use for different stages of plant growth.
- The outdoor cultivation would not include any lighting for growing purposes.
- Only minimal outdoor lighting would be used for security and would be LED and motion-activated.
- Solar panels estimated to produce 27,000 kW annually would be installed on the roof of the microbusiness building.
- The project would be conditioned to meter electricity used for cannabis activities and to provide the Department of Planning and Building with quarterly energy usage monitoring reports based on those meter readings. Ongoing monitoring would ensure that project energy consumption remains consistent with the energy use estimate provided in the application.

This analysis evaluates the use of energy resources (e.g., fuel and electricity) associated with construction activities, as well as operation and maintenance of the project. For construction, the analysis considers whether construction activities would use large amounts of fuels or energy, and whether they would be used in a wasteful manner. For energy used during operations, the analysis identifies energy use that would occur with implementation of the project to determine whether large amounts would be used and whether they would be used in a wasteful manner.

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 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. The project would use electricity and fuel during project operations.

Electricity. 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 indoor 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 County uses the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018). This calculation form contains formulas for estimating electricity use of cannabis operations. The form assumes that indoor cultivation uses 200 kWh/sf 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 and less than significant. 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 30,240 sf of mixed-light cultivation floor space in three greenhouses. A preliminary estimate of the project's cultivation energy demand, based on the energy consumption rate of 110 kWh/sf/yr, is compared with a generic commercial building of comparable size in Table 6. No diesel, gasoline, or natural gas is proposed. The application materials indicate total greenhouse energy use for all phases would be about 3,326,400kWh per year. Solar panels estimated to produce 27,000 kW annually would be installed on the roof of the microbusiness building; therefore, the net electricity demand would be 3,299,400 kWh.

Table 6 – Project's Projected Operational Energy Use Compared with A Generic Commercial Building of Comparable Floor Area

Project Component	Size (sf)	Rate (kWh/year-sf)	Projected Energy (kWh/year)
Generic Commercial Building of Comparable Size	30,240	21.25	642,600
Mixed-Light Greenhouse Cultivation		110	3,326,400
Proposed Solar			-27,000
Projected Greenhouse Energy Use			3,299,400

Percent in Excess of Generic Commercial Building	513%

Based on the California Energy Commission Report (Itron 2006), a typical non-cannabis commercial building of 30,240 square feet would use 642,600 kWh per year (21.25 kWh/sf x 30,240 sf). Based on the energy consumption rates above, the proposed project's cultivation activities would use 513% more energy than a generic non-cannabis commercial building of the same size. This amount of energy use would be 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 mitigation would be required. Implementation of mitigation measures ENG-1 and ENG-2 would reduce energy impacts to less than significant.

Fuel Use. During the operational phase, energy would also be consumed through daily worker trips to the project site, and commercial truck trips associated with delivery of supplies and distribution. For purposes of determining whether the project would require a large amount of fuel, 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 VMT
- Average Daily Trips (ADT) for Project x 37 miles (assuming travel from Santa Margarita) = Daily Vehicle Miles Travelled (VMT)
- Daily VMT x gallons per mile travelled = Daily gallons of fuel use
- 15 Average Daily Trips for operations for 365 days

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

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

Operational Fuel Use

15 ADT x 37 miles = 555 VMT per day

555 VMT/day x 0.058 gallons consumed per VMT = 32.19 gallons per day

Total fuel use associated with operation of the project (32.19 gallons per day) would be 0.00007% of the total daily fuel consumed in the County and would not be a large amount. In addition, employees and contractors, in an effort to ensure cost efficiency, would not be expected to engage

in wasteful or unnecessary fuel practices. Therefore, project operations would not encourage activities that would result in the use of large amounts of fuel in a wasteful manner, and would not conflict with an adopted plan for energy efficiency.

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 use a renewable energy source or offset the project's energy demand.

Mitigation

ENG-1 **Renewable Energy or Offsets.**

Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, proof that electrical power for indoor cultivation, mixed-light operations, and processing, including but not limited to lighting, heating, cooling, ventilation, exhaust fans, and watering systems, will be provided by any combination of the following: (i) on-grid power with one hundred percent (100%) renewable source; (ii) on-site zero net energy renewable source; or (iii) purchase of carbon offsets of any portion of power not from renewable sources. The use of generators for indoor and mixed light cultivation is prohibited, except for portable temporary use in emergencies only.

ENG-2 **Quarterly Monitoring Inspection**.

At time of quarterly monitoring inspection, the applicant shall provide to the Department of Planning and Building for review, documentation demonstrating continued compliance with mitigation measure ENG-1 (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.

Initial Study – Environmental Checklist

VII. GEOLOGY AND SOILS

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

Initial Study – Environmental Checklist

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

Setting

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

Topography: Nearly level to gently sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low to moderate

Liquefaction Potential: Low

Nearby potentially active faults?: Yes Distance? San Andres Fault approximately 8 miles east

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

Shrink/Swell potential of soil: Not known

Other notable geologic features? None

The project site is not located within the Geologic Study Area designation and is not within a high liquefaction area. The Setting in Section II, Agriculture and Forestry Resources, describes the soil types and characteristics on the project site. The project site is not located in an Alquist Priolo Fault Zone and no active fault lines cross the project site; however, the San Andres Fault is located approximately 8 miles to the east (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 geological stability. The geologic units that underlie the project site include Santa Margarita Sandstone and Caliente Formation, which are fossil-bearing geologic formations with high sensitivity for paleontological resources.

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 monitors the storm water runoff 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 or near 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 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 (California Geologic Survey 2018). However, the San Andres Fault is located approximately 8 miles east of the project site. Therefore, the project site may be subject to seismic ground shaking. The design and construction of new 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. The project would not exacerbate any existing hazards. Impacts would be less than significant.

(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 II, Agriculture and Forestry Resources, describes the soil types and characteristics on the project site. The site's potential for liquefaction hazards are considered low. 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. 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 to moderate. Prior to issuance of building permits and in compliance with LUO section 22.14.070 (c), the applicant will be required to submit a geotechnical report demonstrating avoidance of hazards. Implementation of plan and ordinance requirements would ensure that the proposed project avoids hazards related to potential landslides. 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 project includes 8.4 acres of grading, which would include both cut and fill activities. Improper grading has the potential to result in soil erosion or loss of topsoil. 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?

Soils associated with the project site are described in Section II, Agriculture and Forestry Resources. As discussed in the setting, the project site is not located in an area subject to unstable geologic

conditions. 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 II, Agriculture and Forestry Resources. None of the soils are considered expansive as defined by Table 18-1-B of the Uniform Building Code. Therefore, no impact would occur.

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

Project operations would use an existing septic system and no modifications are proposed. Impacts would be less than significant.

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

The geologic units that underlie the project site include Santa Margarita Sandstone and Caliente Formation. These are fossil-bearing geologic formations with high sensitivity for paleontological resources (County of San Luis Obispo 2011). Therefore, there is a potential that ground disturbing activities related to project construction could damage paleontological resources. Implementation of the mitigation measures PR-1 through PR-3 would minimize the potential for damage to paleontological resources from construction activities and reduce impacts to less than significant.

Conclusion

Compliance with ordinance requirements will ensure that potential impacts associated with geology and soils are less than significant. Ground disturbing activities during construction could damage paleontological resources; however, with implementation of mitigation measures PR-1 through PR-3, impacts would be less than significant.

Mitigation

PR-1 Paleontological Resources Monitoring and Treatment Plan.

Prior to construction permit issuance, the applicant shall retain a qualified paleontologist to prepare a Paleontological Monitoring and Treatment Plan (Plan) and submit the Plan to the County for review and approval. The Plan shall be based on Society of Vertebrate Paleontology (SVP) guidelines and meet all regulatory requirements. The qualified paleontologist shall have a Master's Degree or Ph.D. in paleontology, shall have knowledge of the local paleontology, and shall be familiar with paleontological procedures and techniques. The Plan shall identify construction impact areas of moderate to high sensitivity for encountering potential paleontological resources and the shallowest depths at which those resources may be encountered. The Plan shall detail the criteria to be used to determine whether an encountered resource is significant, and if it should be avoided or recovered for its data potential. The Plan shall also detail methods for completion of a construction worker environmental awareness training program regarding the protection of

paleontological resources recovery, preparation and analysis of specimens, final curation of specimens at a federally accredited repository, data analysis, and reporting.

The Plan shall outline a coordination strategy to ensure that a qualified paleontological monitor will conduct full-time monitoring of all ground disturbance during grading activities in the 'deeper' sediments determined to have a moderate to high sensitivity. For sediments of low or undetermined sensitivity, the Plan shall determine what level of monitoring is necessary. Sediments with no sensitivity will not require paleontological monitoring.

The Plan shall define specific conditions in which monitoring of earthwork activities could be reduced and/or depth criteria established to trigger monitoring. These factors shall be defined by the project paleontological resource specialist, following examination of sufficient, representative excavations. The Plan shall additionally require that all monitoring will be completed by qualified individuals, and that all on-site monitors will have the authority to stop or otherwise divert grading activities away from exposed fossils until such finds are appropriately assessed and recovered.

PR-2 **Paleontological Resources Construction Monitoring.**

Based on the Paleontological Monitoring and Treatment Plan (Mitigation Measure PR-1, Paleontological Resources Monitoring and Treatment Plan), the applicant shall conduct fulltime monitoring during rough grading and for areas with cuts greater than 12 inches below existing soil, by the qualified paleontological monitor in areas determined to have moderate to high paleontological sensitivity. Sediments of low, marginal undetermined sensitivity shall be monitored by a qualified paleontological monitor on a part-time basis (as determined by the qualified paleontologist).

The Qualified Monitor shall have a B.A. in Geology or Paleontology, and a minimum of one year of paleontological monitoring experience in local or similar sediments. Construction activities shall be diverted when data recovery of significant fossils is warranted, as determined by the qualified paleontologist.

PR-3 **Fossil Discoveries.**

In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. The project paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the project paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:

1. **Salvage of Fossils.** The project paleontologist (or paleontological monitor) should recover significant fossils following standard field procedures for collecting paleontological resources, as described by the SVP (2010). Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist should have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.
2. **Preparation and Curation of Recovered Fossils.** Once salvaged, significant fossils should be identified to the lowest possible taxonomic level, prepared to a curation-ready

condition, and curated in a scientific institution with a permanent paleontological collection (such as the University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the project paleontologist.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

VIII. GREENHOUSE GAS EMISSIONS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☒	☐	☐
(b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☒	☐	☐

Setting

Greenhouse 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 (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement).

Carbon dioxide 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 GHG emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. The Bright-Line Threshold of 1,150 Metric Tons CO_2/year (MT CO_2e/yr) is the most applicable GHG threshold for most projects. Table 1-1 in the APCD 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. Projects that exceed the criteria or that 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 CARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, implementation of energy efficiency measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

Initial Study – Environmental Checklist

Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extended the State's GHG reduction goals and requires CARB 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 CARB on December 11, 2008 and is updated every five years. The first update of the Scoping Plan was approved by CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030-2035) toward reaching the 2050 goals. The most recent update released by CARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

The County Energy Wise Plan (EWP 2011) identifies ways in which the community and County government can reduce GHG emissions from their various sources. For 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;
- 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.

Discussion

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

The proposed project would generate GHG emissions as a result of energy use and fuel consumption. CalEEMod was used to determine GHG emissions from the proposed project. Table 8 shows the project's estimated GHG emissions.

Table 8 – Projected Operational GHG Emissions (CO_2e)

Project Component	Projected GHG Emissions (MT/CO_2e/year)
Mixed Light Cultivation (greenhouses)	1,754[1,2]
Microbusiness Building	44.0[3]
Mobile	55.4
Construction	30.3[4]
Total	**1,883.7**

Notes:
1. CalEEMod 2016 rate of 0.058 MT CO_2e/year per square foot of greenhouse
2. Includes GHG emissions associated with energy use and fuel consumption.
3. Includes GHG emissions associated with energy use (minus solar), water, and waste
4. Construction emissions amortized over the life of the project (assumed to be a 5-year period).

Based on this information, the proposed project would exceed the SLOAPCD's Bright Line Threshold of 1,150 MT CO_2e. To mitigate this potential impact, the project would be required to implement of measures that would offset GHG emissions to reduce emissions below the 1,150 MT CO_2e 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.

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

As discussed in Section VI. Energy, the project has the potential to result in inefficient or wasteful energy use which would contribute to higher GHG emissions and by nature is in conflict with state and local plans for the reduction of GHG emissions, including the policies of the COSE, the EWP goals, the 2001 APCD CAP, the Climate Change Scoping Plan. As shown in Table 8, the project would exceed the APCD bright-line threshold of 1,150 MT CO_2e/year. Implementation of mitigation measures ENG-1, ENG-2, and GHG-1 would reduce the project's energy consumption and GHG emissions below the identified threshold, such that the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

Conclusion

Implementation of mitigation measure ENG-1 and ENG-2 would help to reduce the project's GHG emission by 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 the purchase of 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 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 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 $MTCO_2e$ Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

a. Implementation of energy reduction measures identified in mitigation measure ENG-1.

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.

d. 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.

Initial Study – Environmental Checklist

IX. HAZARDS AND HAZARDOUS MATERIALS

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

Initial Study – Environmental Checklist

Setting

To comply with Government Code section 65962.5 (known as the "Cortese List") the following databases/lists were reviewed 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 state responsibility area and within a "high" severity risk area for fire. The nearest fire station (Station 42) is located approximately 9 miles to the east at 13080 Soda Lake Road in California Valley. According to the San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between ten and fifteen minutes (San Luis Obispo County 1999).

The project is not within an 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?*

Construction-related impacts. Construction activities would involve the use of small amounts of oils, fuels, and solvents; however, construction activities would be temporary and would not result in routine transport, use, or disposal of hazardous materials. Further, during construction activities, any on-site hazardous materials that may be used, 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 emissions from hazardous materials. Impacts would be less than significant.

Operational impacts. Project operations would involve the intermittent use of small amounts of hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous. In accordance with LUO Section 22.40.050.C.3., all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with

a storage and hazardous response plan. The application materials are incorporated by reference and available for review at the Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo.

All approved cannabis cultivation operations employing the use of pesticides must obtain the appropriate pesticide use permitting from the Department of Agriculture/Weights and Measures. Accordingly, pesticide and fertilizer usage will be conducted according to the County of San Luis Obispo Department of Agriculture by obtaining an Operator Identification Number and complying with all application, reporting, and use requirements. Pesticides will not be stored outside where they could leak or spill into drains, wells, groundwater, or surface water. Pesticides will be stored in a separate, secured area.

The proposed cannabis product extraction activities may also involve the use, transport, and/or disposal of non-volatile substances, such as ethanol and pressurized carbon dioxide. However, the quantity of hazardous materials would not exceed 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas at standard temperature and pressure. Per the referral letter dated January 27, 2020 from Clint Bullard of CalFire, the proposed extraction (manufacturing) operations presents a concern relative to fire/life safety. Several mandatory fire and safety features (including automatic commercial fire sprinklers in commercial structures and fire pump/hydrants) were required in Mr. Bullard's letter. All the CalFire requirements must be satisfied prior to final inspection and occupancy. The project has been conditioned to meet these requirements and impacts would be less than significant.

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

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

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

Impacts from construction activities would be less than significant.

Operational activities. Project operations would involve the intermittent use of small amounts fertilizer and pesticides that are not expected to be acutely hazardous. The cannabis

manufacturing/extraction process would also involve the use of small amounts of solvents 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 23.08.416.k. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan. Operational impacts would be less than significant.

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

There are no schools within one-quarter mile of the project site. The nearest school is Carissa Plains Elementary School, located approximately 3.8 miles east 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?

As discussed in the Setting above, the project site is not found on the 'Cortese List' (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5). 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 located in an Airport Review area and would therefore not expose workers to aviation-related hazards. No impact would occur.

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

Based on the project description, 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. Impacts would be less than significant.

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

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project is within a "high" severity risk area which could present a significant fire safety risk. The applicant would improve the existing driveway in accordance with CalFire Standard 4, Access Roads and Driveways. A fire equipment turnaround would be constructed adhering to County of San Luis Obispo / CalFire design specifications, which would ensure that access to the greenhouses and microbusiness building is maintained for emergency response vehicles. In addition, four 10,000-gallon water tanks would be installed near the proposed microbusiness building and greenhouses. Three of the tanks would be dedicated to fire suppression and accessible to emergency responders. Per a referral letter dated January 27, 2020 from Clint Bullard of CalFire, these requirements must be satisfied

prior to final inspection and occupancy. The project will be conditioned to meet these requirements and impacts would be less than significant.

Conclusion

The project is required to comply with County Ordinances and CalFire/San Luis Obispo Fire Department Standards. Impacts related to wildfire hazards would be less than significant.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

X. HYDROLOGY AND WATER QUALITY

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

Initial Study – Environmental Checklist

Setting

WATER DEMAND – LUO Section 22.40.050.C.1. requires all applications for cannabis cultivation to include a detailed water management plan that discusses the proposed water supply, conservation measures and any water offset requirements. In addition, 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 would use an on-site well as a water source. The project site is not located within a LOS III groundwater basin.

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

- Within the 100-year Flood Hazard Designation? No.
- Closest creek? Unnamed intermittent stream on northwest portion of property.
- Distance of closest? Approximately 600 feet west of the proposed project area of disturbance.
- Soil drainage characteristics: Well drained

The topography of the site is gently rolling on the eastern portion to moderately sloping on the western portion, with 10% average slopes. General project site topography directs runoff to the north (toward Carissa Highway) into the intermittent (ephemeral) stream at the northwest corner of the property and the runoff eventually flows into San Juan Creek located approximately 2.5 miles to the west. The proposed areas of disturbance will be sited on relatively level areas on the central and eastern portions.

