NOTICE OF PREPARATION
Draft Environmental Impact Report

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET | ROOM 200 | SAN LUIS OBISPO | CALIFORNIA 93408 | (805) 781-5600
Promoting the Wise Use of Land | ***Helping to Build Great Communities***

DATE: **December 10, 2021**

TO: Responsible Agencies, Trustee Agencies, and Interested Persons

FROM: **Eric Hughes, Project Manager**
Department of Planning and Building
976 Osos St., Room 300
San Luis Obispo, CA 93408-2040
Email: ehughes@co.slo.ca.us

PROJECT TITLE: City Boy Farms Conditional Use Permit DRC2017-00123 (ED19-043, SCH#2019089069)

PROJECT APPLICANT: City Boy Farms, Inc.

RESPONSES DUE BY: 5:00 pm on Friday, January 14, 2022

PURPOSE OF NOTICE

The County of San Luis Obispo will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the above-referenced project. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

Due to the time limits mandated by State law, please provide us the following information at the earliest possible date, **but not later than 5:00 pm on Monday, Friday, January 14, 2022.**

1. NAME OF CONTACT PERSON. (Please include address, e-mail and telephone number)

2. PERMIT(S) or APPROVAL(S) AUTHORITY. Please provide a summary description of these and send a copy of the relevant sections of legislation, regulatory guidance, etc.

3. ENVIRONMENTAL INFORMATION. What environmental information must be addressed in the Environmental Impact Report to enable your agency to use this documentation as a basis for your permit issuance or approval?

4. PERMIT STIPULATIONS/CONDITIONS. Please provide a list and description of standard stipulations (conditions) that your agency will apply to features of this project. Are there other conditions that have a high likelihood of application to a permit or approval for this project? If so, please list and describe.

5. ALTERNATIVES. What alternatives does your agency recommend be analyzed in the EIR?

6. REASONABLY FORESEEABLE PROJECTS, PROGRAMS or PLANS. Please name any future project, programs or plans that you think may have an overlapping influence with the project as proposed.

7. RELEVANT INFORMATION. Please provide references for any available, appropriate documentation you believe may be useful to the county in preparing the EIR. Reference to and/or inclusion of such documents in an electronic format would be appreciated.

8. FURTHER COMMENTS. Please provide any further comments or information that will help the county to scope the document and determine the appropriate level of environmental assessment.

PROJECT DESCRIPTION

Request by City Boy Farms for a Conditional Use Permit (DRC2017-00123) from the County of San Luis Obispo to establish up to 3 acres of outdoor cannabis cultivation in hoop houses or direct sunlight, up to 22,000 sq. ft. of indoor cultivation canopy in 27,500 sq. ft. of greenhouses, 139,230 sq. ft. of outdoor commercial nursery in hoop houses or in direct sunlight, 9,850 sq. ft. of indoor commercial nursery in greenhouses, 160 sq. ft. of nursery clone area, 640 sq. ft. of processing area within seatrain containers (drying/curing), and a new 8,000 sq. ft. metal barn-like structure to support 2,680 sq. ft. of manufacturing area, 2,000 sq. ft. of processing area (trimming/packaging), 600 sq. ft. of non-storefront dispensary area, 1,400 sq. ft. of loading bay area, 1,080 sq. ft. of storage area, 600 sq. ft. office area, and an ADA restroom. Additionally, a new 35-space parking area with two ADA parking spaces, 16,000 sq. ft. compost area, 2,500 sq. ft. waste and recycling area, a 100 sq. ft. shed for pesticide and fertilizer storage, a 100 sq. ft. shed for security monitoring, a security cabinet, 150,000-gallons of water storage in tanks for irrigation, fire suppression water storage tanks, road improvements per Cal Fire standards, and two portable restrooms are proposed to support the cannabis operation. The project also includes request for ancillary transport. The project would result in approximately 9.59 acres of new site disturbance and no oak trees will be removed. A modification from the setback standards set forth in Land Use Ordinance Section 22.40.050.D.3 is requested to reduce the required setback to the eastern property line from 300 feet to 100 feet. A modification from the parking standards set forth in Title 22 section 22.18.020.H is requested to reduce the required number of parking spaces from 67 to 36. Please refer to Exhibit A, *Initial Study/Environmental Checklist* for a detailed discussion of the proposed project elements, activities, and phasing. The proposed project is within the Agriculture land use category and in the El Pomar-Estrella Sub Area of the North County Planning Area.

PROJECT LOCATION

The project site is within the Agriculture land use category and is located at 4225 S. El Pomar Road. The site is in the El Pomar-Estrella Sub Area of the North County Planning Area. See the attached Initial Study/Environmental Checklist.

PROJECT HISTORY

In August 2019, the County of San Luis Obispo prepared and circulated an Initial Study/Mitigated Negative Declaration for the project (SCH#2019089069). In October 2019, the project was scheduled for a Planning Commission hearing to consider the Conditional Use Permit (DRC2017-00123). Prior to the hearing, and during the comment period on the Initial Study/Mitigated Negative Declaration, the County received substantive comment letters on the issues and analysis included in the Initial Study/Mitigated Negative Declaration (Wittwer Parkin, LLC, October 21, 2019; Adams Broadwell Joseph & Cardozo, September 19, 2019 and October 9, 2019). The item was continued off the Planning Commission's calendar in order to respond to the received comments on the IS/MND.

During October 2019 through December 2020, the County of San Luis Obispo had subsequent discussions with the applicant and counsel that resulted in a decision to proceed with an Environmental Impact Report due to the potential that the "fair argument standard" had or could be achieved if the project proceeded with a Mitigated Negative Declaration. The project applicant agreed to have an EIR prepared for the project.

POTENTIAL ENVIRONMENTAL IMPACTS

An Initial Study has been prepared for the project (Refer to Exhibit A) representing the County's best approximation of the project's potential environmental effects. The Initial Study found that although the proposed project could have a significant effect on the environment, mitigation could be incorporated to reduce

the effects to a less than significant level. Comments received on the Initial Study prepared for the project argue that substantial evidence supports a fair argument that the project may result in significant, unmitigable impacts to agriculture, air quality, biological resources, energy, greenhouse gas (GHGs), hazardous materials, groundwater quality, and land use. These issues, together with the remaining impact issue area analysis mandated by the CEQA Guidelines (Appendix G), including other CEQA-mandated analyses including Alternatives, Cumulative Effects, and Growth Inducement will be addressed in the EIR. There are no Cortese listings or GeoTracker sites located on-site, outside of the regulatory actions reported on the GeoTracker database associated with the proposed remediation project.

The Initial Study prepared for this project is attached (Attachment 1) and can also be found on the Office of Planning and Research CEQAnet Web Portal (SCH#2019089069). This NOP and the Initial Study for the proposed project are available for review at the County's Department of Planning & Building Citizen Self Service Portal website https://energov.sloplanning.org/EnerGov_Prod/SelfService#/plan/24DDB2AF-B7A6-4170-98F6-0747EBD28F1F?tab=attachments.
Please send your response to **Eric Hughes** at the address or email shown above. As requested above, we will need the name for a contact person in your agency.

Signature_____

Eric Hughes, Project Manager
Telephone: (805) 781-1591*

Attachment 1 Initial Study/Environmental Checklist

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

PLN-2039
04/2019

Initial Study – Environmental Checklist

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

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

☒ 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.

Ian Landreth	Ian Landreth	8/16/19
Prepared by (Print)	Signature	Date
Karen Nall DM	Karen Nall	8/16/19
Reviewed by (Print)	Signature	Date

Initial Study – Environmental Checklist

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. Project

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

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

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

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

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

Table 1 – Project Summary

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

Employees	34	

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

Summary of Proposed Cannabis Canopy

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

Baseline Conditions

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

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

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

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

Table 2 -- Summary of Parking Requirements

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

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

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

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

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

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

B. Existing Setting

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

Land Use Category: Agriculture

Combining Designation: Renewable Energy

Parcel Size: 25.28-acres

Topography: Gently to steeply sloping

Vegetation: Agriculture, Trees

Existing Uses: Agriculture uses

Surrounding Land Use Categories and Uses:

North:	Agriculture; agricultural uses single-family residence(s)	***East:***	Agriculture; agricultural uses single-family residence(s)
South:	Agriculture; agricultural uses single-family residence(s)	***West:***	Agriculture; agricultural uses single-family residence(s)

Other Approvals That May Be Required to Implement the Project

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

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

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

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

California Department of Fish and Wildlife (CDFW)

Lake or Streambed 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.