The project site is in a drainage review area. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.110) includes a provision to prepare a drainage plan to minimize potential drainage impacts. The drainage plan would need to address measures such as: constructing on-site retention or detention basins or installing surface water flow dissipaters. The drainage 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 Agricultural Resources section under "Setting." As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

- Soil erodibility: Moderate wind erosion

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize 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 permitting requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (Construction General Permit). The Construction General Permit requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The SWPPP must be prepared before construction begins. The Central Coast Regional Water Quality Control Board is responsible for monitoring this program.

On October 17, 2017, the State Water Resources Control Board adopted the Cannabis Cultivation Policy (Cannabis Policy) and the Statewide Cannabis General Order WQ 2017-0023-DWQ (Cannabis General Order) for General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of

Initial Study – Environmental Checklist

Waste Associated with Cannabis Cultivation Activities. The Cannabis Policy and Cannabis General Order include requirements to reduce impacts of waste discharges and surface water diversions associated with cannabis cultivation. The Order requires submittal of a Site Management Plan describing BMPs to protect water quality, and may also require a Site Erosion and Sediment Control Plan, Disturbed Area Stabilization Plan, and/or Nitrogen Management Plan, depending on size and site characteristics of the operation. All outdoor commercial cultivation operations that disturb an area equal to or greater than 2,000 square feet of soil are required to enroll.

Discussion

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

Construction of the project would result in 8.4 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, and 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. According to the Public Works Department (Memorandum from David Grim, Department of Public Works, May 20, 2019), the project is located within a drainage review area and a drainage plan will be required at the time of building permit review. 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. Also, all cannabis 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)). Therefore, the project's impacts on water quality would be less than significant.

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

A water demand estimate was prepared by Shannon Jessica, PE (Wallace Group 2019) and summarized in Table 9. The water demand analysis is incorporated by reference, attached in Exhibit A, and available for review at the Department of Planning and Building, 97 Osos Street, San Luis Obispo.

Table 9 – Project Water Demand

Use	Rate	Gross Demand (gallons/year)	Gross Demand (AFY[1])
Outdoor Cultivation	43,560 sf canopy x 0.03 gal/sf/day x 180 days	235,224	0.72
Indoor Cultivation	22,000 sf canopy x 0.1 gal/sf/day x 270 days	594,000	1.82
Nursery: Indoor application rate	5,000 sf plant area x 0.1 gal/sf/day x 270 days	135,000	0.41
		Acre-Feet Per Year	**2.96**

Source: Wallace Group 2019
Notes:
1. Acre Feet per Year

Water on-site is supplied by an existing agricultural well producing 50 gallons per minute, which produces enough water to meet the project's water demand (Wallace Group 2019). While the project would use groundwater, the low demand is not expected to substantially decrease groundwater supplies or adversely impact surrounding wells. Further, the project would not result in the addition of impervious surfaces that would interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin. Impacts to water supply would be less than significant.

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 (2.96 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount. In addition, the project will be conditioned to apply Best Management Practices for water conservation to maintain water use at or below the water analysis projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

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

The conditions of approval will also require the project to participate in the County's ongoing cannabis monitoring program to ensure compliance with all conditions of approval and other relevant regulations thus ensuring that impacts would be less than significant.

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

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

Project development would result in 8.4 acres of site disturbance. Per the LUO, the project would be subject to a sedimentation and erosion control plan to minimize construction and grading impacts. The plan is required to be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. In addition, because the project would disturb more than 1.0 acre, the applicant would be required to prepare and implement a SWPPP. As discussed under checklist question a) above, 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.

With compliance with the LUO and the NPDES General Construction Permit, potential impacts associated with erosion and siltation would be less than significant.

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

The project would result in the addition of approximately 37,390 square feet of new impervious surfaces due to the greenhouses and the microbusiness building. In relation to the 110-acre parcel, a minimal amount of impervious surface is proposed on the central portion of the site. In addition, a roadside swale would be constructed along the west side of the access road and a culvert would be installed underneath the access road near the northeast portion of the proposed development. A drainage analysis of the existing and proposed drainage features was provided in a technical memorandum and attached in Exhibit A (North Coast Engineering 2019). The memorandum indicated that development of the project site would increase peak flows from the onsite watershed, but the increase would not have a significant impact on downstream off-site peak runoff. No adverse effects from the increase in post-developed water runoff are anticipated. Therefore, the project would not substantially increase runoff rates or quantities and impacts would be less than significant.

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

Project development would result in approximately 37,390 square feet of new impervious surfaces for the greenhouses and microbusiness building. Existing drainage patterns would be maintained to the extent feasible. As discussed in the Project Description, the project would include a culvert with rock slope protection that would be constructed for drainage under the access road at the northern end. The drainage analysis prepared by North Coast Engineering (attached in Exhibit A) concluded the existing and proposed culverts will have capacity to adequately accept the post-project runoff. Regarding the potential for polluted runoff, the project includes more than 2,000 square feet of outdoor cultivation area; therefore, the applicant would be required to enroll in and comply with the Cannabis General Order to reduce impacts of waste discharges and surface water diversions associated with cannabis cultivation. Impacts would be less than significant.

(c-iv) Impede or redirect flood flows?

The proposed project area of disturbance would be located approximately 600 feet west of an unnamed ephemeral stream. The proposed development would not impede or redirect flood flows associated with the unnamed stream. Impacts to the existing drainage pattern of the site would be less than significant.

Initial Study – Environmental Checklist

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

The project site is not located in a 100-year floodplain or tsunami or seiche zones. No impact would occur related to these inundation risks.

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

The project involves indoor and outdoor cultivation, manufacturing, and ancillary uses and proposed impervious surfaces would be minimal. The project site is not located within a groundwater basin management area that is designated by the California Department of Water Resources. Potential impacts related to water quality and groundwater management would be less than significant and the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Conclusion

Adherence to existing regulations would adequately address surface water quality impacts during construction and operation of the project. Based on compliance with existing regulations and requirements, potential water and hydrology impacts would be less than significant, and no mitigation measures are necessary.

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
Would the project:					
(a)	Physically divide an established community?	☐	☐	☒	☐
(b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Setting

Surrounding land uses are identified on Page 2 of the Initial Study.

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

1) LUO Chapter 22.94 – North County Planning Area

2) LUO Chapter 22.94 – North Shandon-Carrizo Sub Area

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

Discussion

(a) Physically divide an established community?

The project site is primarily undeveloped, with an existing single-family residence, in a 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, General Plan, 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).

Initial Study – Environmental Checklist

The project would be required to adhere to all regulations and development standards as listed in the County LUO Chapter 22.94. This includes the receipt of all necessary permits, submittal of plans, adherence to application requirements, and limitations on use and cultivation.

The project is not within or adjacent to a Habitat Conservation Plan area. Since the project proposes cultivation, manufacturing, and ancillary uses, it is consistent and compatible with the surrounding uses rural residential and agriculture. Impacts would be less than significant.

Conclusion

No inconsistencies were identified and impacts related to land use and planning would be less than significant; therefore, no mitigation measures are required.

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
Would the project:					
(a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
(b)	Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Setting

The 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.

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
Would the project result in:					
(a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
(b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
(c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Setting

The existing ambient noise environment is characterized by intermittent vehicle noise from traffic on the Carissa Highway. Noise-sensitive land uses typically include residences, schools, nursing homes, and parks. The nearest noise-sensitive receptor is a single-family residence located approximately 650 feet north of the proposed greenhouses (339 feet from the northern property line).

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.

Initial Study – Environmental Checklist

Discussion

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

Construction-related 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. 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 (SR 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 53 dBA at 25 feet from the source. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. Therefore, project related noise sources producing 53 dB at 25 feet will be perceived to produce about 23 dB at the nearest property line, assuming a minimum distance of 400 feet from the proposed greenhouses. The resulting noise is anticipated to be below the maximum allowable nighttime level (65 dB) and the hourly average equivalent noise level (45dB). Operational noise impacts would be less than significant.

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?

No groundborne vibrations or noises would be generated by the project that would be detectable offsite and, therefore, no impacts are expected.

(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.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XIV. POPULATION AND HOUSING

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

Setting

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 proposed project does not involve the construction of new housing. The project proposes cannabis activities that would employ up to six people full-time. The increase in employment opportunities is not anticipated to result in an indirect increase in population, as it is anticipated that the employees would be existing residents of San Luis Obispo County. Therefore, the project is not anticipated to induce substantial population growth. No new infrastructure is proposed. Therefore, the project would not induce substantial population growth. Impacts would be less than significant.

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

The project site includes one existing single-family residence that would remain on site and would not be used for cannabis activities. Therefore, the project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. No impact would occur.

Initial Study – Environmental Checklist

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.

Initial Study – Environmental Checklist

XV. PUBLIC SERVICES

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

Setting

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

Police: County Sheriff

Location: Community of Templeton (Approximately 44 miles to the west)

Fire: CalFire (formerly CDF) Hazard Severity: High Response Time: 5-10 minutes

Location: Approximately 9 miles to the east at 13080 Soda Lake Road in California Valley

School District: Atascadero 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?

The project was reviewed by County Fire/CalFire and a referral response letter was received (January 27, 2020, Clinton Bullard, Fire Inspector), which describes requirements for the applicant to

implement to comply with County Fire/CalFire standards. Based on the limited amount of development proposed, the project would not result in the provision of, or need for, new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts. Impacts related to fire protection facilities would be less than significant.

Police protection?

The project site is in the existing service range for the County Sheriff Department. The applicant has prepared a Security Plan which is subject to the review and approval of the County Sheriff's Department. Incorporation of security techniques would serve to reduce the need for police/sheriff enforcement. Based on the limited amount of development proposed, 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?

Based on the project description, the project is not expected to generate additional population with a need for the associated construction of additional schools, parks, or other public facilities. No impact would occur.

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 would reduce 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.

Initial Study – Environmental Checklist

XVI. RECREATION

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

Setting

The 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. No impact would occur.

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

The project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. No impact would occur.

Conclusion

The project would not impact recreational facilities and no mitigation measures are necessary.

Sources

See Exhibit A.

XVII. TRANSPORTATION

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

Setting

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

The project site currently has two residences and generates a very low volume of traffic. The project site is located on Carissa Highway (Highway 58) in the unincorporated area west of the community of Carissa Plains. Caltrans' 2017 Traffic Volume Data for Highway 58, indicates an Annual Average Daily Traffic (AADT) below 1,000 vehicles, both east and west of the project site (on the section of Highway 58 between Cammatti Creek and Soda Lake Road).

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

adopted VMT criteria for determining significance of transportation impacts must be implemented statewide.

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

Discussion

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

The project would not involve construction or operational activities that would adversely affect public transit, bikeways, or pedestrian facilities, or conflict with a program, plan, ordinance, or policy addressing these facilities.

Construction-related Impacts. Construction related traffic would increase during the morning and afternoon peak hours on Highway 58/Carissa Highway. Based on the project description, it is expected that as many as three workers may be arriving and leaving the project site on a typical construction workday. Assuming three PM peak hour trips on Highway 58, traffic will increase by less than 1% per day for a construction timeframe of one to two months. The temporary increase in traffic on SR 58 would not reduce the level of service such that it would conflict with a program plan, ordinance, or policy addressing the circulation system.

Operational Impacts. The project is expected to generate up to 15 average daily trips. The additional trips would increase the traffic volume by less than 1% per day. Marginal increases in traffic can be accommodated by existing regional highways and the project would not result in any long-term changes in traffic or circulation or reduce the level of service. The project does not propose uses that would interfere or conflict with applicable policies related to the circulation system. The project would be consistent with the County Framework for Planning (Inland) and consistent with the projected level of growth and development identified in the 2019 Regional Transportation Plan. Impacts would be less than significant.

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

In December 2018, OPR released a technical advisory titled *Technical Advisory on Evaluating Transportation Impacts in CEQA* (OPR guidelines), which contains recommendations regarding the assessment of VMT and thresholds of significance. As noted in the OPR guidelines, lead agencies are directed to choose metrics and thresholds that are appropriate for their jurisdiction to evaluate the potential impacts of a project. 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 has not yet adopted VMT policies; therefore, the potential VMT impacts from implementation of the Project were evaluated based on guidance and screening criteria presented in the OPR guidelines. The OPR guidelines indicate that projects that generate or attract fewer than 110 trips per day generally may be presumed to cause a less-than-significant transportation impact. Therefore, for the purpose of this analysis, the Project would potentially conflict or be inconsistent with State CEQA Guidelines section 15064.3(b), and potentially result in a significant impact, if it would generate more than 110 permanent trips per day.

As discussed in Section III, Air Quality, the project would generate a maximum of 15 average daily trips. Based on the screening criteria of 110 trips per day, the project would not result in a substantial increase in VMT that would conflict or be inconsistent with State CEQA Guidelines Section 15074.3(b) and impacts would be less than significant.

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

The project does not propose any features that would delay, disrupt, or result in unsafe conditions. The project would include a "no left turn" sign Caltrans standards. Impacts would be less than significant.

(d) Result in inadequate emergency access?

As discussed in the Project Description, a hammerhead turnaround would be constructed adhering to County of San Luis Obispo/CalFire design specifications, which would ensure that access to the project is maintained for emergency response vehicles. The proposed grade and widths of the access roads and driveways are adequate per CalFire standards. Impacts related to emergency access 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	☐	☐	☐	☒
	(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Setting

The project is in an area historically occupied by the Obispeno Chumash and Salinan. 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.

Initial Study – Environmental Checklist

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.

Efforts to identify tribal cultural resources that could be affected by the project consisted of a records search at the Central Coast Information Center, University of California, Santa Barbara, a literature review, a sacred lands search through the Native American Heritage Commission, and a field inspection of the site (CCAR 2019). The investigation and survey did not identify any tribal cultural resources within the project site.

California Native American tribes (Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council) were notified according to Public Resources Code section 21080.3.1. No Native American tribes requested consultation for the project.

No significant resources within the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 relating to the significance of the resource to a California Native American tribe were identified and the County has satisfied the requirements of AB 52 for the project. 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 tribal cultural resources are expected to occur, and no mitigation measures are necessary.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XIX. UTILITIES AND SERVICE SYSTEMS

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

Setting

The setting for water supply is discussed in Section X, Hydrology and Water Quality. The existing residence is served by an on-site septic leach field.

Initial Study – Environmental Checklist

Discussion

(a) *Require or result in the relocation or construction of new 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?*

The project would use an existing septic system and portable restrooms. Therefore, it would not result in the construction or expansion of new wastewater treatment facilities, the construction or relocation of which could cause significant environmental effects.

The project would use an existing well. A new water supply line would be installed from the existing water supply line along the east side of the property to a water pump house that would supply well water to the proposed water tanks. The potential effects of this line have been evaluated throughout this MND. Impacts would be less than significant.

A new roadside swale and culvert would be installed in previously disturbed areas along the existing access road. The effects of these components have been evaluated throughout this MND. Impacts would be less than significant.

The existing residence has power through PG&E; however, extensions will be needed to service the project. Such extensions will be required to meet PG&E and CalFire standards. No new natural gas or telecommunications facilities are proposed. Impacts would be less than significant.

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

As discussed in Section X, Hydrology and Water Quality, the project would use approximately 2.96 acre feet per year of water at full buildout. An existing well has served the existing residence. A well pump test conducted in 2019 concluded that the well produces enough water to meet the project's water demand. The project site is not located over an impacted groundwater basin. Potential impacts to water supply are 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.

(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 39 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, in. 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.

Initial Study – Environmental Checklist

(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.

Initial Study – Environmental Checklist

XX. WILDFIRE

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

Setting

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a state responsibility area and within a "high" severity risk area for fire. The nearest CalFire station (Station 42) is located approximately 9 miles to the east at 13080 Soda Lake Rd in California Valley. According to the San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between ten and fifteen 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 adopted 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.

Initial Study – Environmental Checklist

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

Wildfire risk is dependent upon existing environmental conditions, including but not limited to the amount of vegetation present, topography, and climate. The project site is located within a rural area surrounded by open fields and gently sloping hillsides. Climate in the area is characterized as Mediterranean, with cool wet winters and hot dry summers. The proposed project would not be in an area classified as Very High Fire Hazard Severity zone.

The project would construct and operate a commercial cannabis facility within an area designated as having a high wildfire risk. The project would be required to be built in compliance with applicable fire standards, including provision of adequate emergency access and fire water supply, which would reduce the potential hazard of wildfires (CalFire Referral letter dated January 27, 2020). These features would reduce the exposure of project occupants to risks associated with wildfire. Therefore, the project would have a less than significant impact regarding exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

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

Proposed infrastructure improvements would include improvements to the existing driveway in accordance with CalFire standards to accommodate turnaround space for emergency vehicles, extension of the electrical power line, and installation of four 10,000-gallon water tanks, three of which would be for dedicated fire water.

The project would include an on-site water supply source and water storage to provide required fire suppression, an upgraded driveway with a turnaround space for emergency vehicles, and inclusion of required design aspects in order to comply with Fire Safe Standards included in the LUO. Installation and maintenance of these minor improvements are not anticipated to exacerbate fire risk or result in temporary or ongoing environmental impacts. Impacts would be less than significant.

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

The project is within a State Responsibility Area and is in a High Fire Hazard Severity Zone. The project would be a combination of proposed cannabis cultivation and manufacturing with ancillary uses on relatively flat areas of the site with some grading. No adverse effects from post-development water runoff are anticipated. Existing drainage patterns would be maintained (NCE 2019). The engineered grading plan addresses slope stability and landslide potential, as required by LUO Section 22.52.100. The project would not exacerbate any post-fire damage. Impacts would be less than significant.