Figure 1: Project Location

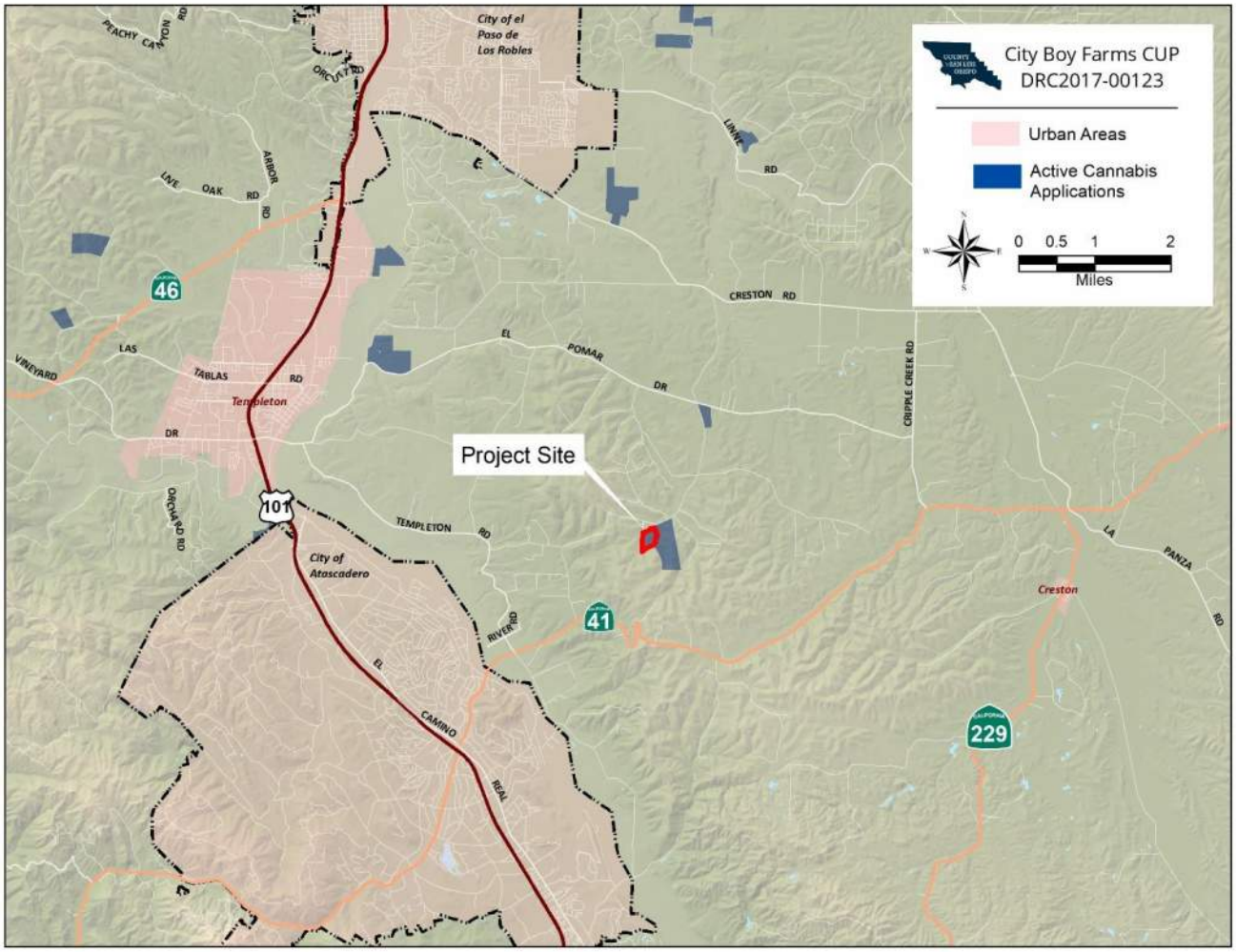


Figure 2: Project Site and Vicinity

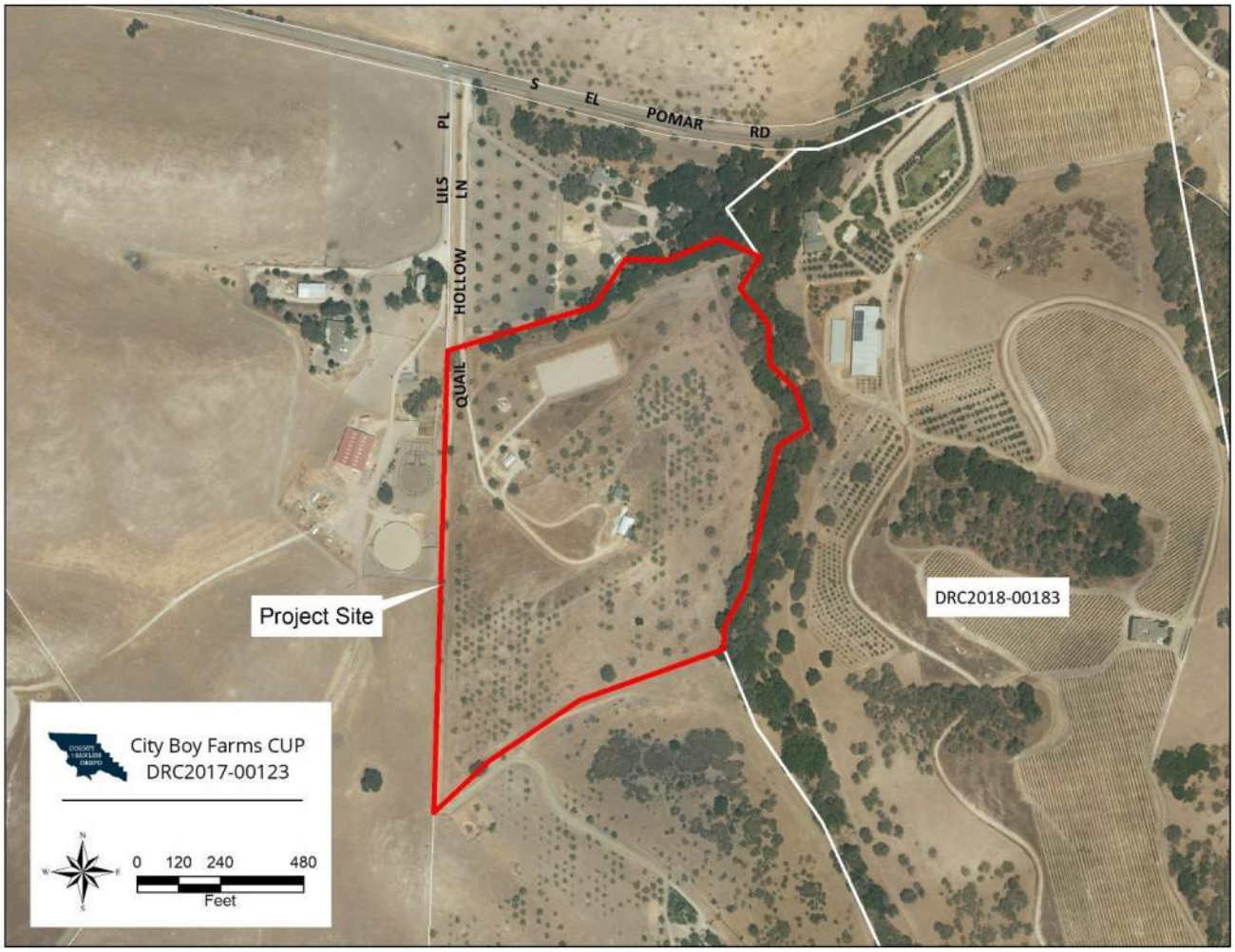


Figure 3 – Area of Unpermitted Grading

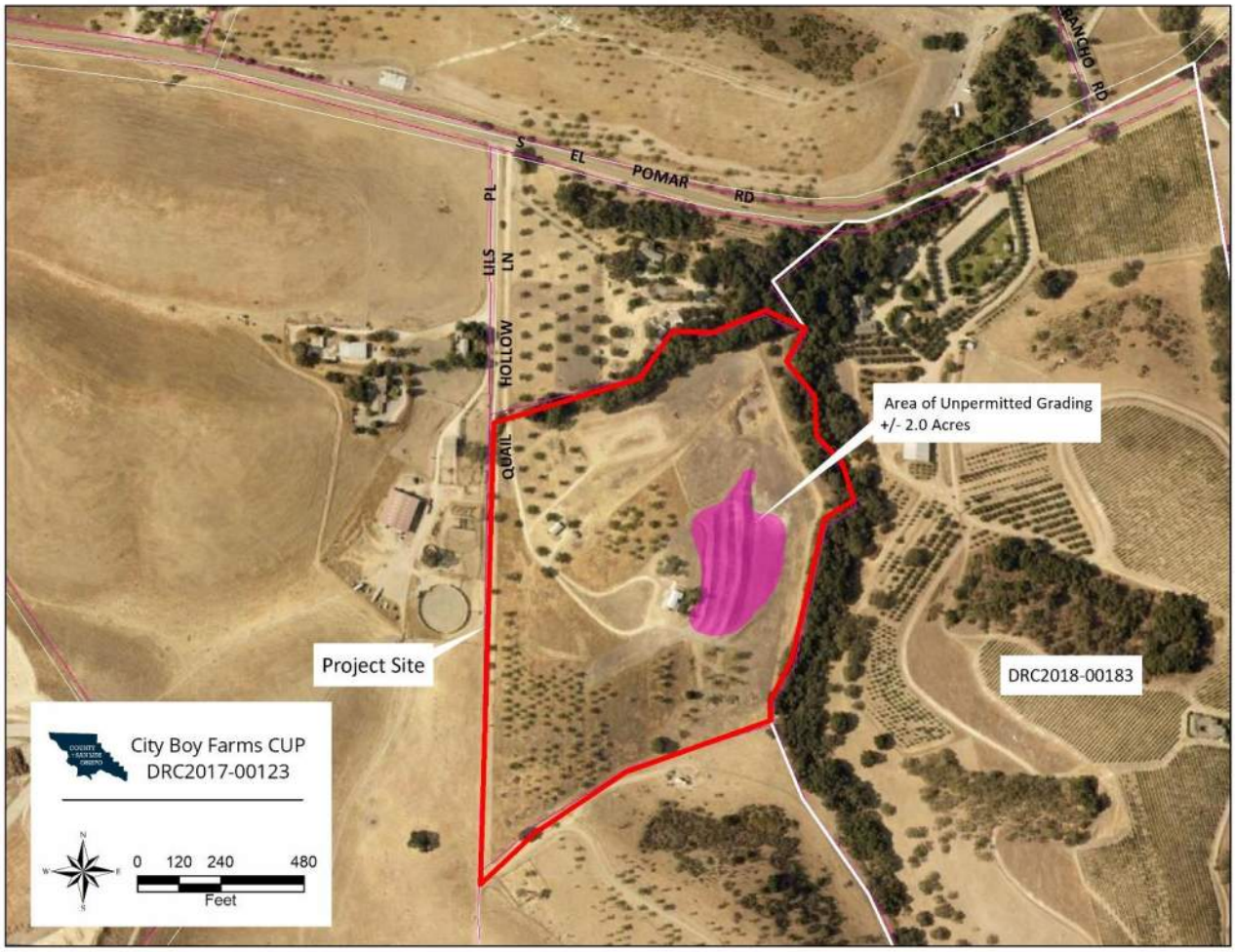


Figure 4 – Site Plan

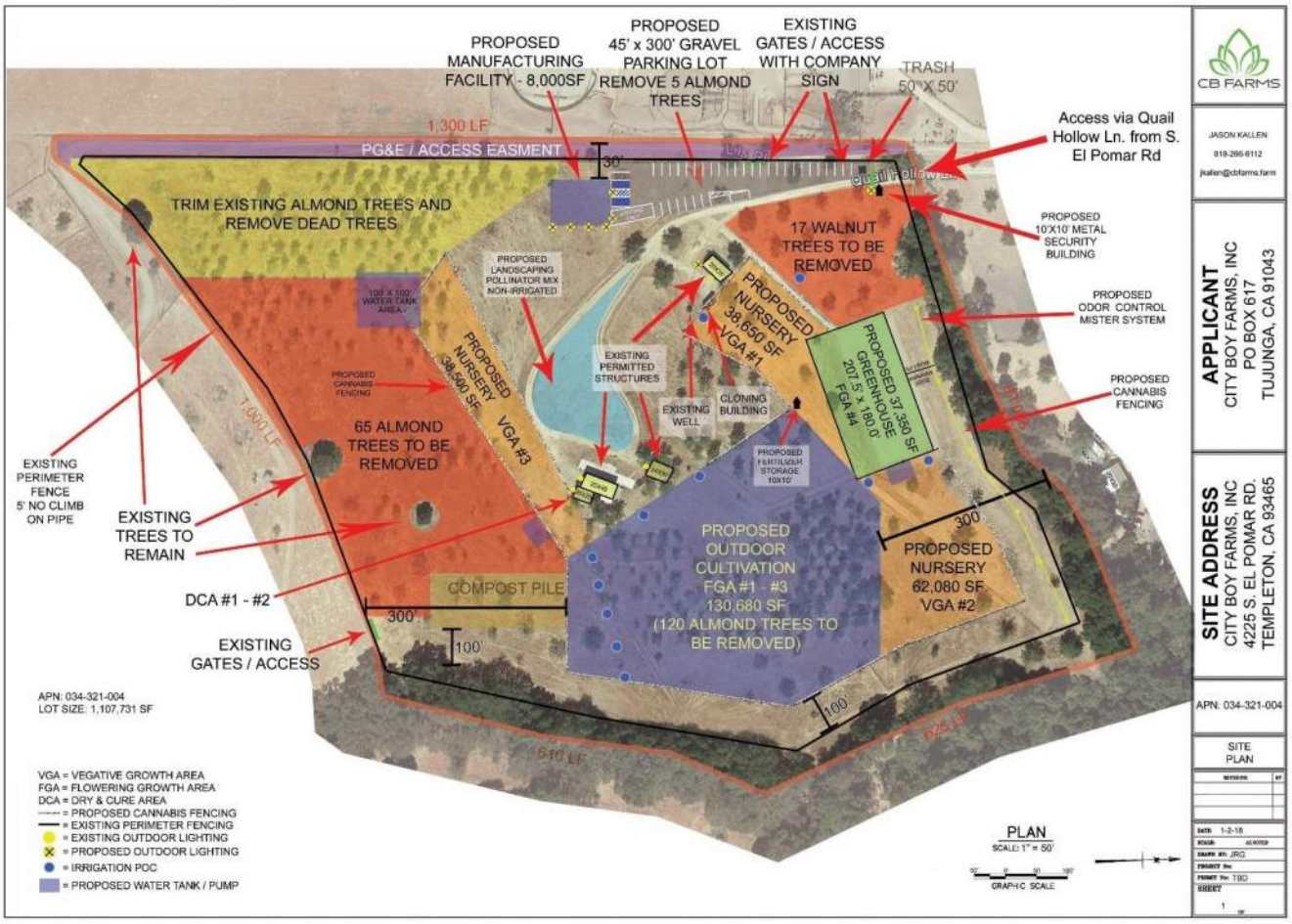


Figure 5 – Manufacturing Building Elevation