Conclusion

All construction will be in accordance with County Ordinances and CalFire/San Luis Obispo Fire Department Standards. Impacts would be less than significant and no mitigation measures are necessary.

Initial Study – Environmental Checklist

Sources

See Exhibit A.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion

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

Potential impacts to biological resources have been identified but would be mitigated to a level of less than significant. Compliance with all the mitigation measures identified in Exhibit B would ensure that project implementation would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. Implementation of the project would not eliminate important examples of the

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

(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.

Table 11 – Summary of Cannabis Activities for Unincorporated San Luis Obispo County[1]

Project Type	Total Number of Cannabis Activities[2]	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; and
    - All sites would be served by a well.

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 10 depicts these projects.

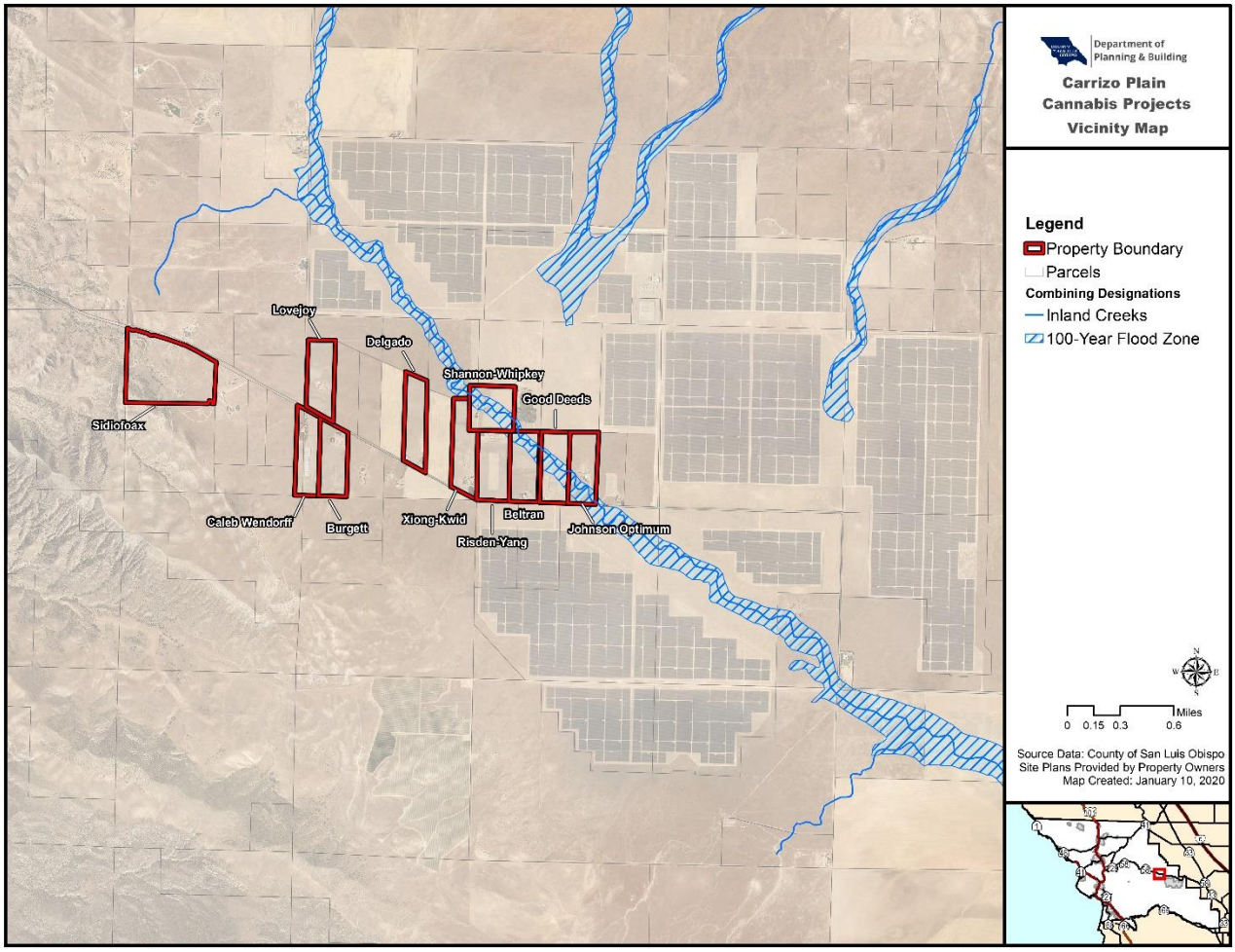


Figure 10 – Project Site with Reasonably Foreseeable Cannabis Projects in a 5-mile Radius

Discussion

Aesthetic and Visual Resources

The project site is in an area with 11 potential cannabis facilities within 5 miles (as of April 2020). The proposed project combined with cumulative development could result in a significant cumulative impact if newly proposed structures visible from surrounding public roadways are not compatible with the rural and agricultural visual character of the area or if grow lights in new greenhouses combine to affect nighttime views.

Surrounding proposed cannabis cultivation operations would require discretionary permits and project specific environmental review, including a review of potential impacts to visual resources. Based on the rural and agricultural visual character of the area, newly proposed structures visible from surrounding public roadways would undergo evaluation for consistency with the surrounding visual character and may be required to implement visual screening and/or other measures if County staff identify potential impacts to visual resources. Proposed cannabis cultivation projects,

including use of mixed-light growing techniques, would be subject to standard County mitigation measures to eliminate off-site nighttime light and glare.

As discussed in Section I., Aesthetics, the proposed project includes greenhouses and a microbusiness building that would be set back from Carissa Highway and would be compatible with adjacent uses and surrounding visual character (agricultural and rural residential uses). The proposed project would also be required to implement mitigation that prevents all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn. Therefore, the project's potential contribution to this impact would not be cumulatively considerable.

Air Quality

The project is one of 115 land use permit applications for cannabis cultivation activities located within the county. A project that does not exceed applicable SLOAPCD thresholds and is consistent with the 2001 CAP would have a less than significant cumulative impact on the airshed. Conversely, a project that exceeds applicable SLOAPCD significance thresholds or is found to be inconsistent with the CAP would result in significant cumulative impacts. As discussed in Section III.a, Air Quality, the project would be consistent with the 2001 CAP. 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 PM_{10}. With implementation of mitigation measure AQ-1, 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.

The project site is located in an area with 11 reasonably foreseeable future cannabis cultivation facilities within 5 miles (as of April 2020). Operation of the proposed project combined with the 11 cannabis cultivation projects could result in a significant cumulative impact if other emissions (such as those leading to odors) combined and adversely affect a substantial number of people. However, County LUO prohibits cannabis odors from being detected off-site and requires an odor control plan, minimum setback distances, and the installation of ventilation controls to contain odors inside buildings and greenhouses.

The analysis provided in Section III.d, Air Quality, concludes that the project's potential other emissions (such as those leading to odor) would be less than significant based on the distance of proposed odor-emitting uses from the project property lines and proposed odor control technology to be implemented within proposed structures. Therefore, the proposed project's odor emissions would be localized on the project site and the project would not contribute to a cumulative impact.

Biological Resources

The project site is in an area with 11 potential cannabis facilities within 5 miles (as of April 2020). The proposed project combined with cumulative development could result in a significant cumulative impact if cumulative development interferes substantially with the movement of wildlife, including San Joaquin kit fox, or has a substantial adverse effect on special status species. As discussed in Section IV, Biological Resources, project fencing has the potential to impact San Joaquin kit fox migration corridors. In addition, the project would remove eight (8) acres of annual grassland habitat. Therefore, the project in combination with other cumulative projects could result in a potentially significant cumulative impact. However, proposed mitigation measures would reduce potential project impacts on San Joaquin kit fox migration corridors and suitable habitat to less than

significant. Other cumulative projects would similarly be required to mitigate potential impacts through the CEQA process. The project's contribution to this impact would not be cumulatively considerable.

Energy Use

The project is one of 115 land use permit applications for cannabis cultivation activities located within the county. The proposed project combined with cumulative development would result in a significant cumulative impact if large amounts of energy would be used in a wasteful manner or inefficient manner.

Table 12 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.

Table 12 – 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% in 2018 if all 115 cultivation projects are approved and constructed, which could result in a significant cumulative energy impact. Table 13 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.

Table 13 – 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, the project would increase the demand for electricity by about 3,299,400 kWh per year, which has the potential to result in a significant impact on energy. However, with implementation of mitigation measure ENG-1 and ENG-2, the project is required to use renewable energy sources or offset its energy demand, such that it would not result in wasteful or inefficient energy use. Other reasonably foreseeable cannabis projects would also be required to implement similar mitigation measures if energy usage is potentially wasteful or inefficient. Therefore, the project's potential contribution to wasteful or inefficient energy usage would be less than cumulatively considerable.

Geology and Soils

The proposed project combined with cumulative development in the region, including the 11 proposed cannabis projects in the Carrizo Plain area, could result in a significant cumulative impact if construction of cumulative projects resulted in the loss and/or degradation of unidentified paleontological resources. As discussed in Section VII, Geology and Soils, based on the sensitivity of geologic units that underlie the project site, there is a potential for paleontological resources to be discovered during construction. Therefore, the project in combination with other cumulative projects could result in a potentially significant cumulative impact. However, proposed mitigation measures would reduce potential project impacts on paleontological resources to less than significant. Other cumulative projects would similarly be required to mitigate potential impacts through the CEQA process. The project's contribution to this impact would not be cumulatively considerable.

Impacts related to seismic and other geologic hazards are localized in nature; they do not accumulate to cause broader environmental consequences, and cumulative impacts would not occur. Therefore, these issues are not discussed further.

Greenhouse Gas Emissions

Analyses of GHG emissions and climate change are cumulative in nature, as they affect the accumulation of GHGs in the atmosphere. Projects that exceed the APCD's Bright-Line Threshold of 1,150 metric tons of GHG emissions discussed in Section VIII, Greenhouse Gas Emissions, would have a significant impact on GHG emissions and climate change, both individually and cumulatively. As discussed in Section VIII., the project is expected to generate 1,883.7 metric tons of GHG emissions per year which exceeds the APCD's Bright-Line Threshold. Therefore, the project's

contribution would be cumulatively considerable. implementation of mitigation measure GHG-1 is required to reduce the project's GHG emissions to less than significant.

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 14, 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 14, the marginal demand associated with cannabis cultivation is minor in relation to the available storage capacity 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.

Table 14 – 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[3]	Total Storage/ Safe Yield[2,4]	Status of Groundwater Basin[2]
Carrizo Plain Groundwater Basin	13	585.01	75.84 AFY	Total storage estimated to be 400,000 AF/ Safe Yield 8,000-10,000 AFY	No Level of Severity

Notes:
1. 2014 Integrated Regional Water Management Plan
2. 2014-2016 Resource Summary Report

3. Based on the assumptions for development and water demand outlined above.
4. 2014 Integrated Regional Water Management Plan

Noise

As discussed in Section XIII, 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.

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

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 for San Luis Obispo County prepared and adopted by the San Luis Obispo Council of Governments 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 to 6 full-time workers and up to 12 workers temporarily during the harvest. The 2050 employment forecast does not account for employment 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 and therefore is not anticipated to rise to a cumulatively considerable level.

Other Impact Issue Areas

Based on the analysis in this Initial Study, during operations the project would not contribute to cumulative impacts on the following resources because there would be no impact or the impact would be both less than significant and localized on the project site:

- Agriculture and Forestry Resources
- Cultural Resources;
- Hazards and Hazardous Materials;
- Land Use Planning;
- Mineral Resources;
- Recreation;
- Public Services;
- Transportation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

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

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 to meet the Mandatory Findings of Significance with implementation of mitigation measures for Air Quality, Biological Resources, Energy, Geology and Soils, and Greenhouse Gas Emissions (Exhibit B).

Mitigation

See Exhibit B for full list of mitigation measures.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
☒	County Public Works Department	**In File****
☒	County Environmental Health Services	**In File****
☒	County Agricultural Commissioner's Office	**In File****
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**None**
☒	County Sheriff's Department	**None**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**In File****
☒	CA Department of Forestry (Cal Fire)	**In File****
☒	CA Department of Transportation	**None**
☐	Community Services District	**Not Applicable**
☒	Other Building Division	**In File****
☒	Other U.S. Fish and Wildlife	**None**
☒	Other Assessor's Office	**In File****
☒	Other NCTC	**None**

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

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

- ☒ Project File for the Subject Application

County Documents

- ☐ Coastal Plan Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☐ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☐ Building and Construction Ordinance
- ☒ Public Facilities Fee Ordinance
- ☐ Real Property Division Ordinance
- ☒ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☒ Energy Wise Plan
- ☐ Design Plan
- ☐ Specific Plan
- ☒ Annual Resource Summary Report
- ☐ Circulation Study

Other Documents

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

Initial Study – Environmental Checklist

☒ Carrizo Area Plan/Shandon-Carrizo sub area ☐ Other

Initial Study – Environmental Checklist

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

Project application materials are incorporated by reference and available for review at the Department of Planning and Building, 970 Osos Street, Suite 200, San Luis Obispo

CalEEMOD version 2016.3.2

California Department of Conservation (CDOC). 2015.CGS Information Warehouse: Regulatory Maps http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps (accessed February 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 February 2020).

California Department of Transportation (Caltrans). 2017. Traffic Census Program. https://dot.ca.gov/programs/traffic-operations/census/traffic-volumes. Accessed February 24, 2020.

California Department of Transportation. 2019. Caltrans Scenic Highway Mapping System List of Eligible and Officially Designated State Scenic Highways. August 2019. [https://dot.ca.gov/-/media/dot-media/programs/design/documents/desig-and-eligible-aug2019_a11y.xlsx (accessed March 4, 2020).

CalRecycle. 2019. SWIS Facility Detail. https://www2.calrecycle.ca.gov/swfacilities/Directory/40-AA-0008/ (accessed February 2020)

Central Coast Archaeological Research Consultants (CCARC). Cultural Resources Survey of the Sidifoax Cultivation. April 2019.

Ecological Assets Management, LLC. Biological Resource Assessment. July 2019.

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

North Coast Engineering. Technical Memorandum. May 2019.

San Luis Obispo Council of Governments, 2017, 2050 Regional Growth Forecast (RGF) for San Luis Obispo County

San Luis Obispo Council of Governments, 2019 Regional Transportation Plan, Regional Traffic Model, Modeling and Technical Documentation, page 1-7. https://www.dropbox.com/s/vsrw4o9kqeu8snv/__TOTAL-APPENDICES.pdf?dl=0

Resource Management System 2014-2016 Resource Summary Report

Wallace Group. Memorandum: Water Use Evaluation for Proposed Cannabis Cultivation (APN:072-311-008). September 25, 2019.

2014-2016 Resource Summary Report

Letter from Lynda Auchinachie, County of San Luis Obispo Agriculture Department. June 11, 2019.

Initial Study – Environmental Checklist

E-mail from Michael Stoker, County of San Luis Obispo Building Department, May 24, 2019.

Letter from Clint Bullard, CalFire, January 27, 2020.

Email from Kealoha Ghiglia, County of San Luis Obispo Environmental Health Department, May 23, 2019.

Letter from David Grim, County of San Luis Obispo Department of Public Works, May 20, 2019.

Email from Jeff Stranlund, County of San Luis Obispo Assessor's Office, May 13, 2019.

Initial Study – Environmental Checklist

Exhibit B - Mitigation Summary

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

Aesthetic and Visual Resources

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

a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;

b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;

c. Any exterior path lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. Exterior path lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and

d. Any exterior lighting used for security purposes shall be motion activated, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site, and shall be of the lowest-lumen necessary to address security issues.

Air Quality

AQ-1 **Fugitive Dust Emissions Reductions.** 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). These measures shall be shown on grading and building plans:

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

b. 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.

c. All dirt stock-pile areas should be sprayed daily as needed.

d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.

f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.

g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

j. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified.

k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

l. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

m. 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 **Idling Restrictions Near Sensitive Receptors.** To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques. These measures shall be shown on grading and building plans:

a. 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.

b. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation

c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5-minute idling limit.

d. Diesel idling within 1,000 feet of sensitive receptors is not permitted.

e. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors."

Biological Resources

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

training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BIO-2 Blunt-nosed Leopard Lizard Habitat Survey.

a. Prior to start of any ground disturbances on site, a qualified biologist shall conduct a habitat assessment for blunt-nosed leopard lizard within the survey area and provide to the County a supplemental report of the assessment along with any additional recommendations and/or avoidance and protection measures.

b. If the results of the habitat assessment identify suitable habitat for blunt-nose leopard lizard, a qualified biologist shall perform focused protocol-level surveys for blunt-nosed leopard lizard following the California Department of Fish and Wildlife's 2019 " Approved Survey Methodology for the Blunt-Nosed Leopard Lizard" in all potential blunt-nosed leopard lizard habitat within the survey area previously identified in the habitat assessment. Results of the protocol survey and any recommended avoidance and protection measures shall be provided to the County in a supplemental report.

BIO-3 Special Status Reptile Species Avoidance and Protection.

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 (e.g. California glossy snake, coast horned lizard, and San Joaquin coachwhip) 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.

BIO-4 Western Burrowing Owl Avoidance and Minimization.

If work is planned to occur within 150 meters (approximately 492 feet) of Western burrowing owl 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 Western burrowing owl 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 California Department of Fish and Wildlife 2012 Staff Report on Western burrowing owl 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 Western burrowing owl burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by the California Department of Fish and Wildlife:

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 Western burrowing owl survey shall be repeated.