Figure 5.1 – Greenhouse Elevation

Figure 5.2 – Greenhouse Elevation

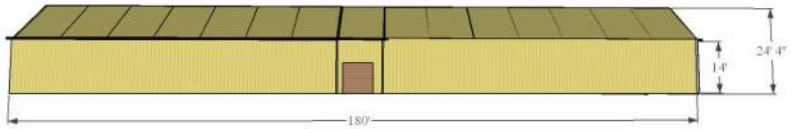


Figure 5.3 – Greenhouse Elevation

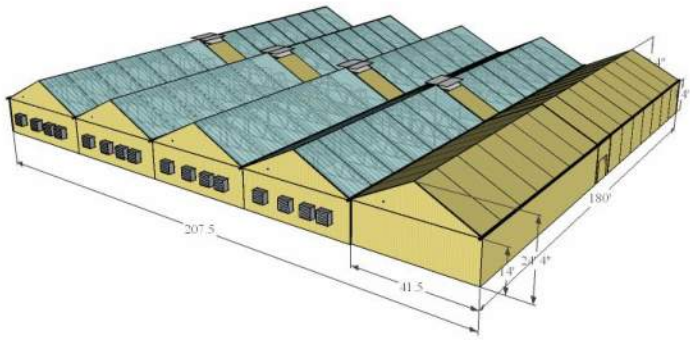


Figure 5.4 – Greenhouse Elevation

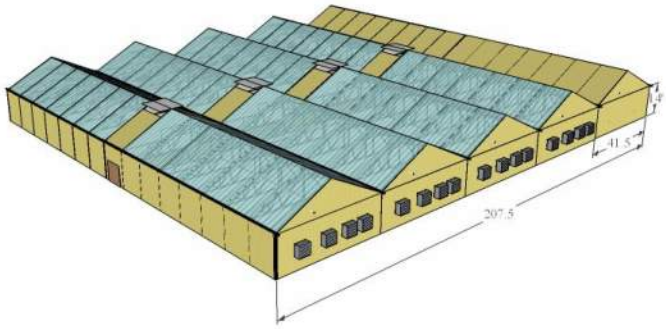
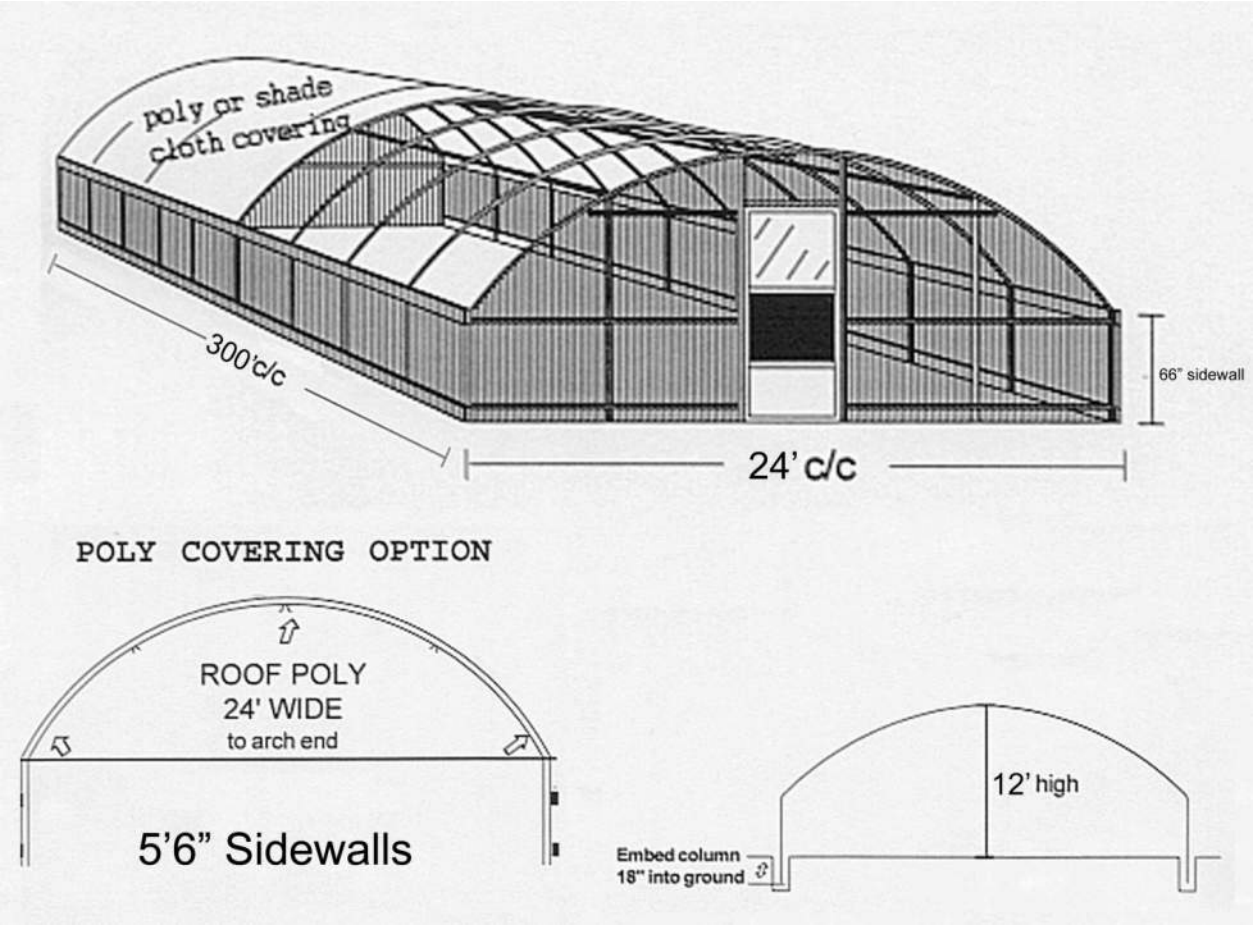