BIO-5 **Special status Small Mammal Protection Measures.**

Pre-construction survey for Special-status Small Mammals. 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 pre-construction survey for special-status small mammal species (e.g., giant kangaroo rat, Tulare grasshopper mouse and McKittrick pocket mouse) no more than 14 days prior to the start of initial project activities to determine if special-status small mammal species are present within proposed work areas. The survey will include mapping of all potentially active special-status small 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.

BIO-6 **San Joaquin Kit Fox (Vupes mactoris multica: SJKF) Habitat Mitigation Alternatives.**

Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County Department of Planning and Building (County) and California Department of Fish and Wildlife that states that one or a combination of the following three SJKF mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 32 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 if 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 pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and The Nature Conservancy 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.The fee, payable to "The Nature Conservancy", would total $80,000.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 the Department provides written notification about the mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase 32 credits in a Department-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) 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. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total $80,000. This fee is calculated based on the current cost-per-credit of $2,500 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.

BIO-7 **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 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:

i. Prior to issuance of grading and/or construction permits 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 U.S. Fish and Wildlife Service'sStandard Recommendations (2011). The biologist will survey for sign 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 sign, and/or known or potential SJKF dens, if present. If no SJKF sign, 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 three (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 three (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.

BIO-8 **Standard San Joaquin Kit Fox 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, the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and 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 U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and 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.

BIO-9 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 (i.e. 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 the 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.

BIO-10 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.

BIO-11 Annual Biological Resource Surveys.

Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping.

Throughout the life of the project, Applicant or Project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species and burrow mapping (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.

BIO-12 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 American 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, the den will be monitored for three (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.

   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), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during

project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

BIO-13 Nesting Bird Protection Measures.

a. **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. 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.

i. 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.

ii. If special-status avian species (aside from the burrowing owl) 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.

iii. 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).

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

BIO-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. 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.

Energy

ENG-1 **Renewable Energy or Offsets.**

Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, proof that electrical power for indoor cultivation, mixed-light operations, and processing, including but not limited to lighting, heating, cooling, ventilation, exhaust fans, and watering systems, will be provided by any combination of the following: (i) on-grid power with one hundred percent (100%) renewable source; (ii) on-site zero net energy renewable source; or (iii) purchase of carbon offsets of any portion of power not from renewable sources. The use of generators for indoor and mixed light cultivation is prohibited, except for portable temporary use in emergencies only.

ENG-2 **Quarterly Monitoring Inspection**.

At time of quarterly monitoring inspection, the applicant shall provide to the Department of Planning and Building for review, documentation demonstrating continued compliance with

mitigation measure ENG-1 (e.g. providing a current PG&E statement or contract showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

Geology and Soils

PR-1 Paleontological Resources Monitoring and Treatment Plan.

Prior to construction permit issuance, the applicant shall retain a qualified paleontologist to prepare a Paleontological Monitoring and Treatment Plan (Plan) and submit the Plan to the County for review and approval. The Plan shall be based on Society of Vertebrate Paleontology (SVP) guidelines and meet all regulatory requirements. The qualified paleontologist shall have a Master's Degree or Ph.D. in paleontology, shall have knowledge of the local paleontology, and shall be familiar with paleontological procedures and techniques. The Plan shall identify construction impact areas of moderate to high sensitivity for encountering potential paleontological resources and the shallowest depths at which those resources may be encountered. The Plan shall detail the criteria to be used to determine whether an encountered resource is significant, and if it should be avoided or recovered for its data potential. The Plan shall also detail methods for completion of a construction worker environmental awareness training program regarding the protection of paleontological resources recovery, preparation and analysis of specimens, final curation of specimens at a federally accredited repository, data analysis, and reporting.

The Plan shall outline a coordination strategy to ensure that a qualified paleontological monitor will conduct full-time monitoring of all ground disturbance during grading activities in the 'deeper' sediments determined to have a moderate to high sensitivity. For sediments of low or undetermined sensitivity, the Plan shall determine what level of monitoring is necessary. Sediments with no sensitivity will not require paleontological monitoring.

The Plan shall define specific conditions in which monitoring of earthwork activities could be reduced and/or depth criteria established to trigger monitoring. These factors shall be defined by the project paleontological resource specialist, following examination of sufficient, representative excavations. The Plan shall additionally require that all monitoring will be completed by qualified individuals, and that all on-site monitors will have the authority to stop or otherwise divert grading activities away from exposed fossils until such finds are appropriately assessed and recovered.

PR-2 Paleontological Resources Construction Monitoring.

Based on the Paleontological Monitoring and Treatment Plan (Mitigation Measure PR-1, Paleontological Resources Monitoring and Treatment Plan), the applicant shall conduct fulltime monitoring during rough grading and for areas with cuts greater than 12 inches below existing soil, by the qualified paleontological monitor in areas determined to have moderate to high paleontological sensitivity. Sediments of low, marginal undetermined sensitivity shall be monitored by a qualified paleontological monitor on a part-time basis (as determined by the qualified paleontologist).

The Qualified Monitor shall have a B.A. in Geology or Paleontology, and a minimum of one year of paleontological monitoring experience in local or similar sediments. Construction

activities shall be diverted when data recovery of significant fossils is warranted, as determined by the qualified paleontologist.

PR-3 Fossil Discoveries.

In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. The project paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the project paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:

1. **Salvage of Fossils.** The project paleontologist (or paleontological monitor) should recover significant fossils following standard field procedures for collecting paleontological resources, as described by the SVP (2010). Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist should have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.
2. **Preparation and Curation of Recovered Fossils.** Once salvaged, significant fossils should be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the project paleontologist.

Greenhouse Gas Emissions

GHG-1 Greenhouse Gas 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 $MTCO_2e$ Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

a. Implementation of energy reduction measures identified in mitigation measure ENG-1.

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.

d. 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.

Initial Study – Environmental Checklist

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:

(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.

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

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

California Department of Fish and Wildlife (CDFW)

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

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

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

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

Caltrans. The project may require Caltrans review and approval of any proposed improvements within or adjacent to California State Highway 58 Right-of-Way.

DATE: July 17, 2020

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM FOR SIDIFOAX, INC. CONDITIONAL USE PERMIT (DRC2019-00086)

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 **r**equired 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. Reduce the amount of the disturbed area where possible;

b. 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.

c. All dirt stockpile areas shall be sprayed daily as needed;

d. 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;

e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;

f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;

g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance

between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;

j. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified.

k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;

l. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

m. 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 **Idling Restrictions Near Sensitive Receptors.** To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques. These measures shall be shown on grading and building plans:

a. 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.
b. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation
c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5-minute idling limit.
d. Diesel idling within 1,000 feet of sensitive receptors is not permitted.Implement Mitigation Measure AQ-1, as identified above.
e. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors."

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

BIOLOGICAL RESOURCES (BIO)

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

qualified biologist will provide refresher trainings during site visits or other monitoring events.

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

BIO-2 Blunt-nosed Leopard Lizard Habitat Survey

a. Prior to start of any ground disturbances on site, a qualified biologist shall conduct a habitat assessment for blunt-nosed leopard lizard within the survey area and provide to the County a supplemental report of the assessment along with any additional recommendations and/or avoidance and protection measures.

b. If the results of the habitat assessment identify suitable habitat for blunt-nose leopard lizard, a qualified biologist shall perform focused protocol-level surveys for blunt-nosed leopard lizard following the California Department of Fish and Wildlife's 2019 " Approved Survey Methodology for the Blunt-Nosed Leopard Lizard" in all potential blunt-nosed leopard lizard habitat within the survey area previously identified in the habitat assessment. Results of the protocol survey and any recommended avoidance and protection measures shall be provided to the County in a supplemental report.

BIO-3 Special Status Reptile Species Avoidance and Protection

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 (e.g. California glossy snake, coast horned lizard, and San Joaquin coachwhip) 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.

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.

BIO-4 Western Burrowing Owl Avoidance and Minimization

If work is planned to occur within 150 meters (approximately 492 feet) of Western burrowing owl 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 Western burrowing owl 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 Western burrowing owl 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 Western burrowing owl 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 Western burrowing owl survey shall be repeated.

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

BIO-5 Special status Small Mammal Protection Measures.

Pre-construction survey for Special-status Small Mammals. 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 pre-construction survey for special-status small mammal species (e.g., giant kangaroo rat, Tulare grasshopper mouse and McKittrick pocket mouse) no more than 14 days prior to the start of initial project activities to determine if special-status small mammal species are present within proposed work areas. The survey will include mapping of all potentially active special-status small 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 building 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.

BIO-6 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 32 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 if this program must be in place before County 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 the Department 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 $80,000 (8 acres impacted * 4 *$2,500 per acre).

c. Purchase 32 (8 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) 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 $80,000(8 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.

Monitoring: Required prior to issuance of building permits and initiation of ground disturbing activities. Compliance will be verified by the County Department of Planning and Building.

BIO-7 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. Prior to issuance of grading and/or construction permits 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 three (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 three (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.

BIO-8 **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.

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

BIO-9 **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 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 throughout the life of the project. Compliance will be verified by the County Department of Planning and Building.

BIO-10 **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 throughout the life of the project. Compliance will be verified by the County Department of Planning and Building.

BIO-11 **Annual Biological Resource Surveys.**
Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping. Throughout the Life of the Project, 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.

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

BIO-12 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 o 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. 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.

BIO-13 Nesting Birds Protection Measures

a. **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. 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.

   i. 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.

   ii. If special-status avian species (aside from the burrowing owl) 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.

   iii. 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).

   iv. 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, **r**equired 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.

BIO-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.) 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.

ENERGY (ENG)

ENG-1 Renewable Energy or Offsets.

Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, proof that electrical power for indoor cultivation, mixed-light operations, and processing, including but not limited to lighting, heating, cooling, ventilation, exhaust fans, and watering systems, will be provided by any combination of the following: (i) on-grid power with one hundred percent (100%) renewable source; (ii) on-site zero net energy renewable source; or (iii) purchase of carbon offsets of any portion of power not from renewable sources. The use of generators for indoor and mixed light cultivation is prohibited, except for portable temporary use in emergencies only.

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, documentation demonstrating continued compliance with mitigation measure ENG-1 (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.

Geology and Soils

PR-1 **Paleontological Resources Monitoring and Treatment Plan.**
Prior to construction permit issuance, the applicant shall retain a qualified paleontologist to prepare a Paleontological Monitoring and Treatment Plan (Plan) and submit the Plan to the County for review and approval. The Plan shall be based on Society of Vertebrate Paleontology (SVP) guidelines and meet all regulatory requirements. The qualified paleontologist shall have a Master's Degree or Ph.D. in paleontology, shall have knowledge of the local paleontology, and shall be familiar with paleontological procedures and techniques. The Plan shall identify construction impact areas of moderate to high sensitivity for encountering potential paleontological resources and the shallowest depths at which those resources may be encountered. The Plan shall detail the criteria to be used to determine whether an encountered resource is significant, and if it should be avoided or recovered for its data potential. The Plan shall also detail methods for completion of a construction worker environmental awareness training program regarding the protection of paleontological resources recovery, preparation and analysis of specimens, final curation of specimens at a federally accredited repository, data analysis, and reporting.

The Plan shall outline a coordination strategy to ensure that a qualified paleontological monitor will conduct full-time monitoring of all ground disturbance during grading activities in the 'deeper' sediments determined to have a moderate to high sensitivity. For sediments of low or undetermined sensitivity, the Plan shall determine what level of monitoring is necessary. Sediments with no sensitivity will not require paleontological monitoring.

The Plan shall define specific conditions in which monitoring of earthwork activities could be reduced and/or depth criteria established to trigger monitoring. These factors shall be defined by the project paleontological resource specialist, following examination of sufficient, representative excavations. The Plan shall additionally require that all monitoring will be completed by qualified individuals, and that all on-site monitors will have the authority to stop or otherwise divert grading activities away from exposed fossils until such finds are appropriately assessed and recovered.

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

PR-2 **Paleontological Resources Construction Monitoring.**
Based on the Paleontological Monitoring and Treatment Plan (Mitigation Measure PR-1, Paleontological Resources Monitoring and Treatment Plan), the applicant shall conduct fulltime monitoring during rough grading and for areas with cuts greater than 12 inches below existing soil, by the qualified paleontological monitor in areas determined to have moderate to high paleontological sensitivity. Sediments of low, marginal undetermined sensitivity shall be monitored by a qualified paleontological monitor on a part-time basis (as determined by the qualified paleontologist).

The Qualified Monitor shall have a B.A. in Geology or Paleontology, and a minimum of one year of paleontological monitoring experience in local or similar sediments. Construction activities shall be diverted when data recovery of significant fossils is warranted, as determined by the qualified paleontologist.

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

PR-3 **Fossil Discoveries.**
In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. The project paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the project paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:

a. **Salvage of Fossils.** The project paleontologist (or paleontological monitor) should recover significant fossils following standard field procedures for collecting paleontological resources, as described by the SVP (2010). Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist should have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.

b. **Preparation and Curation of Recovered Fossils.** Once salvaged, significant fossils should be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the project paleontologist.

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

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 $MTCO_2e$ Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

a. Implementation of energy reduction measures identified in mitigation measure ENG-1.

b. 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.

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.

d. 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 $MTCO_2e$ 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	Judith Hofsoo-Rothweiler	8/10/2020
	Name (Print)	Date

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES
Martin Settevendemie, Agricultural Commissioner / Sealer of Weights & Measures

DATE: **June 11, 2019**

TO: **Cassidy McSurdy, Project Manager**

FROM: **Lynda L. Auchinachie, Agriculture Department**

SUBJECT: **Sidiofax Conditional Use Permit DRC2019-00086 (3120)**

The applicant is requesting a conditional use permit to allow for three acres of outdoor cannabis cultivation, 10,000 square feet of greenhouse area for indoor cannabis cultivation, 5,000 square feet of nursery area, and a 7,150 square foot structure for manufacturing, processing and support uses. The 106-acre project site is located 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:

- 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.
- Parking area should be minimized to protect farmland for agriculture production.
- 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

Eric Hughes

From: Lynda Auchinachie
Sent: Tuesday, March 17, 2020 2:55 PM
To: Eric Hughes
Subject: DRC2019-00086 Sidiofax

Hi Eric,

Sorry for all the random emails. I'm not sure how else to proceed.

Anyway, I reviewed DRC2019-00086 since it had been accepted for processing.

COA is NOT being recommended on this one. Original comments still apply.

Hang in there.

Lynda

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

January 27, 2020

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

Subject: DRC2019-00086 (Sidiofax, Inc.)
7575 Carrisa Hwy. (Hwy. 58) near California Valley, CA.

Ms. Gin,

CAL FIRE/San Luis Obispo County Fire Department has recently reviewed the New Project Referral and the Operations Plan/Project Narrative for the proposed Conditional Use Permit. The proposed project request is to allow for what may be a phased approach to indoor/outdoor cannabis cultivation activities. This would include: Three separate one acre outdoor (hoop house) cultivation sites, a 5,000 square foot greenhouse/nursery structure and a 10,000 square foot structure utilized for indoor cultivation, processing, packaging, manufacturing and storage. The request also includes the ability to conduct extraction operations by means of either mechanical or distilling operations.

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

Special Concerns:
The cumulative effects of large scale 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. Although no specific detail was provided, the proposed extraction operations present a concern relative to fire/life safety. The Registered Fire Protection Engineer shall provide input on this matter within the detailed technical analysis.

The somewhat remote location of the area and proposed project site, presents significant challenges regarding response times of emergency services and additional County Fire resources. In the event of an emergency, additional County Fire resources have an approximate 30-45 minute response time.

The nearest CAL FIRE/San Luis Obispo County Fire Department station (#42-CA. Valley) is located at 13050 Soda Lake Road. This station has an approximate 10-mile vehicular travel distance and 15-minute response time to the proposed cultivation operations and commercial structure(s). 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.

- Automatic commercial fire sprinkler systems are required to be installed within all commercial structures 1,000 square feet in size or greater. 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 building permit application. Extraction operations must be accounted for within this comprehensive technical analysis.

- All proposed non-commercial occupancy greenhouse/hoop house structures must be approved by the San Luis Obispo County Dept. of Planning & Building and CAL FIRE/County Fire. Occupancy and use of these greenhouses shall meet all relative minimum requirements set forth within the CA. Building Code/Fire Code and local ordinances/standards. If all these conditions are met, greenhouse/hoop house structures will not require fire sprinklers. Roof mounted solar panels being placed upon greenhouse structures, may trigger fire sprinklers.

- ***VEHICULAR ACCESS*** – Primary vehicular access to the proposed project site(s) is taken directly from the Carrisa Highway (Hwy.58). The existing onsite roadways will require significant improvement in order to provide an all-weather surface capable of supporting commercial and/or emergency vehicles. Based upon the size/scope of the currently proposed phased project request, the existing network of onsite roadways and circulation system does not provide adequate emergency vehicular access. 20-foot wide fire lanes shall be required leading to all commercial occupancy structures and the primary access road must be 24-feet wide.

- ***WATER STORAGE*** - "Poly" and or plastic style water storage tanks shall not be allowed to provide water for fire suppression purposes. Multiple or "daisy chained" tanks are not allowed to be utilized to provide water held in storage dedicated to fire suppression purposes without prior approval. Existing water storage tanks will not be allowed to provide water held in storage dedicated to fire suppression purposes. The Registered Fire Protection Engineer (F.P.E.) shall determine the amount of water required to be held in storage dedicated to fire suppression purposes. The phased approach must be taken into consideration when determining required water storage amounts.