Figure 5.5 – Hoop House Elevation



C. Environmental Analysis

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

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

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

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

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

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

Discussion

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

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

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

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

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

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

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

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

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

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

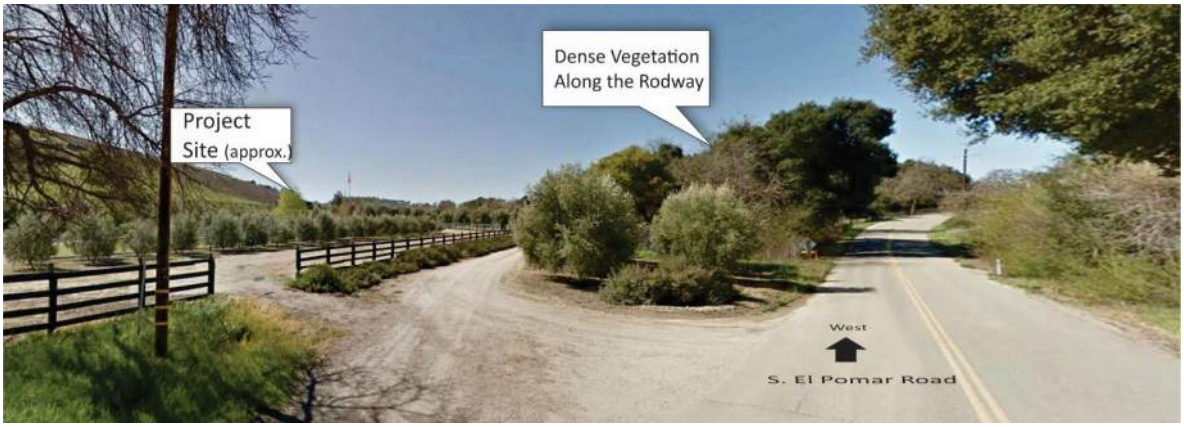
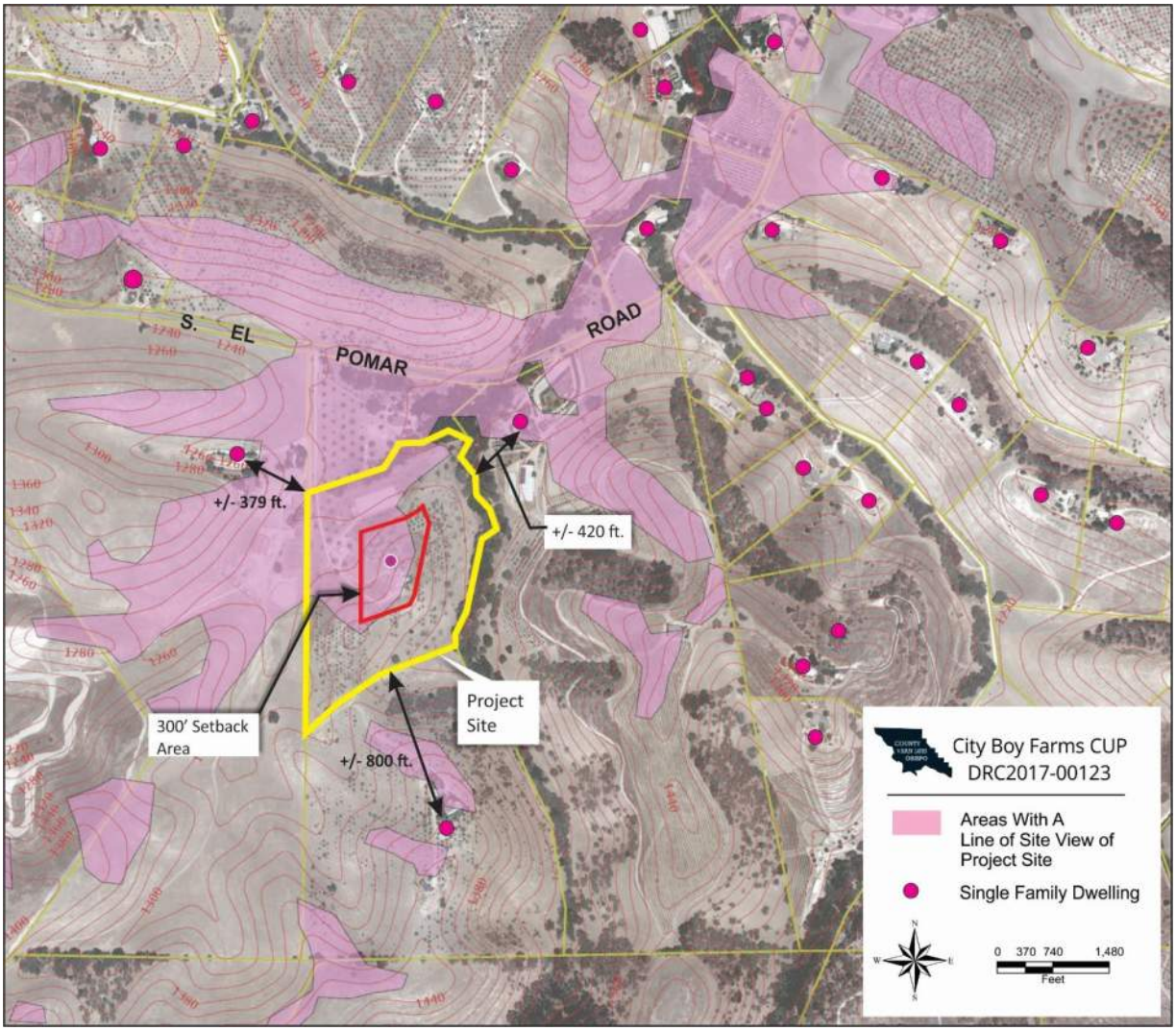


Figure 8 – Areas With A Line-of-Site View of the Project Site



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

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

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

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

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

- *The magnitude of the change.*

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

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

The preceding discussion indicates that the project will have a *less than significant impact* on scenic vistas, scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, and will not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

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

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

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

Conclusion

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

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

Mitigation

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

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

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

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

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

Sources

See Exhibit A.

II. AGRICULTURE AND FORESTRY RESOURCES

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

Setting

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

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

Linne Calodo complex (9 - 30 % slope):

Linne. This moderately sloping soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

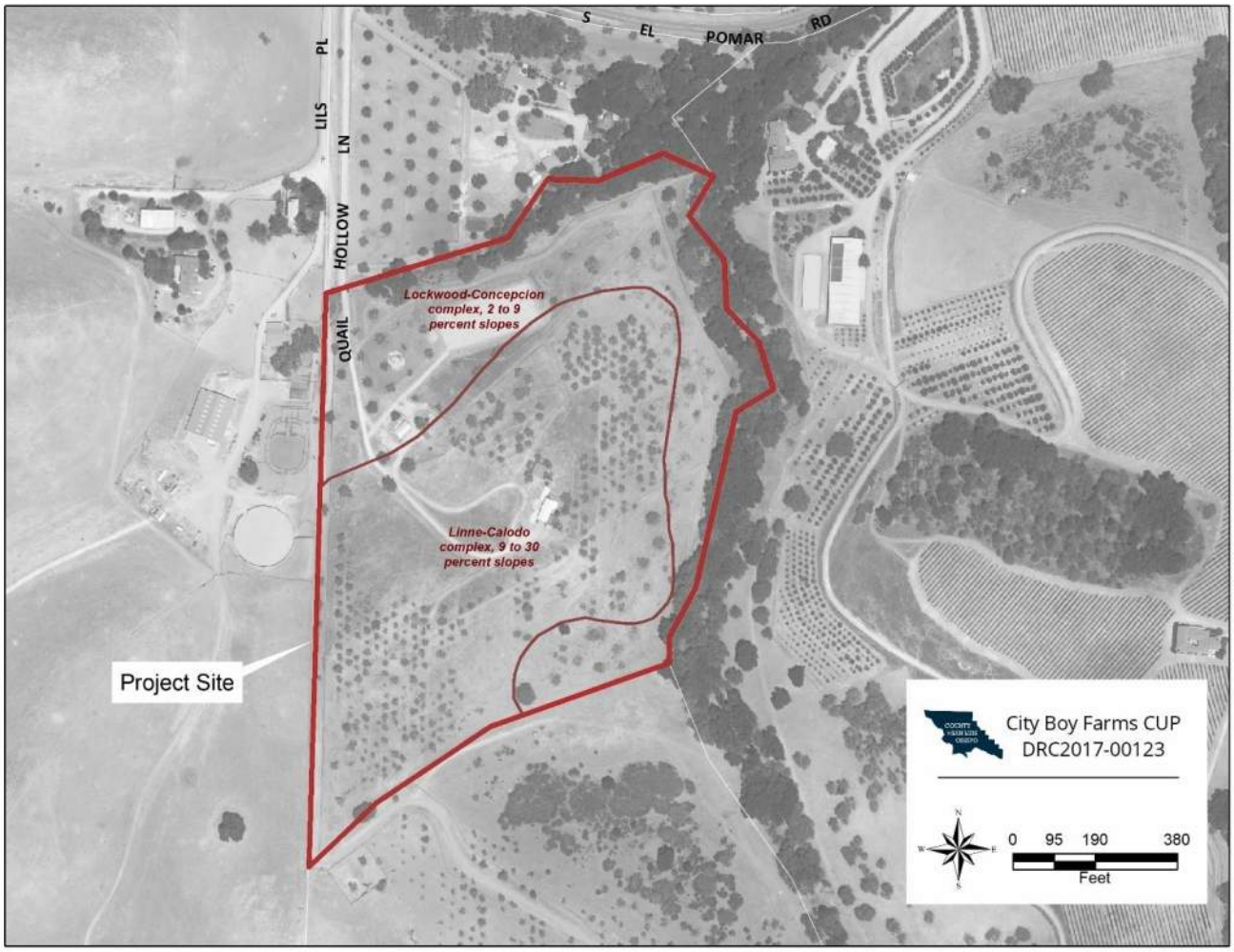
Calodo. This moderately sloping soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Lockwood Concepcion complex (2 - 9% slope):

Lockwood. This gently sloping soil is considered well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

Concepcion. This gently sloping soil is considered very poorly drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

Figure 9: Soils of the Project Site



Discussion

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

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

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

  AGP8: Intensive Agricultural Facilities.