- ***FIRE PUMP/HYDRANTS*** – Several onsite fire hydrants shall be required. The fire hydrant locations shall be provided by the Registered Fire Protection Engineer (F.P.E.) and approved by CAL FIRE/County Fire. Fire Hydrants must provide two 2-1/2 inch National Standard thread male connections and one 4-inch connection. The fire pump shall be sized according to relative code(s) and the Registered Fire Protection Engineer (F.P.E.) will provide direction in this matter.

- ***ALARMS/DETECTION*** – The required commercial fire sprinkler system(s) shall be monitored in accordance with all relative standards set forth within N.F.P.A. 72 and 13. A properly designed and installed heat/smoke detection system may be required within certain structures. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically monitored for integrity and to ensure valves are locked in the open position. Monitoring shall be provided by a central station listed by Underwriters Laboratories for receiving fire alarms.

- ***OCCUPANCY CLASSIFICATION*** – An occupancy classification change to any existing structure located onsite will require the installation of an appropriately designed, permitted 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 off the Carrisa Highway (Hwy.58). Numbering shall contrast to their background. Proper signage shall be required onsite in order to properly identify vehicular access and egress routes.

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

Eric Hughes

From: Schudson, Jenna@DOT <Jenna.Schudson@dot.ca.gov>
Sent: Tuesday, June 9, 2020 4:05 PM
To: Steve Conner
Cc: Eric Hughes; Ian N. Landreth
Subject: RE: [EXT] RE: Referral request SLO County Cannabis DRC2019-00086 Sidifoax

Hi Steve,

I spoke with permits, looks like there was some miscommunication on our part. We don't need anything else from the applicant at this time, the existing permit addresses the comments from the May 28, 2020 email. Having the no left turn sign mitigates our concerns about sight distance at this driveway.

Thanks,

Jenna Schudson
Associate Transportation Planner
Caltrans, District 5
805-549-3432 Office
805-835-6432 Cell

From: Steve Conner <sconner@rinconconsultants.com>
Sent: Thursday, June 4, 2020 12:57 PM
To: Schudson, Jenna@DOT <Jenna.Schudson@dot.ca.gov>
Cc: Eric Hughes <ehughes@co.slo.ca.us>; Ian N. Landreth <ilandreth@co.slo.ca.us>
Subject: FW: [EXT] RE: Referral request SLO County Cannabis DRC2019-00086 Sidifoax

EXTERNAL EMAIL. Links/attachments may not be safe.

Jenna,
Regarding the comments you had emailed on May 28th (in the email chain below), the applicant had obtained an encroachment permit signed by inspector Peter Mututwa at Caltrans (see attached). The applicant claimed that Mr. Mututwa did not require sight distance analysis. Please let us know if this permit addresses the comments, or if the applicant needs to take more action to address the comments. Thanks.

Steve Conner, AICP, Associate Planner
Rincon Consultants, Inc.
Environmental Scientists | Planners | Engineers
805-644-4455 x2005
rinconconsultants.com



From: Lauren Mendelsohn <lauren@omarfigueroa.com>
Sent: Wednesday, June 3, 2020 8:47 AM
To: Steve Conner <sconner@rinconconsultants.com>

Cc: Judith Rothweiler <jhopweiler@yahoo.com>; Misty R. Gin <mgin@co.slo.ca.us>; Eric Hughes <ehughes@co.slo.ca.us>; Ian N. Landreth <ilandreth@co.slo.ca.us>
Subject: Re: [EXT] RE: Referral request SLO County Cannabis DRC2019-00086 Sidifoax

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Good morning Steve:

Attached is a PDF with information about the CalTrans permit, including a signature from the District Permit Engineer. Please let me know if this is sufficient for what you're looking for.

Thank you.

****



Lauren A. Mendelsohn, Esq.
Senior Associate Attorney
Law Offices of Omar Figueroa
7770 Healdsburg Avenue
Sebastopol, CA 95472-3352
Tel: (707) 829-0215
Fax: (707) 861-9187
lauren@omarfigueroa.com
www.omarfigueroa.com

The information contained in this email transmission is CONFIDENTIAL and may contain PRIVILEGED attorney-client or work product information, as well as confidences and secrets. If you are not the intended recipient, or the person responsible for delivering this email transmission to the intended recipient, DO NOT read, copy, distribute, or use it. If this email transmission is received in ERROR, please notify my law office by a collect call to (707) 829-0215 and delete and destroy all copies in your computer and/or network. Thank you for your anticipated cooperation.

****

On Thu, May 28, 2020 at 1:48 PM Steve Conner <sconner@rinconconsultants.com> wrote:

> Thank you Judith,
>
> I would be happy to forward your driveway permit to Jenna at Caltrans and see if it satisfies her request. Does the permit include a statement from Peter Mututwa regarding the line of sight, or do you have any emails or documentation that might help address Jenna's request? Could you please send me a pdf of the driveway permit containing Peter Mututwa's signature and any other documentation that might apply? Thanks.
>
> **Steve Conner, AICP, Associate Planner**

Rincon Consultants, Inc.

Environmental Scientists | Planners | Engineers

805-644-4455 x2005

rinconconsultants.com



***Note on COVID-19**: I'm available and working remotely to employ social distancing. Additionally, our work systems remain operational and we continue to perform work for our clients. Feel free to e-mail me.*

From: Judith Rothweiler <jhopweiler@yahoo.com>
Sent: Thursday, May 28, 2020 12:11 PM
To: Steve Conner <sconner@rinconconsultants.com>
Cc: Lauren Mendelsohn <lauren@omarfigueroa.com>; Eric Hughes <ehughes@co.slo.ca.us>; Misty R. Gin <mgin@co.slo.ca.us>; Ian N. Landreth <ilandreth@co.slo.ca.us>
Subject: Re: [EXT] RE: Referral request SLO County Cannabis DRC2019-00086 Sidifoax

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Steve reguarding cal trans we talk to the plan checker and he was ok with the line of site all he required was for us to install a no left turn sign which has been completed and signed off by Peter Mututwa of cal trans we have a drive way permit now Also the 11 foot cut is not 12 foot the area is on a slope it is only being pulled back for the widening of the drive way we will not be 12 feet in the ground

Sent from my iPhone

> On May 28, 2020, at 11:51 AM, Steve Conner <sconner@rinconconsultants.com> wrote:
>
> Lauren and Judith,
>
> Please see the attachments and comments from Caltrans below. It doesn't appear that your project site plans depict any work within the State Highway Right of Way, but Caltrans has requested a line-of-site analysis. If you haven't already begun communications with Caltrans, you will need to contact them and clarify what is needed for their request. If any changes to your project are required as a result of

their request, we will need to incorporate them into the project description and CEQA documentation. Please let me know if you have any questions.

-Also, regarding my recent questions about grading area and cut depth, we have determined that CEQA mitigations will be included for potential disturbance of paleological resources. The Administrative Draft MND (CEQA) document is still under review and we will keep you updated on the review status.

Steve Conner, AICP, Associate Planner

Rincon Consultants, Inc.

Environmental Scientists | Planners | Engineers

805-644-4455 x2005

rinconconsultants.com

<image004.png>

***Note on COVID-19**: I'm available and working remotely to employ social distancing. Additionally, our work systems remain operational and we continue to perform work for our clients. Feel free to e-mail me.*

From: Schudson, Jenna@DOT <Jenna.Schudson@dot.ca.gov>
Sent: Thursday, May 28, 2020 9:58 AM
To: Steve Conner <sconner@rinconconsultants.com>
Cc: Eric Hughes <ehughes@co.slo.ca.us>; Misty R. Gin <mgin@co.slo.ca.us>
Subject: RE: [EXT] RE: Referral request SLO County Cannabis DRC2019-00086 Sidifoax

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Good morning Steve,

Thank you for your patience. The feedback I received from traffic ops and permits is that they would like to see a sight distance analysis for this project to determine if there is adequate sight distance at the driveway. Also, the driveway on SR 58 must met the standards in the attached Driveway Connections Appendix. The corner sight distance is a part of the design process to make the driveway meet those standards. Additionally, any mailboxes should be located and constructed to meet the attached Mailboxes Guide. Please let me know if you have any questions regarding the above comments.

Best regards,

Jenna Schudson

Associate Transportation Planner

Caltrans, District 5

805-549-3432 Office

805-835-6432 Cell

From: Schudson, Jenna@DOT
Sent: Monday, May 11, 2020 12:34 PM
To: Steve Conner <sconner@rinconconsultants.com>
Cc: Eric Hughes <ehughes@co.slo.ca.us>; Misty R. Gin <mgin@co.slo.ca.us>
Subject: RE: [EXT] RE: Referral request SLO County Cannabis DRC2019-00086 Sidifoax

Hi Steve,

Thanks for your succinct response to my question. I will run this by traffic ops and get back to as soon as I can.

Best regards,

Jenna Schudson

Associate Transportation Planner

Caltrans, District 5

805-549-3432

From: Steve Conner <sconner@rinconconsultants.com>
Sent: Friday, May 08, 2020 2:32 PM
To: Schudson, Jenna@DOT <Jenna.Schudson@dot.ca.gov>
Cc: Eric Hughes <ehughes@co.slo.ca.us>; Misty R. Gin <mgin@co.slo.ca.us>
Subject: RE: [EXT] RE: Referral request SLO County Cannabis DRC2019-00086 Sidifoax

EXTERNAL EMAIL. Links/attachments may not be safe.

Jenna,

No sight analysis, trip generation, or traffic study has been submitted or required at this time. The application indicated that the project would employ up to 6 full time employees and have up to 5 vehicles associated with product transport. The MND contains an estimate of up to 15 average daily trips associated with project operations. Please let us know if any further studies may be warranted before project approval, or required as Conditions of Approval. Thanks.

Steve Conner, AICP, Associate Planner

Rincon Consultants, Inc.

Environmental Scientists | Planners | Engineers

805-644-4455 x2005

rinconconsultants.com

<image001.png>

***Note on COVID-19**: I'm available and working remotely to employ social distancing. Additionally, our work systems remain operational and we continue to perform work for our clients. Feel free to e-mail me.*

From: Schudson, Jenna@DOT <Jenna.Schudson@dot.ca.gov>
Sent: Friday, May 8, 2020 1:23 PM
To: Steve Conner <sconner@rinconconsultants.com>

Cc: Eric Hughes <ehughes@co.slo.ca.us>; Misty R. Gin <mgin@co.slo.ca.us>
Subject: [EXT] RE: Referral request SLO County Cannabis DRC2019-00086 Sidifoax

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Hi Steve,

Thanks for reaching out about this project, I don't believe I've seen this one before. In looking through the documents you provided and the original referral I didn't find a traffic study or trip generation. Do you know if either has been completed for this project? Sight distance analysis maybe?

Thanks,

Jenna Schudson

Associate Transportation Planner

Caltrans, District 5

805-549-3432

From: Steve Conner <sconner@rinconconsultants.com>
Sent: Wednesday, May 06, 2020 2:28 PM
To: Schudson, Jenna@DOT <Jenna.Schudson@dot.ca.gov>
Cc: Eric Hughes <ehughes@co.slo.ca.us>; Misty R. Gin <mgin@co.slo.ca.us>
Subject: Referral request SLO County Cannabis DRC2019-00086 Sidifoax

EXTERNAL EMAIL. Links/attachments may not be safe.

Hi Jenna,

I wanted to check with you about Caltrans review of this cannabis project near the Carrizo Plains in San Luis Obispo County. As you will see in the attached plans and project description, no improvements are proposed within the Highway 58 ROW. We are currently drafting an Administrative Draft IS/MND. Do

you have any comments that we should incorporate into the MND? We will include our standard Conditions of Approval, as suggested in the attached referral letter from County Public Works.

Regards,

Steve Conner, AICP, Associate Planner

Rincon Consultants, Inc.

Environmental Scientists | Planners | Engineers

805-644-4455 x2005

rinconconsultants.com

<image002.png>

***Note on COVID-19**: I'm available and working remotely to employ social distancing. Additionally, our work systems remain operational and we continue to perform work for our clients. Feel free to e-mail me.*

<Mailboxes Guide.pdf>

<Driveway Connections- Appendix_J_(WEB).pdf>

DocuSign Envelope ID: 38AF9E64-4932-474A-A43B-C7B6B0B35FDC

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

May 29. 2020

Lauren A. Mendelsohn, Esq.
Senior Associate Attorney
Law Offices of Omar Figueroa
7770 Healdsburg Avenue
Sebastopol, California 95472-3352

Subject: Preliminary San Joaquin Kit Fox Mitigation Evaluation
Assessor's Parcel Number (APN) 072-311-008, 7575 Carrisa Highway, Santa Margarita (DRC2019-00086 Sidifoax, Inc.) (Project)

Dear Ms. Mendelsohn:

The Department of Fish and Wildlife (CDFW) assists the County of San Luis Obispo (County) and project applicants in mitigating project impacts to San Joaquin kit fox and kit fox habitat. CDFW and the County apply a habitat evaluation method which considers the functions and values of kit fox habitat affected at each project site. This letter provides the preliminary review by CDFW of the Kit Fox Habitat Evaluation submitted for the above referenced Project. A final letter, that may include revised scoring and mitigation requirement, will be issued after the California Environmental Quality Act (CEQA) document for this Project has been finalized.

The Kit Fox Habitat Evaluation, which was completed for your Project, located at APN 072-311-008, 7575 Carrisa Highway in Santa Margarita, California, on September 6, 2019, by Dwayne Oberhoff, Ecological Assets Management, LLC and reviewed by Benessa Galvan of CDFW on January 16, 2020, will impact **8.0** acres of kit fox habitat. Your Project earned a score of **81** on the evaluation; which requires that all impacts be mitigated at a ratio of four (4) acres conserved for each acre impacted **(4:1).** Total compensatory mitigation required for your Project is **32** acres, based on four (4) times **8.0** acres impacted.

This preliminary letter identifies the options for satisfying this mitigation obligation once the final letter has been issued. The mitigation options identified below apply to ***the proposed Project only****;* should your Project change, your mitigation obligation may also change, and a reevaluation of your mitigation measures would be required.

1. *Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, of* **32** *acres of suitable habitat in the kit fox corridor area (e.g., within the*

DocuSign Envelope ID: 38AF9E64-4932-474A-A43B-C7B6B0B35FDC

San Luis Obispo County kit fox habitat area northwest of Highway 58), 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 conserved shall be subject to the review and approval of the CDFW and the County.

Should you choose this mitigation alternative, please be advised that all aspects of this program must be in place prior to issuance of a County permit and initiation of any ground-disturbing activities.

2. *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 located primarily within San Luis Obispo County and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.*

If you elect to meet mitigation requirements by way of option two (2) above, you can do so by providing funds, in the amount determined by CDFW through the evaluation described above, to The Nature Conservancy (TNC), at the first address listed below, pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established through an agreement between the CDFW 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 CEQA. A copy of the agreement between the CDFW and TNC is enclosed with this letter. CDFW has determined that your fee, which is payable to TNC, would total **$80,000.** This fee is calculated based on the current cost-per-unit, $2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee would need to be paid prior to issuance of a County permit and initiation of any ground disturbing activities.

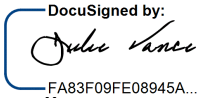
3. *Purchase* **32** *credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.*

If you elect to meet mitigation requirements by way of option three (3) above, you can do so by purchasing credits, in the amount determined by the CDFW through the evaluation described above, from a CDFW approved mitigation bank. Purchase of credits would need to be completed prior to issuance of a County permit and initiation of any ground-disturbing activities.

Should you have questions regarding your mitigation alternatives, please contact Kelley Aubushon, Senior Environmental Scientist (Specialist) of CDFW at (559) 573-6117 Kelley.Aubushon@wildlife.ca.gov. Should you have questions regarding the status of your application with the County, please contact Steve Conner at Rincon Consultants, Inc., sconnor@rinconconsultants.com or Eric Hughes, ehughes@co.slo.ca.us.

DocuSign Envelope ID: 38AF9E64-4932-474A-A43B-C7B6B0B35FDC

Sincerely,



Julie A. Vance
Regional Manager

Enclosure

cc: Leslie Jordan
The Nature Conservancy
201 Mission Street, Fourth Floor
San Francisco, California 94105

The Nature Conservancy
Attention: Legal Department
201 Mission Street, Fourth Floor
San Francisco, California 94105

ec: Karen Nall
County of San Luis Obispo
knall@co.slo.ca.us

Eric Hughes
ehughes@co.slo.ca.us

Steve Conner
sconner@rinconconsultants.com

Kelley Aubushon
Department of Fish and Wildlife

Agreement between The Nature Conservancy and the California Department of Fish and Game, Central Coast Region

To Establish a Voluntary Fee-Based Compensatory Mitigation Pilot Program Pursuant to the California Environmental Quality Act

This Agreement is made on this 18th day of March, 2003, by and between the California Department of Fish and Game (the "Department") and The Nature Conservancy, a District of Columbia nonprofit corporation ("TNC"), hereinafter referred to collectively as the "Parties."

I. RECITALS

This agreement is based on the following facts, intentions and expectations:

A. The Department and TNC wish to cooperate in facilitating the development of a regional program ("Program") to conserve important San Joaquin kit fox habitat within San Luis Obispo County, California. Two subpopulations of the endangered species exist in the county, one at Camp Roberts, northern San Luis Obispo County, and the other at the Carrizo Plain, eastern San Luis Obispo County. The goal of this Program is to provide an effective, efficient option that the Department can offer to private individual applicants (hereafter collectively referred to as "Proponents"), who in accordance with the California Environmental Quality Act (CEQA) must mitigate the impacts of their projects within San Joaquin kit fox habitat, if those impacts cannot be otherwise avoided. The Program will focus specifically on preserving the habitat within the corridor stretching between Camp Roberts and the Carrizo Plain, essentially the same area identified as the Salinas, Estrella and San Juan Rivers Conservation Area in *Conserving the Landscapes of San Luis Obispo County*, a report completed by TNC in July 2000 (Exhibit A) and may also include the Carrizo Plain and TNC portfolio sites within Kern, Monterey and Santa Barbara Counties included in the range of one or both of those two kit fox subpopulations.