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

  b. Locate intensive agricultural facilities off of productive agricultural lands unless there are no other feasible locations. Locate new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed compatible with agricultural uses.

  AGP18: Location of Improvements.

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

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

  AGP14: Agricultural Preserve Program.

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

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

  AGP24: Conversion of Agricultural Land.

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

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

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

2. Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.

3. Avoid land re-designation (rezoning) that would create new rural residential development outside the urban and village reserve lines.

4. Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.

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

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

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

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

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

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

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

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

Conclusion

No significant impacts to agricultural resources would occur.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

III. AIR QUALITY

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

Setting

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

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

Thresholds of Significance for Construction Activities. The APCD's CEQA Handbook establishes thresholds of significance for construction activities (Table 3). According to the handbook, a project with grading in excess of 4.0 acres and/or a project that will move 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM_{10}). In addition, a project with the potential to generate 137 lbs per day of ozone precursors (ROG + NOx) or diesel particulates in excess of 7 lbs per day can result in a significant impact.

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

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

Notes:

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

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

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

Discussion

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

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

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

Construction Related Emissions

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

(c) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity or exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The nearest offsite residence is about 135 feet to the northeast. Residences may be occupied by sensitive receptors who could be exposed to diesel particulates and fugitive dust from construction activities. Construction of the greenhouse, manufacturing building, accessory structures and parking area are expected to require the use of large diesel-powered construction equipment or significant amounts of grading. Therefore, mitigation AQ-2 is recommended to ensure impacts to sensitive receptors will be less than significant.

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

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

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

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

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

As required by LUO 22.40.050.D.8., all cannabis cultivations are required to be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. As such, the project will employ odor mitigating technology (Fogco Systems, Inc) along the northern property line which will emit an odor counteracting mist specifically designed for cannabis growing operations. The project description includes a Cannabis Odor Analysis and Odor Abatement Plan prepared by Criterion Environmental Inc which provides evidence of the effectiveness of the odor mitigating technology proposed by the project, as well as an odor abatement plan in the event of failure or malfunction of the system. Additionally, all structures for indoor cannabis cultivation are required to be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite. Accordingly, the facility will employ air scrubbing technology on the greenhouses and metal manufacturing building. Carbon scrubbers, for example, have been demonstrated to be an effective odor abatement method for indoor cannabis facilities and work by pulling odors from the air into an exhaust system and absorbing any odors that pass through via activated/deactivated carbon (granular, pelletized, or powdered). Based on the upwind location and distance to the nearest sensitive receptor, and proposed odor control technologies, impacts from odors on nearby sensitive receptors would be less than significant.

Conclusion

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

Mitigation

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

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

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

c. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;

d. Permanent dust control measures identified in the approved project plans (e.g.,

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

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

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

f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air Pollution Control District (APCD) (*project manager add following as applicable* – "and for applications within close proximity to sensitive habitats, CA Department of Fish and Wildlife (CDFW)-compliant stabilizing methods shall be used");

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

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

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

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

k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;

l. All PM_{10} mitigation measures required should be shown on grading and building plans; and

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

AQ-2 **Standard Construction Measures**. Based on Air Pollution Control District's (APCD) CEQA Handbook (2012), to reduce nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment. the applicant shall incorporate into the project the following "standard" construction mitigation measures:

a. Maintain all construction equipment in proper tune according to manufacturer's specifications;

b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);

c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;

d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;

e. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;

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

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

i. Electrify equipment when feasible;

j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,

k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-3 **Developmental Burning.** As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

Sources

See Exhibit A.

IV. BIOLOGICAL RESOURCES

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

Setting

Federal and State Endangered Species Acts

The Federal Endangered Species Act of 1973 (FESA) provides legislation to protect federally listed plant and animal species. The California Endangered Species Act of 1984 (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened, and also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the CDFW has the authority to review projects for their potential to impact special-status species and their habitats.

Migratory Bird Treaty Act

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

Clean Water Act and State Porter Cologne Water Quality Control Act

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

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

Conservation and Open Space Element

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

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

Site Setting

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

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

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

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

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

On-Site Habitats

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

<u>Annual Grassland</u>

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

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

Agriculture

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

Mixed Oak Riparian Forest

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

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

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

Ruderal/Developed

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

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

Figure 10 Habitats of the Project Site

Special-Status Species

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

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

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

Hydrologic Features

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

Supplemental Biological Resource Assessment

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

Discussion

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

Special-Status Plants

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

Special-Status Animals

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

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

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

Supplemental Biological Resource Assessment

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

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

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

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

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

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

Special-Status Natural Communities

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

Supplemental Biological Resource Assessment

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

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

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

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

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

(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

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

Conclusion

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

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

Mitigation

BIO-1 **Native Trees – Avoidance Measures**. To avoid impacts to individual native (oak) trees, the following aspects will be integrated into the project design:

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

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

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

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

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

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

BIO-2 **Native Trees** (**Oaks) –Minimizing Impacts**. When trees are proposed for removal or to be impacted within their driplines/ canopies, the following measures shall be completed to minimize native tree (oak) impacts:

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

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

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

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

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

iii. If trimming is done, either a skilled certified arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used (Figure 1). Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.

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

BIO-3 **Native Tree (Oaks) – Replacement/Planting**. If any oak tree is impacted or removed on site, these are considered individual oak trees with replacement planting to be conducted on-site.

a. The applicant will be replacing "in-kind" trees at the following ratios:

1. For each tree identified as impacted, two (2) seedlings will be planted.
2. For each tree identified for removal, four (4) seedlings will be planted.

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

1. An above-ground shelter (e.g., tube, wire caging) will be provided for each tree, and will be of sturdy material that will provide protection from browsing animals for no less than five years (for oak trees) (unless determined successfully established by monitor);
2. Caging to protect roots from burrowing animals will be installed when the tree is planted and be made of material that will last no less than five years for oak trees.

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

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

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

BIO-4 **Monitoring**. To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than five years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established (for oak woodlands, no less than seven years). Additional monitoring will be necessary if initially required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.

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

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

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

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

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

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

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

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

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

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

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

b. Best Management Practices for sedimentation and erosion control shall be applied to prevent sediment from entering into this habitat.

c. Any soil binders used within 50 feet of top of bank/riparian edge must be compatible with riparian habitats. Only soil binders/dust suppressants that have been approved for use in and adjacent to stream and lake habitats by one of the following: United States Environmental Protection Agency (EPA) under the Environmental Technology Verification

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

d. All temporary and permanent vegetation planting within 50 feet of habitat edge shall be compatible with existing habitat vegetation and shall not include any plants considered 'invasive' (as identified on the latest California Invasive Plant Council list).

e. All proposed uses and/or structures shall be setback adequately from the riparian edge, per the approved plans.

Sources

See Exhibit A.

V. CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 City Boy Farms Project is located within an area of moderate archaeological sensitivity. Accordingly, a Phase I Archaeological Survey was prepared for the project site (Central Coast Archaeological Research Consultants (CCARC)) (April 2018). The following discussion is a summary of the findings and recommendations of that study.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Discussion

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

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

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

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

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

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

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

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

Conclusion

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

Mitigation

None are required.

Sources

See Exhibit A.

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

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

Discussion

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

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

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

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

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

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

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

Conclusion

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

Mitigation

None are required.

Sources

See Exhibit A.

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?	☐	☐	☒	☐

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

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

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

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

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

Discussion

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

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

(a-ii) Strong seismic ground shaking?

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

(a-iv) Landslides?

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

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

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

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

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

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

associated with site landslide, lateral spreading, subsidence, liquefaction or collapse will be less than significant.

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

The soils associated with the project site are described in Section II Agriculture. None of the soils are considered expansive as defined by Table 18-1-B of the Uniform Building Code.

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

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

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

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

Conclusion

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

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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

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

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

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

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

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

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

Discussion

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

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

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

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

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

Conclusion

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

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

IX. HAZARDS AND HAZARDOUS MATERIALS

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

Setting

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

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

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

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

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

Discussion

(a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

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

- Determining whether a product constitutes a hazardous material in accordance with federal and state regulations;
- Properly characterizing the physical properties, reactivity, fire and explosion hazards of the various materials;
- Using storage containers that are appropriate for the quantity and characteristics of the materials;

- Properly labeling of containers and maintaining a complete and up to date inventory;
- Ongoing inspection and maintenance of containers in good condition;
- Proper storage of incompatible, ignitable and/or reactive wastes;

Project operations would involve the intermittent use of small amounts of hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous. In accordance with LUO Section 22.40.050 D. 3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan. Accordingly, the applicant proposes the following material handling, storage and waste management measures which would ensure the safe use and handling of chemical/industrial materials:

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

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

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

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

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

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

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

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

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

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

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

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

Based on the project description and location, the project is not expected to interfere with an adopted emergency response plan or emergency evacuation plan.

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

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

Conclusion

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

Mitigation

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

HAZ-2 During construction activities, the cleaning and refueling of equipment and vehicles shall occur only within a designated staging area. This staging area shall conform to all applicable Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills.

Sources

See Exhibit A.

X. HYDROLOGY AND WATER QUALITY

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

Setting

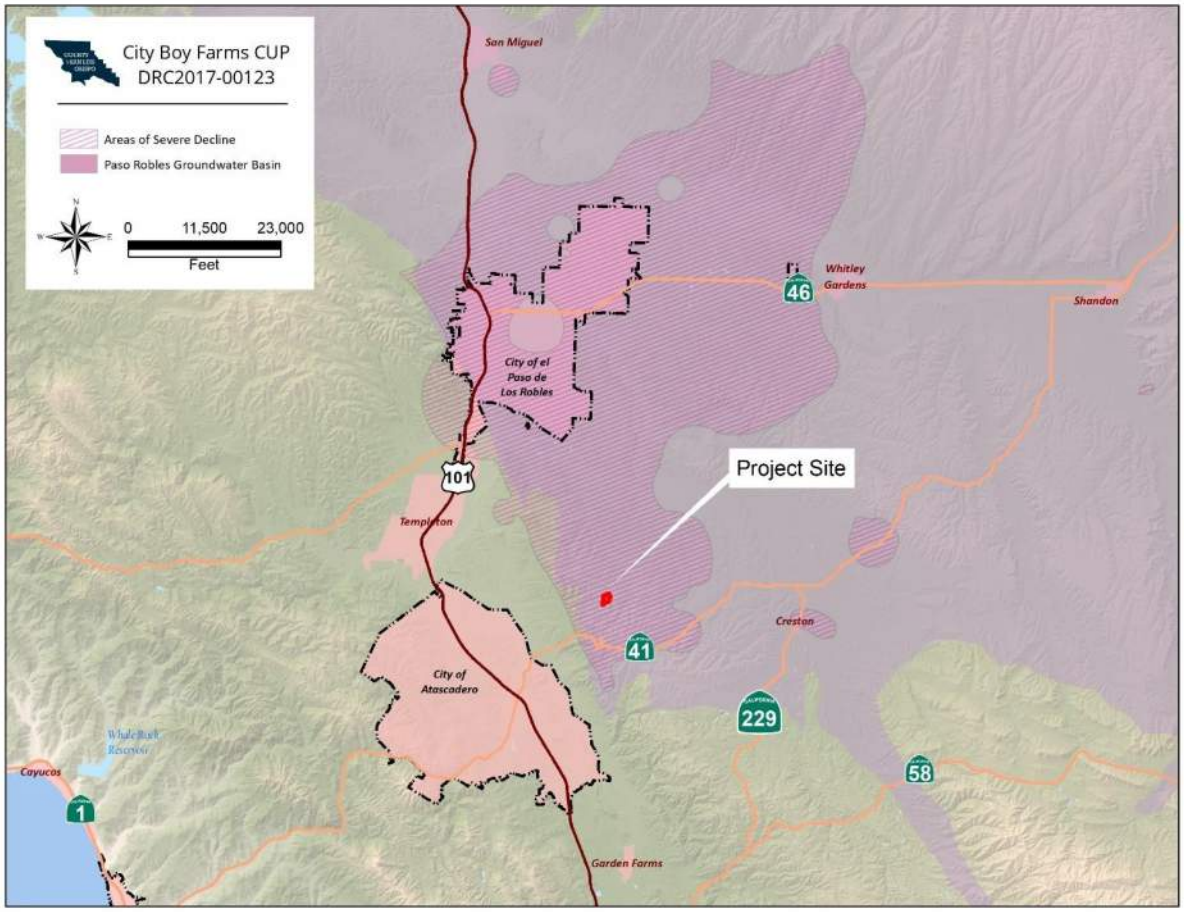
DRAINAGE – The project site is not located within a 100-year flood hazard area. Grading and drainage plans may be required for all construction and grading projects in accordance with LUO Sections 22.52.110 and 120. When required, these plans must be prepared by a civil engineer to address both temporary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

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

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

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

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



Discussion

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

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

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

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

proposes to achieve the water offset by paying an in-lieu water offset fee based on a future water demand of 7.29 AFY. Water use is required to be metered and this data will be provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity (7.29 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount. In addition, the project will be conditioned to apply Best Management Practices for water conservation to maintain water use at or below the water analysis projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

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

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

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

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

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

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

(c-iv) Impede or redirect flood flows?

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

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

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

As discussed in the project description, the project site is not located within a 100-year flood hazard area. The project site is located approximately 25 miles inland from the Pacific Ocean and is not located in the Coastal Zone.

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

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

Conclusion

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

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

XI. LAND USE AND PLANNING

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Physically divide an established community?	☐	☐	☒	☐
(b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Setting

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

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

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

Discussion

(a) Physically divide an established community?

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

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

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

Mitigation

No mitigation measures are necessary

Sources

Exhibit A

XII. MINERAL RESOURCES

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

Setting/Discussion

(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

(b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

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

Conclusion

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

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

XIII. NOISE

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

Setting

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

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

Table 7 -- Maximum Allowed Exterior Noise Level Standards

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

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

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

Discussion

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

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

Construction Impacts

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

Operational Impacts

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

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

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

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

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

Conclusion

No significant noise impacts are anticipated.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

XIV. POPULATION AND HOUSING

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

Setting. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

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

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

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

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

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: (Approximately 5.2 miles to the northwest)

Fire: Cal Fire (formerly CDF) Hazard Severity: High Response Time: 10-15 minutes

Location: (Approximately 5.7 miles to the east)

School District: Templeton Unified School District.

Fire Services

Police Services

Schools, Parks, Other Facilities

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

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

Discussion

(a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

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

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

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

Schools?

Parks?

Other public facilities?

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

Conclusion

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

Mitigation

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

Sources

Exhibit A

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/Discussion

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

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

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

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

Conclusion

No significant recreation impacts are anticipated.

Mitigation

No mitigation measures are necessary.

Sources

Exhibit A

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

Discussion

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

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

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

Table 3– Project Trip Generation Estimates

		ADT	PM Peak Hour Trips (5:00-6:00 PM)[1, 2]			Off-Peak PM Trips (6:00-7:00 PM)		
			In	Out	Total	In	Out	Total
Typical Operations								
Cultivation - 1st Shift Employees (6AM - 3PM)	5 Daily	10	-	-	-	-	-	-
Cultivation - 2nd Shift Employees (9AM - 6PM)	5 Daily	10	-	-	-	0	5	5
Manufacturing - Employees (7AM - 4PM)	4 Daily	8	-	-	-	-	-	-
Dispensary Deliveries - Employees (9AM - 6 PM)[3]	1 Daily	12	-	-	-	0	1	1
Delivery Vehicles	2 Weekly[4]	2	-	-	-	-	-	-
Total	-	**42**	**0**	**0**	**0**	**0**	**6**	**6**
Harvest Operations								
Cultivation - 1st Shift Employees (6AM - 3PM)	10 Daily	20	-	-	-	-	-	-
Cultivation - 2nd Shift Employees (9AM - 6PM)	15 Daily	30	-	-	-	0	15	15
Manufacturing - Employees (7AM - 4PM)	4 Daily	8	-	-	-	-	-	-
Dispensary Deliveries - Employees (9AM - 6 PM)[3]	1 Daily	12	-	-	-	0	1	1
Delivery Vehicles	2 Weekly[4]	2	-	-	-	-	-	-
Total	-	**72**	**0**	**0**	**0**	**0**	**16**	**16**

Notes:

AM and PM peak volumes based on information provided by client regarding employees, scheduling, and carpooling activities.

[1] Actual peak hour of adjacent roadway (S. El Pomar Road) is 5-6 PM based on actual 5-day weekday ADT counts collected on April 21, 2018 and April 23, 2018 through April 26, 2018.

[2] These PM trips are excluded since they occur outside the actual PM peak hour(5-6pm).

[3] Assumes six (6) deliveries per day. Delivery trips are anticipated to occur outside the PM peak hour.

[4] One (1) delivery vehicle has been assumed every day to conservatively estimate the daily trips.

* Carpooling incentive will be provided. However, carpooling reduction was conservatively not applied.

Referrals were sent to County Public Works. Per the memo from David Grim, dated March 1, 2019, the department reviewed the project for the potential impacts to County maintained roads and recommended improvements to the existing SEPR project site access driveway approach to current B-1a and A-5 standards. In addition, the project is subject to the County Road Fee for Templeton Area B Road Fee Area, which addresses cumulative impacts to County roads in the area. No significant traffic-related concerns were identified. Nonetheless, based on the relatively low trip generation, the project would not noticeably impact traffic operation, would not reduce levels of service on nearby roads, conflict with adopted policies, plans or programs for transportation, and would not cause congestion on the local circulatory network. Since the project would not generate foot or bicycle traffic, or generate public transit demand, and since no public transit facilities, pedestrian or bicycle facilities exist in the area, the project would have no impact on levels of service/conditions for these facilities.

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

(d) Result in inadequate emergency access?

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

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

Conclusion

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

Mitigation

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

Sources

See Exhibit A.

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

Central Coast Archaeological Research Consultants (CCARC) prepared a Phase I Cultural Resources Survey/Report dated April 2018. CCARC reviewed archaeological site records, site location base maps, GIS layers, and cultural resource surveys and excavation reports on file at the Central Coast Information Center (CCIC), at the University of California, Santa Barbara. CCARC also conducted a records search that included information on all surveys and sites within a .0.25-mile radius of the project site and sites within a 0.5-mile radius. In addition, CCARC consulted the National Register of Historic Places (NRHP) via the National Register Information Service (NRIS), the official online database of the NRHP, the California Inventory of Historic Resources, and the California Historical Landmarks. The searches identified one cultural resource. However, the study did not reveal any built environment properties or archaeological sites within the study area or

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

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

Discussion

(a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

(a-i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

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

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

Conclusion

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

Mitigation

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

Sources

See Exhibit A.

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/Discussion

(a) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

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

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

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

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

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

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

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

The nearest landfill to the site is the Chicago Grade Landfill, located approximately 800 feet to the west. The landfill has a remaining capacity of approximately four million cubic yards as of 2019. The incremental amount of greenwaste generated by the project that is not recycled/reused would be within the service capacity of the landfill. Operation of the project would generate solid waste that would be stored on-site until hauled. The cannabis waste would be composted or chipped and used as recyclable material. In addition, non-recyclable waste such as pesticide containers, fertilizer containers, packaging materials, and other solid non-toxic refuse waste, would be disposed of on-site and hauled to a landfill by an employee, once the waste has been made unrecognizable. Waste associated with the project would be routinely disposed of, and since operation of the project is not expected to generate a substantial amount of solid waste, impacts are considered less than significant.