Under this Program, Proponents can voluntarily elect to meet their mitigation requirements by providing funds in an amount determined by the Department to TNC ("Fees" or "Program Fees") for preservation of habitat within the program area, if the CEQA lead agency concurs.

B. Under California Fish and Game Code § 1802, and other State laws, the Department has jurisdiction over the conservation, protection, restoration, enhancement and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. The Department is also the manager and trustee of fish and wildlife resources and their habitat pursuant to California Fish and Game Code Section 1802.

C. TNC is a non-profit corporation of the District of Columbia and is authorized to conduct activities in California.

D. The purpose of this agreement is to facilitate conservation of habitat within the Salinas, Estrella, and San Juan Rivers corridor, which links the Carrizo Plain and Camp Roberts subpopulations of San Joaquin kit fox, by providing a means for Proponents to expedite their

compliance with CEQA through payment of a San Joaquin kit fox Fee to be used to conserve existing San Joaquin kit fox habitat within the aforementioned corridor.

II. AGREEMENT

NOW, THEREFORE, in consideration of the recitals set forth above. The covenants contained herein, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

A. Obligations of the Parties

1. The Department

(a) The Department shall establish voluntary San Joaquin kit fox Fees for projects that require review under CEQA within San Luis Obispo County that result in impacts to San Joaquin kit fox habitat. Necessary Fee amounts shall be determined by a formula developed and set forth by the Department's Regional office, which the Department's Regional office will review annually, and revise as conditions warrant. The Fee will reflect the cost of protecting suitable kit fox habitat, providing for TNC's project and administrative fees (as set forth below in Paragraph II.A.2(b)), and providing long term management and maintenance of the protected lands.

(b) If the Department determines that a project is suitable for participation in the Program, the Department shall inform the Proponents, and the CEQA lead agency, in writing of the Program, of the Fee amount required for participation in the San Joaquin kit fox Program, and that the payment of the Fee will, in the Department's judgment, satisfy, in part, the Proponent's obligations under CEQA to address project impacts on San Joaquin kit fox habitat. The Department shall also inform each Proponent that payment of a San Joaquin kit fox Fee to TNC (as defined herein) is voluntary and that other options are available to satisfy the Proponent's obligation under CEQA to mitigate project impacts on San Joaquin kit fox habitat. The Department shall provide each Proponent with an explanation of the process for participation in the Program and with a copy of this Agreement prior to the Proponent's payment of a San Joaquin kit fox Fee. The Department will advise the Proponent that TNC's Fee for administering the San Joaquin kit fox Fund shall be the amount set forth below in Paragraph II.A.2.(b) of this Agreement.

(c) In exercising its approval authority under section II.A.1.(d) of this Agreement, the Department shall insure to the extent possible that all San Joaquin kit fox Fees deposited in TNC's San Joaquin kit fox Program's Fund in accordance with this Agreement, and the interest and earnings thereon, and all disbursements from the Fund, with the exception of the Project Fee and Administrative Fee identified under Paragraph II.A.2.(b) below, shall be used to finance conservation of San Joaquin kit fox habitat within the aforementioned corridor in San Luis Obispo County in the form of fee interest in land, conservation easement acquisition, and/or other activities related directly to the identification, purchase, and stewardship of said land, specifically to offset project impacts to such habitat as provided in Paragraph II.A.1.(a) and (b) above. If kit fox habitat cannot be acquired in the corridor, the Department shall insure that the fees are used to finance acquisition and management of habitats in the same geographical region as the corridor.

(d) Upon receipt of written notification of TNC's intent to procure fee title or a conservation easement of San Joaquin kit fox habitat within the area using any amount

of San Joaquin kit fox Fees, the Department shall be responsible for providing written approval of the project and associated costs (as set forth in Paragraph II.A.2.(d)) to TNC (see Exhibit C).

(e) Any proposal to procure fee title or a conservation easement in which the fee title or conservation easement will be held by an entity not a party to this agreement must be approved by the Department. Additionally, the Department must approve all conservation easements and deeds as to form, which approval shall not be unreasonably withheld. The Department's standard conservation easement attached as Exhibit D; however, TNC shall not be required to use the Department's standard conservation easement.

(f) The Department will provide written notification to TNC whenever it learns that a Proponent intends to participate in the Program by submitting a Fee (Exhibit C). The notification shall include the amount of the Fee, the identity of the proponent, the project or transaction for which the fee is being made, and the expected date for TNC's receipt of the fee.

2. TNC's Obligations

(a) TNC will provide written notification to the Proponent and to the Department upon receipt of Fees from a Proponent (Exhibit B). Funds Received by TNC under this agreement may be pooled and invested in accounts ("Fee accounts") with other funds TNC holds for similar or other purposes. The funds received by TNC for the Program shall be separately accounted for on a project basis. The Fee accounts will be credited with Fee funds as they are received by TNC, for the benefit of each project. Investments shall be in funds which carry a very slight risk of loss of capital, conforming to accepted standards of prudence. Investments may be in short-term certificates of deposit, U.S. Treasury obligations, or commercial paper.

(b) Interest from the funds held in the Fee accounts will remain in the accounts until the funds are expended or until this agreement is terminated in accordance with the provisions of the Amendment and Termination sections of this agreement. TNC will deduct from each payment into the Fee accounts a management fee (the "Project Fee") of two percent (2%) of the mitigation project's anticipated costs. TNC shall deduct the Project Fee upon receipt of the Program Fee. Additionally TNC will deduct from the Fee accounts two percent (2%) of the average annual balance of the Fee accounts, as calculated at June 30 of each year (the "Administrative Fee") to cover the direct management costs of the program and to help defray the costs associated with TNC's ongoing programmatic involvement with the Program. The Department acknowledges that the Project Fee and Administrative Fee represent reasonable consideration for TNC' efforts under this agreement.

(c) TNC shall provide to the Department a semi-annual report which shall contain a description of projects funded during the prior six (6) months as well as a financial report itemizing all project receipts and disbursements and reconciling the current balance of the project. These reports will be prepared as of 30 June and 31 December, and will be submitted to the Department within 30 days of the report date.

(d) TNC shall disburse funds in the San Joaquin kit fox Conservation Account only on projects which have received prior written authorization of the Department. The Parties agree that in addition to fee title or conservation easement costs, funds under this

agreement may be applied to direct and indirect costs for: (1) reasonable pre-acquisition expenses which apply directly to the project purpose, including, but not limited to, negotiations (staff time), travel, appraisals, boundary and water rights surveys, environmental hazard surveys, easement documentation or baseline reports, title insurance, and closing costs and (2) management, restoration, and stewardship costs (including property tax expense). TNC may use the funds under this agreement to cover pre-acquisition costs even in the event that the acquisition is not completed for any reason. In addition to the above-referenced items, TNC will charge the Project Fee and the Administrative Fee (as set forth in Paragraph II.A.2.(b)).

(e) For all acquisitions pursuant to this agreement, TNC shall reserve sufficient funds from the Fee to provide for the long term management of the habitat.

(f) Funds collected pursuant to this program must be committed for the acquisition of suitable habitat within three years of TNC's receipt of the funds.

(g) To the extent that kit fox habitat is procured by TNC with funds provided to TNC pursuant to this agreement, such habitat shall be protected in perpetuity by either restrictive covenants or conservation easements. The purpose of the restrictive covenants or conservations easements shall be to ensure that such property will be retained forever in a condition that does not impair or interfere with the conservation values of the property. Land uses which are compatible with the preservation of kit fox habitat shall not be unreasonably restricted.

III. SPECIAL TERMS AND CONDITIONS

A. For any project within San Luis Obispo County where there are impacts to the San Joaquin kit fox habitat, the Department shall have discretion as to whether payment of fees as described in this Agreement would adequately fulfill the needs of the species.

B. TNC reserves the right to refuse mitigation funds for any particular project.

C. This Agreement does not impose upon TNC any obligation to maintain an accounting of the biological values associated with San Joaquin kit fox Fees deposited or disbursed pursuant to this Agreement or to match San Joaquin kit fox Fees deposited with specific San Joaquin kit fox habitat acquisitions.

D. Nothing in this Agreement shall prohibit the disbursement of San Joaquin kit fox Fees to enable the purchase of a land parcel otherwise appropriate for use as kit fox habitat for the sole reason that a portion of the parcel is not suitable for San Joaquin kit fox habitat conservation, subject to the discretion and approval of the Department.

E. Notwithstanding anything contained herein to the contrary, TNC shall have no obligation pursuant to this Agreement other than to deposit and disburse the San Joaquin kit fox Fees in accordance with this Agreement, subject to the terms and conditions hereof.

IV. EFFECTIVE DATE

This Agreement shall take effect immediately upon execution by the Department and TNC.

V. AMENDMENTS

Amendments to this Agreement may be proposed by either Party and shall become effective upon the written agreement of both Parties.

VI. AUTOMATIC RENEWAL

Subject to the limitations in Paragraph VIII, this agreement shall remain in effect for a period of three years from the date of execution. At three years, and at each year thereafter, the agreement will automatically renew for the period of one additional year, continuing yearly unless and until the Department gives TNC a notice of non-renewal. Upon issuance of a notice of non-renewal by the Department, the agreement will terminate effective one year from the date of the notice of non-renewal. Upon receiving a notice of non-renewal, TNC shall begin the process of completing transactions undertaken pursuant to this agreement and shall comply with Section VII termination provisions.

VII. TERMINATION

This Agreement may be terminated by either Party without cause at any time upon thirty (30) days written notice to the other Party. Upon termination, TNC shall provide the Department with an accounting of the San Joaquin kit fox Fee Account in accordance with the following procedures. Immediately upon termination, and as a condition of the release of TNC from its obligations under this Agreement, TNC shall disburse all funds in the San Joaquin kit fox Conservation Account in accordance with written instructions provided by the Department (which shall be provided within 60 days of the receipt by the Department of TNC's Termination Notice). Thereafter, TNC shall be relieved of all further obligations and liabilities under the Agreement provided, however, that within 60 days following disbursal, TNC provides the Department final accounting showing the deposits and disbursements of all sums received by it pursuant to the Agreement, from the date of the last annual accounting through the date of final disbursement.

VIV. MISCELLANEOUS PROVISIONS

A. Entire Agreement

This Agreement and its related Exhibits contain the entire agreement of the Parties with respect to the matters covered by this Agreement, and no other agreement, statement, or promise made by either Party, or to any employee, officer, or agent of either Party, which is not contained in this Agreement shall be binding or valid.

B. Interpretation and Headings

The language in all parts of this agreement shall in all cases be simply construed according to its fair meaning and not strictly for or against either Party. Headings of the paragraphs of this Agreement are for the purpose of convenience only and the words contained

in such headings shall in no way be held to explain, modify, amplify, or aid in the interpretation, construction, or meaning of the provisions of this agreement.

C. Notices

All notices, demands, or requests from one Party to the other Party may be personally delivered, sent by facsimile, sent by recognized overnight delivery service, or sent by mail, certified or registered, postage prepaid, to the addresses stated in this paragraph and shall be effective at the time of personal delivery, facsimile, transmission, or mailing.

The Department	Department of Fish and Game, Central Coast Region Headquarters 7329 Silverado Trail, Napa CA 94558 Attn: Carl Wilcox Telephone: (707) 944-5500 Fax: (707) 944-5563
TNC:	The Nature Conservancy California Regional Office 201 Mission Street, 4th Floor San Francisco, CA 94105 Attn: Legal Department Telephone: (415) 777-0487 Fax: (415) 777-0244

Either party may change the address to which such notices, demands, requests or other communications may be sent by giving the other party written notice of such change. The Parties agree to accept facsimile transmitted, signed documents and agree to rely on such documents as if they bore original signatures. Each Party agrees to provide the other Party, within seventy-two (72) hours after transmission, such documents bearing the original signatures.

D. Successors and Assigns

This agreement, and the rights and obligations thereunder, shall not be transferred or otherwise assigned by TNC without prior written approval of the proposed transferee/assignee by the Department.

E. Execution

This Agreement may be executed in several counterparts and all counterparts so executed shall constitute one agreement which shall be binding on all the parties, notwithstanding that all of the parties are not signatory to the original or the same counterpart. If any provision of this Agreement is held invalid, the other provisions shall be affected thereby. Each party to this Agreement warrants to the other that it is duly organized, validly existing and, if a corporation, qualified to do business in the State of California, and that it and the respective signatories have full right and authority to enter into and consummate this Agreement and all related documents.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first set forth above:

CALIFORNIA DEPARTMENT OF FISH AND GAME

By: _____

Name: Robert W. Floerke

Title: Regional Manager

THE NATURE CONSERVANCY

By: _____

Name: Mike Sweeney

Title: COO-CA

Enclosures (3)

Exhibit A: *Conserving the Landscapes of San Luis Obispo County*

Exhibit B: Letter from TNC to Proponent and Department Acknowledging Receipt of Fee

Exhibit C: Letter from Department Authorizing Conservancy's Disbursement of Funds

Exhibit D: Department's Standard Conservation Easement Form.

Exhibit A

See Accompanying Bound Report: "Conserving the Landscapes of San Luis Obispo County."

Exhibit B

Dear [Applicant]

The Nature Conservancy hereby acknowledges the receipt of $ _____ in connection with [Applicant's] Department of Fish and Game [permit of other identifying case number]. The Nature Conservancy (the "Conservancy") has not been involved in the permitting process or any non-compliance determination, but it is committed to working with the Department of Fish and Game (the "Department") and [Applicant] to use these funds to conserve habitat along the Salinas, Estrella, San Juan Rivers corridor linking the Carrizo Plain and Camp Roberts subpopulations of San Joaquin kit fox. By accepting these funds from [Applicant] with the written approval of the Department, the Conservancy does not make any direct or implied statement that the funds are adequate "mitigation" for any purpose.

The Conservancy's only obligation is to receive these funds and apply them as described in this letter. The Conservancy retains the flexibility to use these funds for a number of purposes within the area described above, including acquisition of fee interest in land, conservation easement acquisition, and/or other activities related to identification of said land. These funds may also be used to cover the indirect and administrative costs associated with any project. The Conservancy does not guarantee any specific results, actions or effects on the lands acquired, managed or restored with these funds but will use good faith efforts to meet the objectives of the Fee-Based Compensatory Mitigation Program. [Applicant} agrees that it remains ultimately responsible for any matters pending between the Department and [Applicant]. [Applicant] agrees to release, indemnify, defend and hold the Conservancy harmless for any and all claims, damages, losses, liabilities, costs or expenses, including without limitation attorneys' fees, in the event that any claim is brought against the Conservancy for any act or omission arising out of any acts it takes pursuant to the Agreement, the Fee-Based Compensatory Mitigation Program, and/or the mitigation matter between the Department and [Applicant] that brought about the payment of these funds.

The funds received by the Conservancy from [Applicant] will be pooled and invested with other funds the Conservancy holds for similar or other purposes in accordance with an agreement with the Department. The funds received shall be separately accounted for by the Conservancy in accordance with the Agreement.

The Conservancy will consult with the Department on the intended use of these funds and notify the Department in accordance with the Agreement before disbursing them.

Please acknowledge your agreement to the terms of this letter by signing below and returning the original to me. One the Conservancy received the counter-signed letter, the Conservancy will notify the Department in accordance with the Agreement.

Thank you,

Sincerely,

Project Director

_____

[Applicant]

cc: CA Department of Fish and Game
[add contact info]

EXHIBIT C

DEPARTMENT OF FISH AND GAME
1416 NINTH STREET
P.O. BOX 944209
SACRAMENTO, CA 94244-2090
(916) 654-3821

Date: _____

Margaret C. McNutt
Director, Central Coast Ecoregion
C/O Legal Department
The Nature Conservancy
201 Mission Street, 4th Floor
San Francisco, CA 94105

Re: Notification of In-Lieu Fee for San Joaquin Kit Fox Mitigation

Dear Ms. McNutt and Legal Department,

The Department of Fish and Game (Department) is, by way of this letter, notifying you of a project proponent's election to meet mitigation requirements 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) and the California Endangered Species Act (CESA).

This letter is to advise TNC of the following project:

PROJECT NAME: _____

PROJECT PROPONENT: _____

AMOUNT OF FEE: _____

EXPECTED DATE FOR TNC'S RECEIPT OF FEE: _____

DEPARTMENT CONTACT PERSON: _____

Based on the review of this project, the Department has determined that the project is eligible to participate in the Program.

Sincerely,

_____

Flex your POWER


Flex
your
POWER

EXHIBIT D

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

State of California
Wildlife Conservation Board
1807 13th Street, Suite 103
Sacramento, CA 95814

Space Above Line for Recorder's Use Only

CONSERVATION EASEMENT DEED

THIS CONSERVATION EASEMENT DEED is made this _____ day of _____, 20____, by _____ ("Grantor"), in favor of THE STATE OF CALIFORNIA ("Grantee"), acting by and through its Department of Fish and Game, a subdivision of the California Resources Agency, with reference to the following facts:

RECITALS

A. Grantor is the sole owner in fee simple of certain real property in the County of _____, State of California, designated Assessor's Parcel Number _____ and more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property");

B. The Property possesses wildlife and habitat values (collectively, "conservation values") of great importance to Grantee and the people of the State of California;

C. The Property provides high quality habitat for [*list plant and/or animal species*] and contains [*list habitats; native and/or non-native*];

D. The Department of Fish and Game has jurisdiction, pursuant to Fish and Game Code Section 1802, over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary for biologically sustainable populations of those species, and the Department of Fish and Game is authorized to hold easements for these purposes pursuant to Civil Code Section 815.3, Fish and Game Code Section 1348, and other provisions of California law.