Conclusion

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

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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

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

Discussion

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

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

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

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

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

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

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

Conclusion

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

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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?	☐	☒	☐	☐

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

The proposed project does not have the potential to substantially degrade the quality of the environment. Potential impacts to biological resources have been identified but would mitigated to a level below significant. Compliance with all the mitigation measures identified in Section IV (Biological Resources) will ensure that project implementation will not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. Implementation of the project will not eliminate important examples of

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

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

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

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

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

Sources

See Exhibit A.

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	**Attached**
☒	County Environmental Health Services	**Attached**
☒	County Agricultural Commissioner's Office	**Attached**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**Attached**
☒	County Sheriff's Department	**None**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**Attached**
☒	CA Department of Forestry (Cal Fire)	**Attached**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other Northern Chumash Tribal Council	**In File****
☒	Other Templeton Area Advisory Group	**Attached**
☒	Other United States Fish and Wildlife Service	**Attached**

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

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

☒ Project File for the Subject Application

County Documents

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

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

Other Documents

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

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

Project-Specific Studies

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

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

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

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

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

BSK Associates Laboratory, Water Analysis, July 7, 2017

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

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

Other County References

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

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

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

San Luis Obispo County Air Pollution Control District (SLOAPCD). 2019. SLO APCD NOA Screening Buffers. Available at <https://www.google.com/maps/d/viewer?mid=1YAKjBzVkwi1bZ4rQ1p6b2OMyvIM&ll=35.66407615333322%2C-120.44668446503107&z=11> Accessed on June 3, 2019

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

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

Exhibit B - Mitigation Summary

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

Aesthetics

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

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

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

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

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

Air Quality

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

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

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

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

c. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;

d. Permanent dust control measures identified in the approved project plans (e.g., revegetation and landscape plans, etc.) shall be implemented as soon as possible following completion of any soil disturbing activities;

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

f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air Pollution Control District (APCD) (*project manager add following as applicable* – "and for applications within close proximity to sensitive habitats, CA Department of Fish and Wildlife (CDFW)-compliant stabilizing methods shall be used");

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

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

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

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

k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;

l. All PM_{10} mitigation measures required should be shown on grading and building plans; and

m. The contractor or builder shall designate a person or persons whose responsibility

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

AQ-2 **Standard Construction Measures**. Based on Air Pollution Control District's (APCD) CEQA Handbook (2012), to reduce nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment. the applicant shall incorporate into the project the following "standard" construction mitigation measures:

a. Maintain all construction equipment in proper tune according to manufacturer's specifications;

b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);

c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;

d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;

e. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;

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

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

i. Electrify equipment when feasible;

j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,

k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-3 **Developmental Burning.** As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under

restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

Biological Resources

BIO-1 **Native Trees – Avoidance Measures**. To avoid impacts to individual native (oak) trees, the following aspects will be integrated into the project design:

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

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

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

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

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

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

BIO-2 **Native Trees** (**Oaks) –Minimizing Impacts**. When trees are proposed for removal or to be impacted within their driplines/ canopies, the following measures shall be completed to minimize native tree (oak) impacts:

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

b. For trees identified as 'impacted' or 'to remain protected' they shall be marked in the field as such and protected to the extent possible. Protective measures shall be visible to work crews and be able to remain in good working order for the duration of the construction work. Waterproof signage at protective edge is recommended (e.g., "TREE PROTECTION AREA – STAY OUT"). Grading, trenching, compaction of soil, construction

material/equipment storage, or placement of fill shall not occur within these protected areas.

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

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

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

   iii. If trimming is done, either a skilled certified arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used (Figure 1). Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.

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

BIO-3 **Native Tree (Oaks) – Replacement/Planting**. If any oak tree is impacted or removed on site, these are considered individual oak trees with replacement planting to be conducted on-site.

a. The applicant will be replacing "in-kind" trees at the following ratios:

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

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

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

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

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

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

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

4. Height of shelter will be no less than three (3) feet;
5. Base of shelter will be buried into the ground;
6. Top of shelter will be securely covered with plastic netting, or better, and last for no less than five years;
7. If required planting is located in areas frequented by deer, tube/caging heights will be increased to at least four feet or planting(s) will be protected with deer fencing.

BIO-4 **Monitoring**. To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than five years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established (for oak woodlands, no less than seven years). Additional monitoring will be necessary if initially required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.

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

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

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

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

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

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

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

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

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

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

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

b. Best Management Practices for sedimentation and erosion control shall be applied to prevent sediment from entering into this habitat.

c. Any soil binders used within 50 feet of top of bank/riparian edge must be compatible with riparian habitats. Only soil binders/dust suppressants that have been approved for use in and adjacent to stream and lake habitats by one of the following: United States Environmental Protection Agency (EPA) under the Environmental Technology Verification (ETV) program; the United States Department of Agriculture (USDA) BioPreferredSM program; or CDFW. Approved soil binders/ dust suppressants shall be applied in such a manner as to avoid overspray outside of the target area.

d. All temporary and permanent vegetation planting within 50 feet of habitat edge shall be compatible with existing habitat vegetation and shall not include any plants considered 'invasive' (as identified on the latest California Invasive Plant Council list).

e. All proposed uses and/or structures shall be setback adequately from the riparian edge, per the approved plans.

Hazards and Hazardous Materials

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

HAZ-2 During construction activities, the cleaning and refueling of equipment and vehicles shall occur only within a designated staging area. This staging area shall conform to all applicable Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills.

Environmental Determination: ED19-0043 *Date:* August 13, 2019

DEVELOPER'S STATEMENT & MITIGATION MONITORING/REPORTING PROGRAM FOR CITY BOY FARMS ED19-0043 (DRC2017-00123)

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

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

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

Aesthetics

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

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

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

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

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

Air Quality

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

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

b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of

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20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder should consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the San Joaquin Valley Air District for a list of potential dust suppressants;

c. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;

d. Permanent dust control measures identified in the approved project plans (e.g., revegetation and landscape plans, etc.) shall be implemented as soon as possible following completion of any soil disturbing activities;

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

f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air Pollution Control District (APCD) (*project manager add following as applicable* – "and for applications within close proximity to sensitive habitats, CA Department of Fish and Wildlife (CDFW)-compliant stabilizing methods shall be used");

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

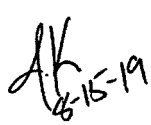
h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

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

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

k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;

l. All PM_{10} mitigation measures required should be shown on grading and building plans; and



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

AQ-2 **Standard Construction Measures**. Based on Air Pollution Control District's (APCD) CEQA Handbook (2012), to reduce nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment. the applicant shall incorporate into the project the following "standard" construction mitigation measures:

a. Maintain all construction equipment in proper tune according to manufacturer's specifications;

b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);

c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;

d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;

e. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;

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

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

i. Electrify equipment when feasible;

j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,

k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-3 **Developmental Burning.** As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD

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approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

AQ-1 through AQ-3 shall be implemented and kept in good working order, as applicable, **throughout the construction phase.** All vehicle operators and on-site supervisors shall be informed of these measures prior to any work commencing on site.

Biological Resources

BIO-1 **Native Trees – Avoidance Measures.** To avoid impacts to individual native (oak) trees, the following aspects will be integrated into the project design:

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

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

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

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

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

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

BIO-2 **Native Trees (Oaks) –Minimizing Impacts.** When trees are proposed for removal or to be impacted within their driplines/ canopies, the following measures shall be completed to minimize native tree (oak) impacts:

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

b. For trees identified as 'impacted' or 'to remain protected' they shall be marked in the field as such and protected to the extent possible. Protective measures shall be visible to work crews and be able to remain in good working order for the duration of the construction work. Waterproof signage at

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protective edge is recommended (e.g., "TREE PROTECTION AREA – STAY OUT"). Grading, trenching, compaction of soil, construction material/equipment storage, or placement of fill shall not occur within these protected areas.

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

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

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

   iii. If trimming is done, either a skilled certified arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used (Figure 1). Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.

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

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a. The applicant will be replacing "in-kind" trees at the following ratios:

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

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

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

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

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

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

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

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

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

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6. Top of shelter will be securely covered with plastic netting, or better, and last for no less than five years;
7. If required planting is located in areas frequented by deer, tube/caging heights will be increased to at least four feet or planting(s) will be protected with deer fencing.

BIO-4 **Monitoring**. To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than five years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established (for oak woodlands, no less than seven years). Additional monitoring will be necessary if initially required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.

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

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

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

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

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

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

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

BIO-5 through BIO-8 Monitoring/compliance. Prior to the issuance of a construction permit, the applicant shall show the above measure on all applicable construction drawings and submit to the County for review and approval, which may include consultation with the California Department of Fish and Wildlife (CDFW). **Prior to the commencement of any site disturbance,** the Applicant shall retain a qualified biologist to perform a pre-construction survey. The completed survey report shall be submitted to the County for review/approval. Should the report identify active dens, highly visible protection measures shall be installed by the biologist to keep construction from entering the buffer area. The County shall verify all field measures have been followed or installed prior to any site disturbance. As applicable, any such measures shall be kept in good working order for the duration of the construction phase while burrow/den is active. A final report shall be prepared addressing overall compliance with and success of the protection measure(s) as it related to construction of the project. This report shall be submitted to the County prior to **final inspection/ occupancy of the construction permit.**

BIO-9 **Drainage Modifications.** All reasonable construction and grading efforts shall be made to maintain the historic drainage patterns and surface flow volumes for all

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(oak) trees to remain that are within 50 feet of the construction limits. If historic flows cannot be maintained for affected tree roots, a drainage plan shall be prepared that shows the new patterns on impacted trees and the reason for drainage pattern change. The Plan shall be submitted to the County for review.