E. This Conservation Easement provides mitigation for certain impacts of [*describe project*] located in the City of [ ], County of [ ], State of California, pursuant to [*California Endangered Species Act Incidental Take Permit No. [ ] by and between [ ] and the Department of Fish and Game, dated [*]/ the Agreement Regarding Proposed Stream or Lake Alteration [Notification No. [ ] ("Section 1603 Agreement") executed by [ ] and the Department of Fish and Game, dated [ ]/ the [document prepared pursuant to CEQA]*

certified by the [ ] for [project] [SCH No.[ ] dated [ ], and the Mitigation Plan created thereunder.]

COVENANTS, TERMS, CONDITIONS AND RESTRICTIONS

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and pursuant to California law, including Civil Code Section 815, *et seq.*, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property.

1. Purpose. The purpose of this Conservation Easement is to ensure the Property will be retained forever in a natural condition and to prevent any use of the Property that will impair or interfere with the conservation values of the Property. Grantor intends that this Conservation Easement will confine the use of the Property to such activities, including, without limitation, those involving the preservation and enhancement of native species and their habitat in a manner consistent with the habitat conservation purposes of this Conservation Easement.

2. Grantee's Rights. To accomplish the purposes of this Conservation Easement, Grantor hereby grants and conveys the following rights to Grantee:

(a) To preserve and protect the conservation values of the Property;

(b) To enter upon the Property at reasonable times in order to monitor Grantor's compliance with and to otherwise enforce the terms of this Conservation Easement, and for scientific research and interpretive purposes by Grantee or its designees, provided that Grantee shall not unreasonably interfere with Grantor's authorized use and quiet enjoyment of the Property;

(c) To prevent any activity on or use of the Property that is inconsistent with the purposes of this Conservation Easement and to require the restoration of such areas or features of the Property that may be damaged by any act, failure to act, or any use that is inconsistent with the purposes of this Conservation Easement;

(d) All mineral, air and water rights necessary to protect and to sustain the biological resources of the Property; and

(e) All present and future development rights.

3. Prohibited Uses. Any activity on or use of the Property inconsistent with the purposes of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following uses by Grantor, Grantor's agents, and third parties, are expressly prohibited:

(a) Unseasonal watering; use of fertilizers, pesticides, biocides, herbicides or other agricultural chemicals; weed abatement activities; incompatible fire protection activities; and any and all other activities and uses which may adversely affect the purposes of this Conservation Easement;

(b) Use of off-road vehicles and use of any other motorized vehicles except on existing roadways;

(c) Grazing or other agricultural activity of any kind;

(d) Recreational activities including, but not limited to, horseback riding, biking, hunting or fishing, except as may be specifically permitted under this Conservation Easement;

(e) Commercial or industrial uses;

(f) Any legal or de facto division, subdivision or partitioning of the Property;

(g) Construction, reconstruction or placement of any building, billboard or sign, or any other structure or improvement of any kind;

(h) Depositing or accumulation of soil, trash, ashes, refuse, waste, bio-solids or any other materials;

(i) Planting, introduction or dispersal of non-native or exotic plant or animal species;

(j) Filling, dumping, excavating, draining, dredging, mining, drilling, removing or exploring for or extraction of minerals, loam, soil, sands, gravel, rocks or other material on or below the surface of the Property;

(k) Altering the surface or general topography of the Property, including building of roads;

(l) Removing, destroying, or cutting of trees, shrubs or other vegetation, except as required by law for (1) fire breaks, (2) maintenance of existing foot trails or roads, or (3) prevention or treatment of disease; and

(m) Manipulating, impounding or altering any natural water course, body of water or water circulation on the Property, and activities or uses detrimental to water quality, including but not limited to degradation or pollution of any surface or sub-surface waters.

4. Grantor's Duties. Grantor shall undertake all reasonable actions to prevent the unlawful entry and trespass by persons whose activities may degrade or harm the conservation values of the Property. In addition, Grantor shall undertake all necessary actions to perfect Grantee's rights under Section 2 of this Conservation Easement, including but not limited to, Grantee's water rights.

5. Reserved Rights. Grantor reserves to itself, and to its personal representatives, heirs, successors, and assigns, all rights accruing from its ownership of the Property, including the right to engage in or to permit or invite others to engage in all uses of the Property that are consistent with the purposes of this Conservation Easement.

6. Grantee's Remedies. If Grantee determines that Grantor is in violation of the terms of this Conservation Easement or that a violation is threatened, Grantee shall give written notice to Grantor of such violation and demand in writing the cure of such violation. If Grantor fails to cure the violation within fifteen (15) days after receipt of written notice and demand from Grantee, or if the cure reasonably requires more than fifteen (15) days to complete and Grantor fails to begin the cure within the fifteen (15)-day period or fails to continue diligently to complete the cure, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce compliance by Grantor with the terms of this Conservation Easement, to recover any damages to which Grantee may be entitled for violation by Grantor of the terms of this Conservation Easement or for any injury to the conservation values of the Property, to enjoin the violation, *ex parte* as necessary, by temporary or permanent injunction without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies, or for other equitable relief, including, but not limited to, the restoration of the Property to the condition in which it existed prior to any such violation or injury. Without limiting Grantor's liability therefor, Grantee may apply any damages recovered to the cost of undertaking any corrective action on the Property.

If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate damage to the conservation values of the Property, Grantee may pursue its remedies under this Section 6 without prior notice to Grantor or without waiting for the period provided for cure to expire. Grantee's rights under this section apply equally to actual or threatened violations of the terms of this Conservation Easement. Grantor agrees that Grantee's remedies at law for any violation of the terms of this Conservation Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this section, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Conservation Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity, including but not limited to, the remedies set forth in Civil Code Section 815, *et seq.*, inclusive. The failure of Grantee to discover a violation or to take immediate legal action shall not bar Grantee from taking such action at a later time.

If at any time in the future Grantor or any subsequent transferee uses or threatens to use the Property for purposes inconsistent with this Conservation Easement then, notwithstanding Civil Code Section 815.7, the California Attorney General or any entity or individual with a justiciable interest in the preservation of this Conservation Easement has standing as interested parties in any proceeding affecting this Conservation Easement.

6.1. Costs of Enforcement. Any costs incurred by Grantee, where Grantee is the prevailing party, in enforcing the terms of this Conservation Easement against Grantor, including, but not limited to, costs of suit and attorneys' and experts' fees, and any costs of restoration necessitated by Grantor's negligence or breach of this Conservation Easement shall be borne by Grantor.

6.2. Grantee's Discretion. Enforcement of the terms of this Conservation Easement by Grantee shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Conservation Easement in the event of any breach of any term of this Conservation Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Conservation Easement or of any of Grantee's rights under this Conservation Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

6.3. Acts Beyond Grantor's Control. Nothing contained in this Conservation Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from (i) any natural cause beyond Grantor's control, including, without limitation, fire not caused by Grantor, flood, storm, and earth movement, or any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes; or (ii) acts by Grantee or its employees.

6.4. Department of Fish and Game Right of Enforcement. All rights and remedies conveyed to Grantee under this Conservation Easement Deed shall extend to and are enforceable by the Department of Fish and Game. These rights are in addition to, and do not limit, the rights of enforcement under [*insert title of permit/Agreement described in Recital E, above*].

7. Fence Installation and Maintenance. Grantor shall install and maintain a fence reasonably satisfactory to Grantee around the Conservation Easement area to protect the conservation values of the Property, including but not limited to wildlife corridors.

8. Access. This Conservation Easement does not convey a general right of access to the public.

9. Costs and Liabilities. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property. Grantor agrees that Grantee shall have no duty or responsibility for the operation or maintenance of the Property, the monitoring of hazardous conditions thereon, or the protection of Grantor, the public or any third parties from risks relating to conditions on the Property. Grantor remains solely responsible for obtaining any applicable governmental permits and approvals for any activity or use permitted by this Conservation Easement Deed, and any activity or use shall be undertaken in accordance with all applicable federal, state, local and administrative agency statutes, ordinances, rules, regulations, orders and requirements.

9.1. Taxes; No Liens. Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively "taxes"), including any taxes

imposed upon, or incurred as a result of, this Conservation Easement, and shall furnish Grantee with satisfactory evidence of payment upon request. Grantor shall keep Grantee's interest in the Property free from any liens, including those arising out of any obligations incurred by Grantor or any labor or materials furnished or alleged to have been furnished to or for Grantor at or for use on the Property.

9.2. Hold Harmless. Grantor shall hold harmless, protect and indemnify Grantee and its directors, officers, employees, agents, contractors, and representatives and the heirs, personal representatives, successors and assigns of each of them (each an "Indemnified Party" and, collectively, "Indemnified Parties") from and against any and all liabilities, penalties, costs, losses, damages, expenses (including, without limitation, reasonable attorneys' fees and experts' fees), causes of action, claims, demands, orders, liens or judgments (each a "Claim" and, collectively, "Claims"), arising from or in any way connected with: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, unless due solely to the negligence of Grantee or any of its employees; (2) the obligations specified in Sections 4, 9, and 9.1; and (3) the existence or administration of this Conservation Easement. If any action or proceeding is brought against any of the Indemnified Parties by reason of any such Claim, Grantor shall, at the election of and upon written notice from Grantee, defend such action or proceeding by counsel reasonably acceptable to the Indemnified Party or reimburse Grantee for all charges incurred for services of the Attorney General in defending the action or proceeding.

9.3. Condemnation. The purposes of the Conservation Easement are presumed to be the best and most necessary public use as defined at Code of Civil Procedure Section 1240.680 notwithstanding Code of Civil Procedure Sections 1240.690 and 1240.700.

10. Assignment. This Conservation Easement is transferable by Grantee, but Grantee may assign its rights and obligations under this Conservation Easement only to an entity or organization authorized to acquire and hold conservation easements pursuant to Civil Code Section 815.3. Grantee shall require the assignee to record the assignment in the county where the Property is located.

11. Subsequent Transfers. Grantor agrees to incorporate the terms of this Conservation Easement in any deed or other legal instrument by which Grantor divests itself of any interest in all or any portion of the Property, including, without limitation, a leasehold interest. Grantor further agrees to give written notice to Grantee of the intent to transfer any interest at least thirty (30) days prior to the date of such transfer. Grantee shall have the right to prevent subsequent transfers in which prospective subsequent claimants or transferees are not given notice of the covenants, terms, conditions and restrictions of this Conservation Easement. The failure of Grantor or Grantee to perform any act provided in this section shall not impair the validity of this Conservation Easement or limit its enforceability in any way.

12. Notices. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and be served personally or sent by recognized overnight courier that guarantees next-day delivery or by first class mail, postage fully prepaid, addressed as follows:

To Grantor:

To Grantee: Department of Fish and Game
Region __
[Region's address]
Attn: Regional Manager

With a copy to: Department of Fish and Game
Office of the General Counsel
1416 Ninth Street, 12th Floor
Sacramento, California 95814-2090
Attn: General Counsel

or to such other address as either party shall designate by written notice to the other. Notice shall be deemed effective upon delivery in the case of personal delivery or delivery by overnight courier or, in the case of delivery by first class mail, five (5) days after deposit into the United States mail.

13. Amendment. This Conservation Easement may be amended by Grantor and Grantee only by mutual written agreement. Any such amendment shall be consistent with the purposes of this Conservation Easement and shall not affect its perpetual duration. Any such amendment shall be recorded in the official records of [ ] County, State of California.

14. General Provisions.

(a) Controlling Law. The interpretation and performance of this Conservation Easement shall be governed by the laws of the State of California, disregarding the conflicts of law principles of such state.

(b) Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Easement shall be liberally construed to effect the purposes of this Conservation Easement and the policy and purpose of Civil Code Section 815, *et seq.* If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Conservation Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

(c) Severability. If a court of competent jurisdiction voids or invalidates on its face any provision of this Conservation Easement Deed, such action shall not affect the remainder of this Conservation Easement Deed. If a court of competent jurisdiction voids or invalidates the application of any provision of this Conservation Easement Deed to a person or circumstance, such action shall not affect the application of the provision to other persons or circumstances.

(d) Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Conservation Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Easement. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment in accordance with Section 13.

(e) No Forfeiture. Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

(f) Successors. The covenants, terms, conditions, and restrictions of this Conservation Easement Deed shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall constitute a servitude running in perpetuity with the Property.

(g) Termination of Rights and Obligations. A party's rights and obligations under this Conservation Easement terminate upon transfer of the party's interest in the Conservation Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

(h) Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon its construction or interpretation.

(i) No Hazardous Materials Liability. Grantor represents and warrants that it has no knowledge of any release or threatened release of Hazardous Materials (defined below) in, on, under, about or affecting the Property. Without limiting the obligations of Grantor under Section 9.2, Grantor agrees to indemnify, protect and hold harmless the Indemnified Parties (defined in Section 9.2) against any and all Claims (defined in Section 9.2) arising from or connected with any Hazardous Materials present, alleged to be present, or otherwise associated with the Property at any time, except any Hazardous Materials placed, disposed or released by Grantee, its employees or agents. If any action or proceeding is brought against any of the Indemnified Parties by reason of any such Claim, Grantor shall, at the election of and upon written notice from Grantee, defend such action or proceeding by counsel reasonably acceptable to the Indemnified Party or reimburse Grantee for all charges incurred for services of the Attorney General in defending the action or proceeding.

Despite any contrary provision of this Conservation Easement Deed, the parties do not intend this Conservation Easement to be, and this Conservation Easement shall not be, construed such that it creates in or gives to Grantee any of the following:

(1) The obligations or liabilities of an "owner" or "operator," as those terms are defined and used in Environmental Laws (defined below), including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Section 9601 *et seq.*; hereinafter, "CERCLA"); or

(2) The obligations or liabilities of a person described in 42 U.S.C. Section 9607(a)(3) or (4); or

(3) The obligations of a responsible person under any applicable Environmental Laws; or

(4) The right to investigate and remediate any Hazardous Materials associated with the Property; or

(5) Any control over Grantor's ability to investigate, remove, remediate or otherwise clean up any Hazardous Materials associated with the Property.

The term "Hazardous Materials" includes, without limitation, (a) material that is flammable, explosive or radioactive; (b) petroleum products, including by-products and fractions thereof; and (c) hazardous materials, hazardous

wastes, hazardous or toxic substances, or related materials defined in CERCLA, the Hazardous Materials Transportation Act (49 U.S.C. Section 6901 *et seq.*); the Hazardous Waste Control Law (California Health & Safety Code Section 25100 *et seq.*); the Hazardous Substance Account Act (California Health & Safety Code Section 25300 *et seq.*), and in the regulations adopted and publications promulgated pursuant to them, or any other applicable federal, state or local laws, ordinances, rules, regulations or orders now in effect or enacted after the date of this Conservation Easement Deed.

The term "Environmental Laws" includes, without limitation, any federal, state, local or administrative agency statute, ordinance, rule, regulation, order or requirement relating to pollution, protection of human health or safety, the environment or Hazardous Materials. Grantor represents, warrants and covenants to Grantee that Grantor's activities upon and use of the Property will comply with all Environmental Laws.

(j) Warranty. Grantor represents and warrants that there are no outstanding mortgages, liens, encumbrances or other interests in the Property which have not been expressly subordinated to this Conservation Easement Deed, and that the Property is not subject to any other conservation easement.

(k) Additional Easements. Grantor shall not grant any additional easements, rights of way or other interests in the Property (other than a security interest that is subordinate to this Conservation Easement Deed), or grant or otherwise abandon or relinquish any water agreement relating to the Property, without first obtaining the written consent of Grantee. Grantee may withhold such consent if it determines that the proposed interest or transfer is inconsistent with the purposes of this Conservation Easement or will impair or interfere with the conservation values of the Property. This Section 14(k) shall not prohibit transfer of a fee or leasehold interest in the Property that is subject to this Conservation Easement Deed and complies with Section 11.

(l) Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

IN WITNESS WHEREOF Grantor has executed this Conservation Easement Deed the day and year first above written.

GRANTOR:

BY: _____

NAME: _____

TITLE: _____

DATE: _____

Approved as to form:

General Counsel
State of California
Department of Fish and Game

BY: _____
Ann S. Malcolm
Deputy General Counsel

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Conservation Easement Deed by _____, dated _____, to the State of California, grantee, acting by and through its Department of Fish and Game (the "Department"), a governmental agency (under Government Code Section 27281), is hereby accepted by the undersigned officer on behalf of the Department, pursuant to authority conferred by resolution of the California Fish and Game Commission on _____.

GRANTEE:

STATE OF CALIFORNIA, by and through its DEPARTMENT OF FISH AND GAME

By: _____

Title: _____
Authorized Representative

Date: _____

From: Cassidy McSurdy
To: Mindy Fogg; Jourdan Riedy
Subject: Fw: Cannabis Referral
Date: Thursday, May 16, 2019 5:34:30 PM
Attachments: image003.png

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Cassidy McSurdy
County Of San Luis Obispo
Planning & Building
(p) 805-788-2959

From: Jeff Stranlund
Sent: Monday, May 13, 2019 11:05:31 AM
To: Cassidy McSurdy
Subject: Cannabis Referral

Moring Cassidy,

The Assessor's Office requests lease and production sharing agreements on this property. Let me know if you have any questions. Thanks and have a good day.



- Provide to the Assessor's Office full copies of any leases (ground, greenhouse or otherwise) or production sharing agreements related to "Cannabis Activities" on the subject property.

Jeff Stranlund
Assessor's Office/ Supervising Appraiser
County of San Luis Obispo, Ca
(805) 788-2327

This e-mail, and any files transmitted with it, are intended only for the person or entity to which it is addressed and may contain confidential, protected, and/or privileged material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient, is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

From:	Cassidy McSurdy
To:	Jourdan Riedy; Erin Kraft; Mindy Fogg
Subject:	FW: DRC2019-00086 SIDIOFAX, INC, NORTH COUNTY E-Referral, CONDITIONAL USE PERMIT, SANTA MARGARITA
Date:	Friday, May 24, 2019 12:05:44 PM
Attachments:	image001.png

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Best Regards,

Cassidy McSurdy | **Land Use Technician**
(p) 805-788-2959 cmcsurdy@co.slo.ca.us
Website | Facebook | Twitter | Map
COUNTY OF SAN LUIS OBISPO
Planning & Building

From: Michael Stoker <mstoker@co.slo.ca.us>
Sent: Friday, May 24, 2019 10:04 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: DRC2019-00086 SIDIOFAX, INC, NORTH COUNTY E-Referral, CONDITIONAL USE PERMIT, SANTA MARGARITA

Cassidy,

Please find buildings recommendation for DRC2019-00086 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 for 3 one-acre outdoor cannabis cultivation's, cannabis nursery of 5,000 sq/ft indoor (greenhouse), 10,000 square feet indoor cannabis cultivation, and cannabis manufacturing. A California State licensed design professional (Architect/Engineer) shall prepare plans in compliance with current codes adopted by the County of San Luis Obispo (Current version of the California Building Standards Codes and Title 19 of the SLO County Codes at time of permit submittal).

While a thorough plan review will be conducted at the time of the building permit

application, the following items are noted to assist design review;

1. A California licensed Architect or Engineer is required to submit the plans for this project per BPC 5536.1.
2. A pre application meeting will be needed prior to submitting for a building permit to answer any questions and / or discuss code related issues.
3. Separate building permits will be required for separate structures located on the site.
4. Specify the occupancy classification and Type of Construction on the cover sheet of the plans to verify compliance with the current version of CBC.
5. Provide a building tabulation on the plans clarifying the floor area (square footage) for each proposed use/occupancy within each structure and for the overall structure.
6. Provide floor plans, elevations, sections, etc. to accurately show the work being completed and layout of the proposed uses within each structure.
7. 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.
8. Mixed occupancy buildings will need to comply with the CBC, specifically CBC Chapter 5 Section 508.
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. Provide an occupant load and exiting analysis on the plans to verify compliance with CBC, including Chapter 10.
11. 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.).
12. 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.
13. Membrane structures will need to comply with the provisions of CBC Section 3102.
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: Monday, May 13, 2019 9:38 AM
To: Cassidy McSurdy
Subject: DRC2019-00086 SIDIOFAX, INC, NORTH COUNTY E-Referral, CONDITIONAL USE PERMIT, SANTA MARGARITA

County of San Luis Obispo
Department of Planning & Building

DRC2019-00086 SIDIOFAX, INC, NORTH COUNTY E-Referral, CONDITIONAL USE PERMIT, SANTA MARGARITA
APN: 072-311-008
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 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.

COUNTY OF SAN LUIS OBISPO
Department of Public Works
John Diodati, *Interim Director*

RECOMMENDED CONDITIONS

Date: May 20, 2019

To: Cassidy McSurdy, Project Planner

From: David E. Grim, Development Services

Subject: DRC2019-0086 Sidiofax CUP 7575 Carrisa Hwy Santa Margarita, APN 072-311-008

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 proposed project is within a drainage review area, the applicant must ensure all proposed site grading and new impervious surfaces are constructed in compliance with the County drainage standards, Chapter 22.52.110 of the Land Use Ordinance and the Public Improvement Standards.

C. This project appears to not meet the applicability criteria for Stormwater Management since it is located outside a Stormwater Management Area or is within but creates or replaces less than 2,500 sf of impervious area.

D. 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 it is located outside a Stormwater Management Area.

Recommended Project Conditions of Approval:

Access

1. **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.
2. **Prior to commencing permitted activities,** the applicant shall provide evidence to the Department of Planning and Building that access improvements have been designed and shall be constructed in conformance with Caltrans standards.

Drainage

3. **At the time of application for construction permits,** the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 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 Section 22.52.120 of the Land Use Ordinance.

Stormwater Pollution Prevention Plan (SWPPP)

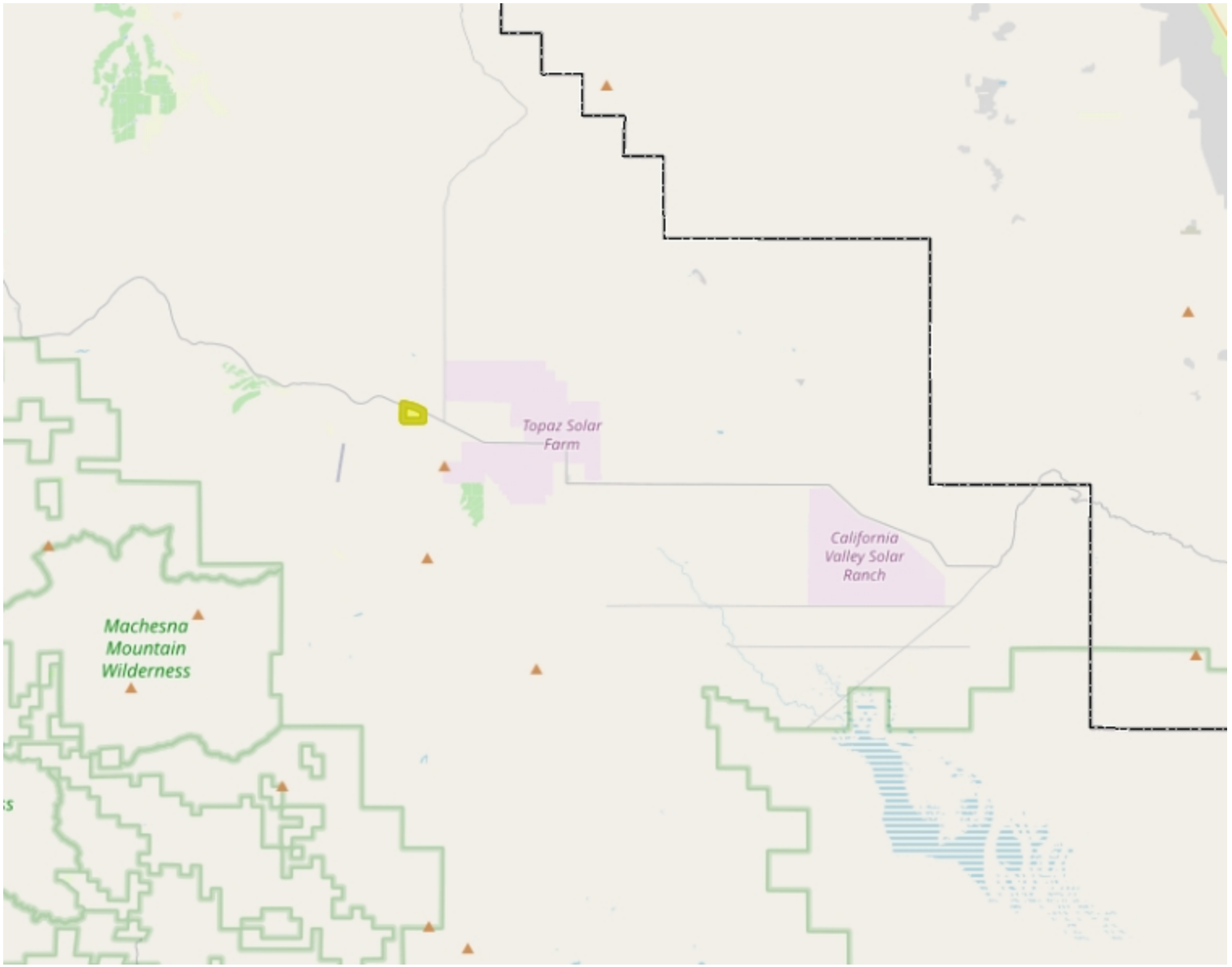
5. **At the time of application for construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements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

G:\Development_DEVSERV Referrals\Land Use Permits\CUP\DRC2019\DRC2019-0086 Sidiofax CUP 7575 Carrisa Hwy Santa Margarita\DRC2019-0086 Sidiofax CUP 7575 Carrisa Hwy Santa Margarita.docx

County Govt Center, Room 206 | San Luis Obispo, CA 93408 | (P) 805-781-5252 | (F) 805-781-1229
pwd@co.slo.ca.us | slocounty.ca.gov

Department of Planning & Building

Interactive Data Viewer



Legend

- SLO County Boundary



-49,996.21 0 24,998.10 49,996.21 Feet 1: 299,977

WGS_1984_Web_Mercator_Auxiliary_Sphere

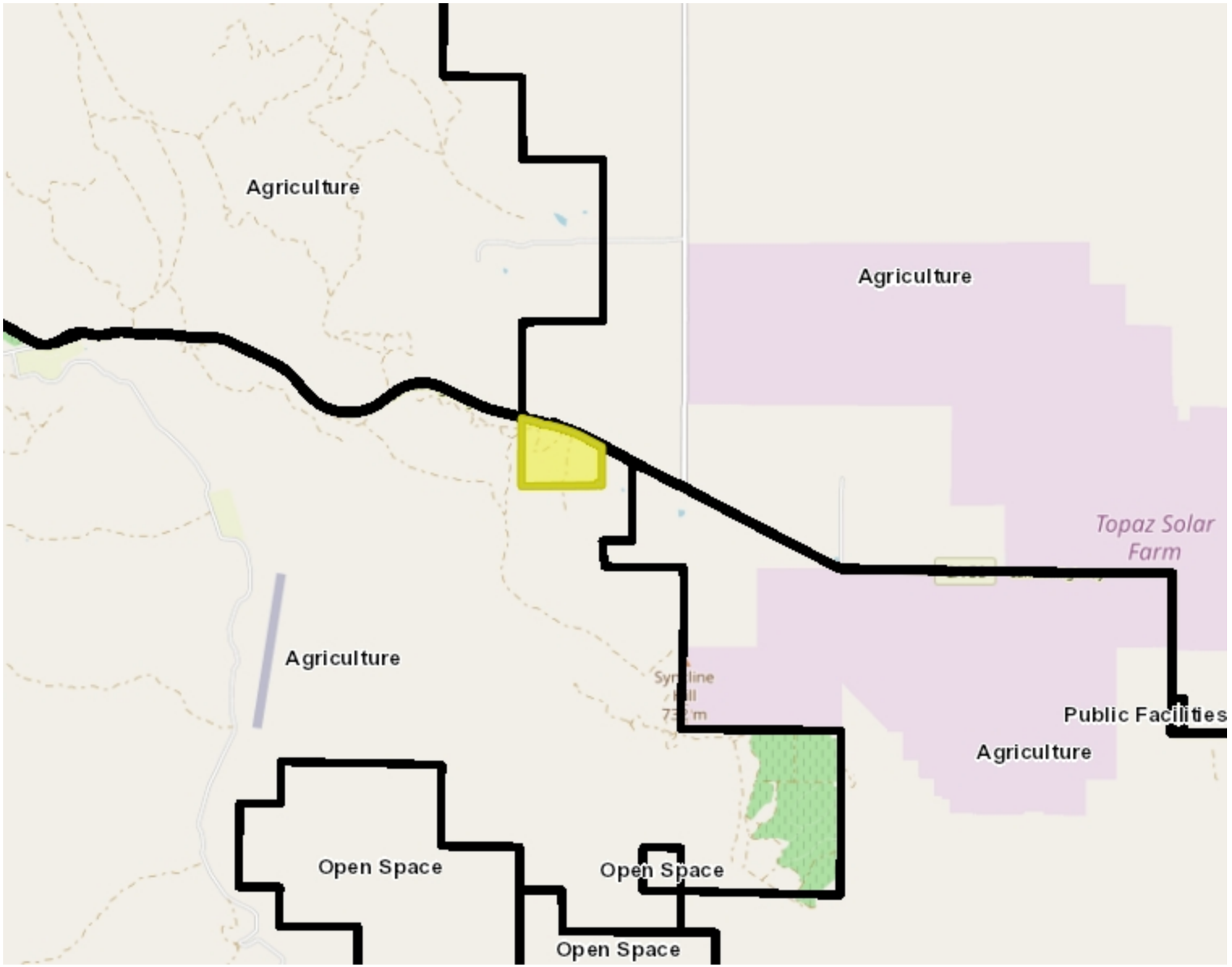
© County of San Luis Obispo Planning and Building Department

The County of San Luis Obispo does not assume liability for any damages caused by errors or omissions in the data and makes no warranty of any kind, express or implied, that these data are accurate and reliable.

Map for Reference Purposes Only

Department of Planning & Building

Interactive Data Viewer



Legend

- SLO County Parcels
- SLO County Boundary
- Land Use Outlines



-12,499.05 0 6,249.53 12,499.05 Feet 1: 74,994

WGS_1984_Web_Mercator_Auxiliary_Sphere

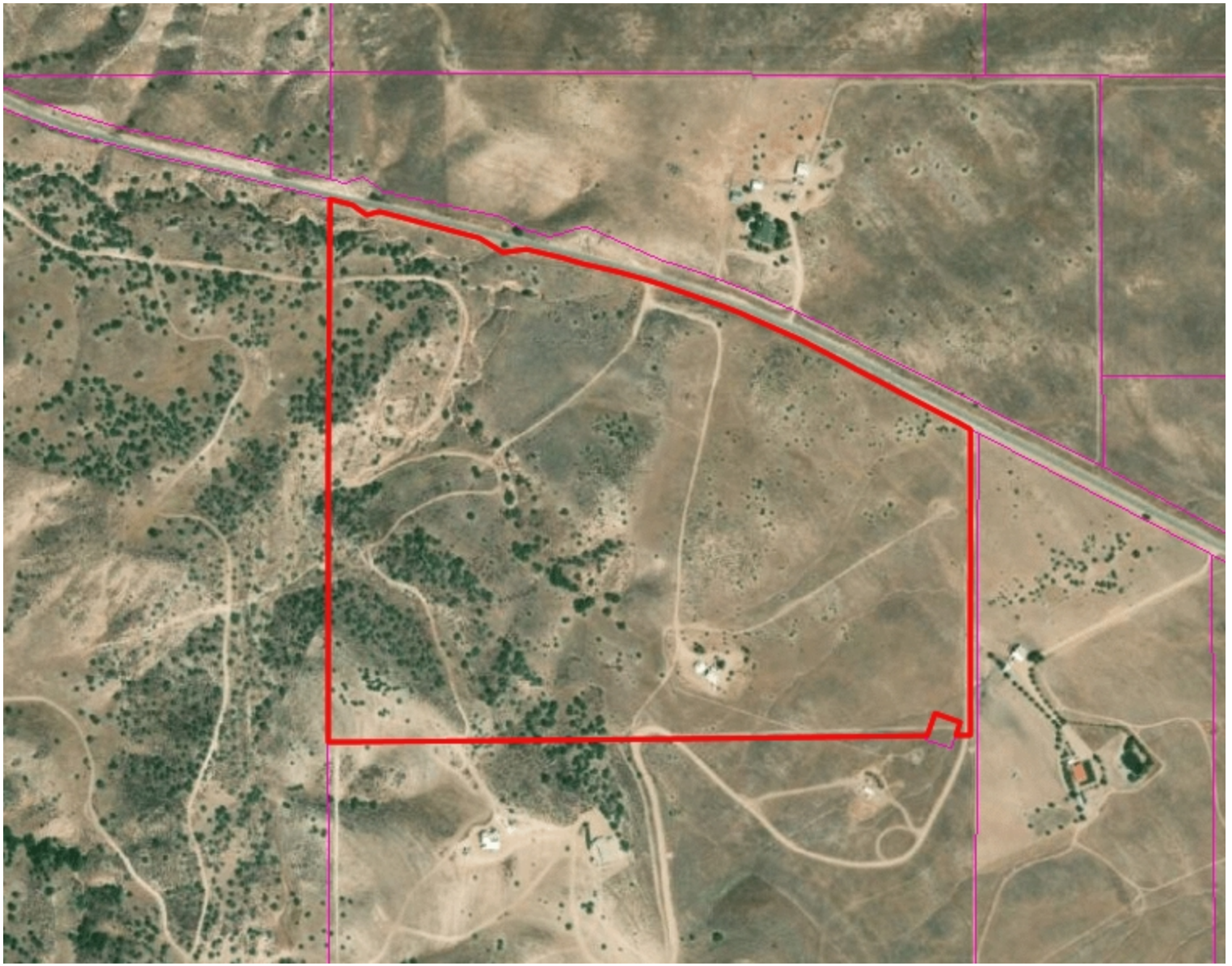
© County of San Luis Obispo Planning and Building Department

The County of San Luis Obispo does not assume liability for any damages caused by errors or omissions in the data and makes no warranty of any kind, express or implied, that these data are accurate and reliable.

Map for Reference Purposes Only

Department of Planning & Building

Interactive Data Viewer



Legend

- SLO County Parcels
- SLO County Boundary



-1,562.38 0 781.19 1,562.38 Feet 1: 9,374

WGS_1984_Web_Mercator_Auxiliary_Sphere

© County of San Luis Obispo Planning and Building Department

The County of San Luis Obispo does not assume liability for any damages caused by errors or omissions in the data and makes no warranty of any kind, express or implied, that these data are accurate and reliable.

Map for Reference Purposes Only