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

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

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

b. Best Management Practices for sedimentation and erosion control shall be applied to prevent sediment from entering into this habitat.

c. Any soil binders used within 50 feet of top of bank/riparian edge must be compatible with riparian habitats. Only soil binders/dust suppressants that have been approved for use in and adjacent to stream and lake habitats by one of the following: United States Environmental Protection Agency (EPA) under the Environmental Technology Verification (ETV) program; the United States Department of Agriculture (USDA) BioPreferredSM program; or CDFW. Approved soil binders/ dust suppressants shall be applied in such a manner as to avoid overspray outside of the target area.

d. All temporary and permanent vegetation planting within 50 feet of habitat edge shall be compatible with existing habitat vegetation and shall not include any plants considered 'invasive' (as identified on the latest California Invasive Plant Council list).

e. All proposed uses and/or structures shall be setback adequately from the riparian edge, per the approved plans.

BIO-10 Monitoring/compliance. Prior to approval of construction, the applicant shall submit to the County for review and approval, construction drawings showing adequate protection of sensitive habitat. Approved protection measures shall be in place prior to any work (including vegetation removal) beginning. **During construction,** all approved protection measures shall be kept in good working order. **Prior to final inspection/ occupancy of construction permits** the County shall verify that the sensitive habitat to be avoided was adequately protected during construction.

Hazards and Hazardous Materials

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

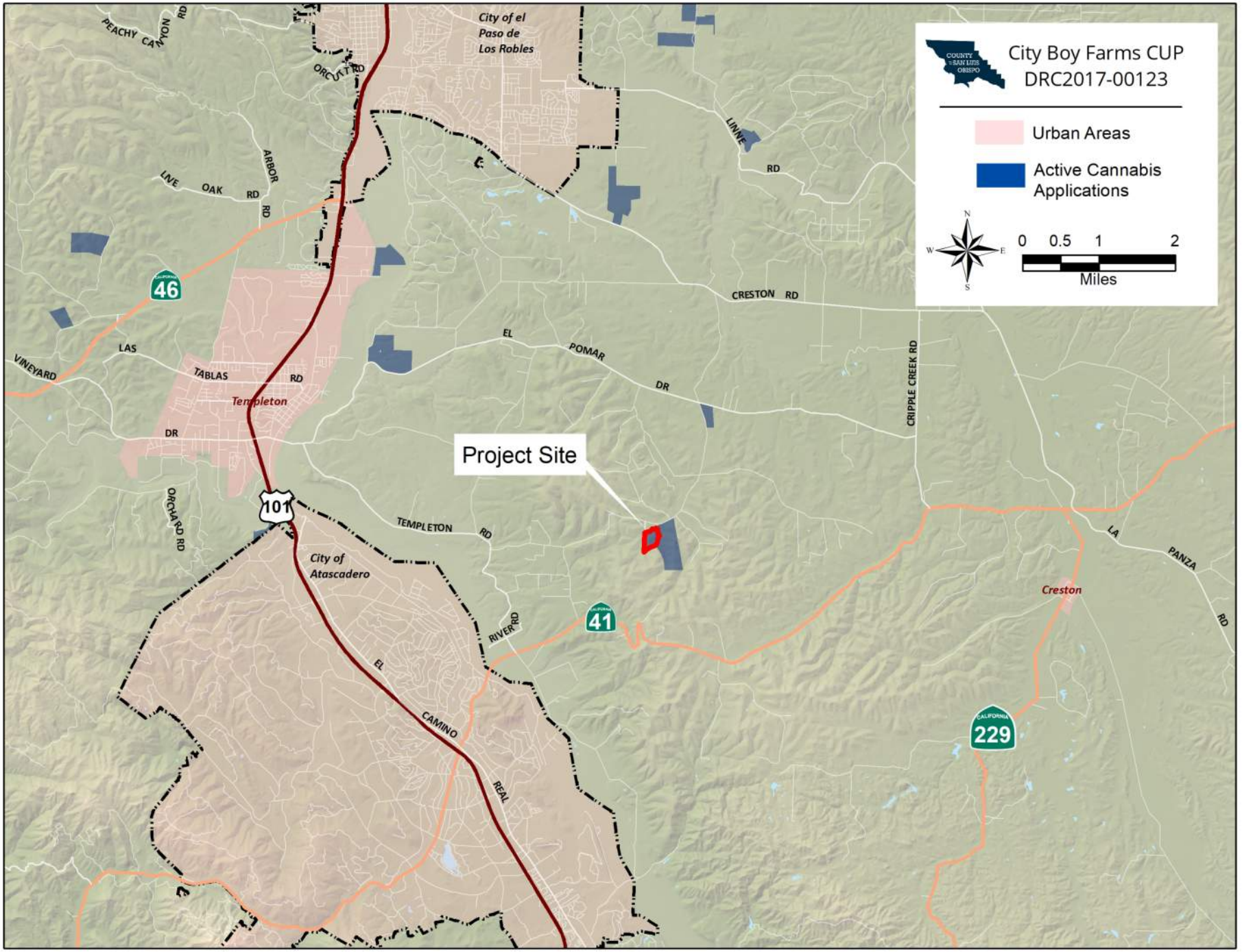
AK 8/15/19

HAZ-2 During construction activities, the cleaning and refueling of equipment and vehicles shall occur only within a designated staging area. This staging area shall conform to all applicable Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills.

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

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

Signature of Owner(s)	Name (Print)	Date
	Jason Kallen	8-15-19
Signature of Owner(s)	**Name (Print)**	**Date**


City Boy Farms CUP
DRC2017-00123
Urban Areas
Active Cannabis Applications
0 0.5 1 2
Miles
Project Site
City of el Paso de Los Robles
Templeton
City of Atascadero
Creston
PEACHY CANYON RD
ORCUTT RD
LINNE RD
LIVE OAK RD
ARBOR RD
CRESTON RD
EL POMAR DR
CRIPPLE CREEK RD
LAS TABLAS RD
VINEYARD DR
ORCHARD RD
TEMPLETON RD
RIVER RD
EL CAMINO REAL
LA PANZA RD
46
101
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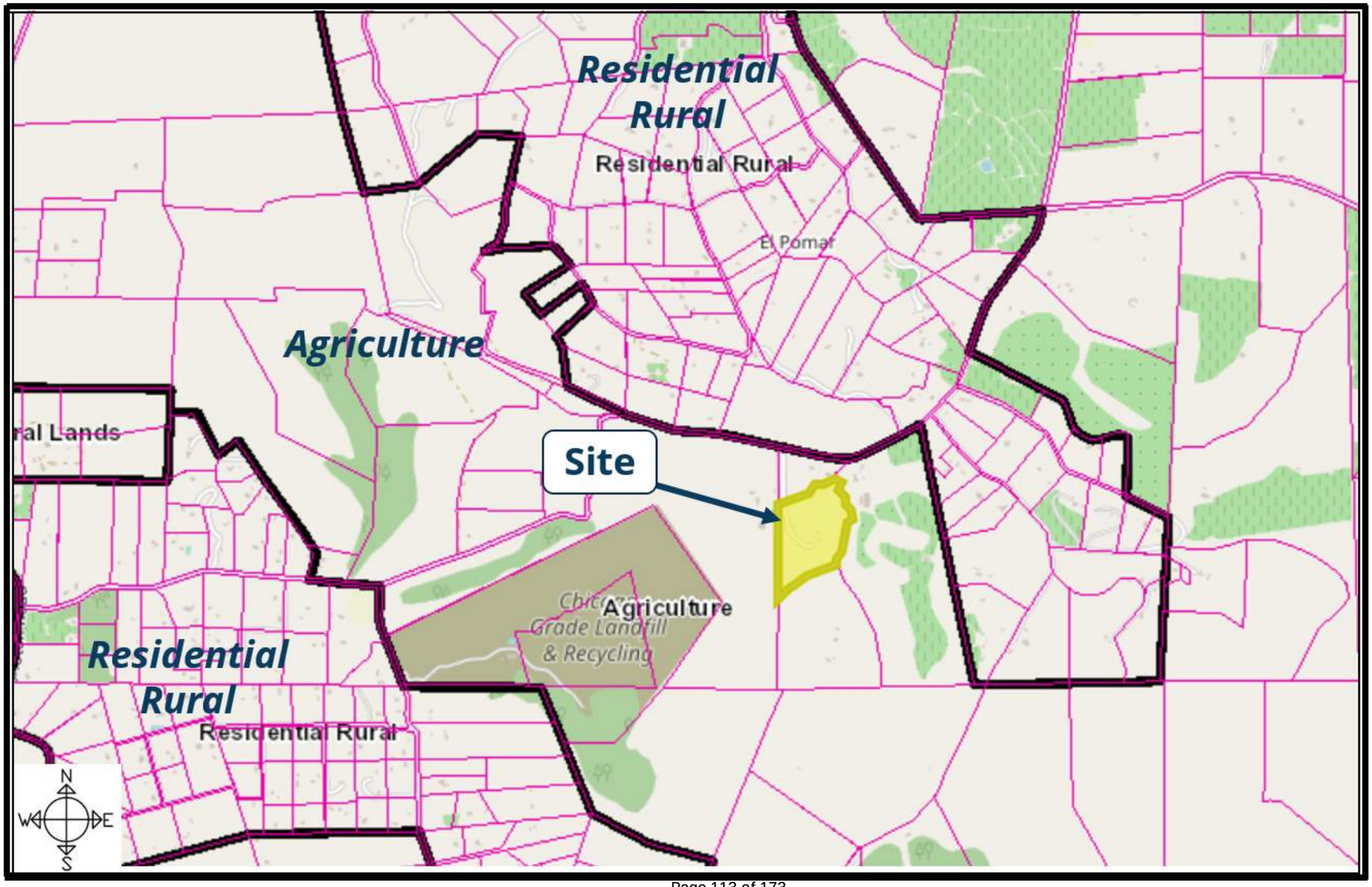
229


Residential Rural
Residential Rural
El Pomar
Agriculture
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Site
Agriculture
Grade Landfill
& Recycling
Residential Rural
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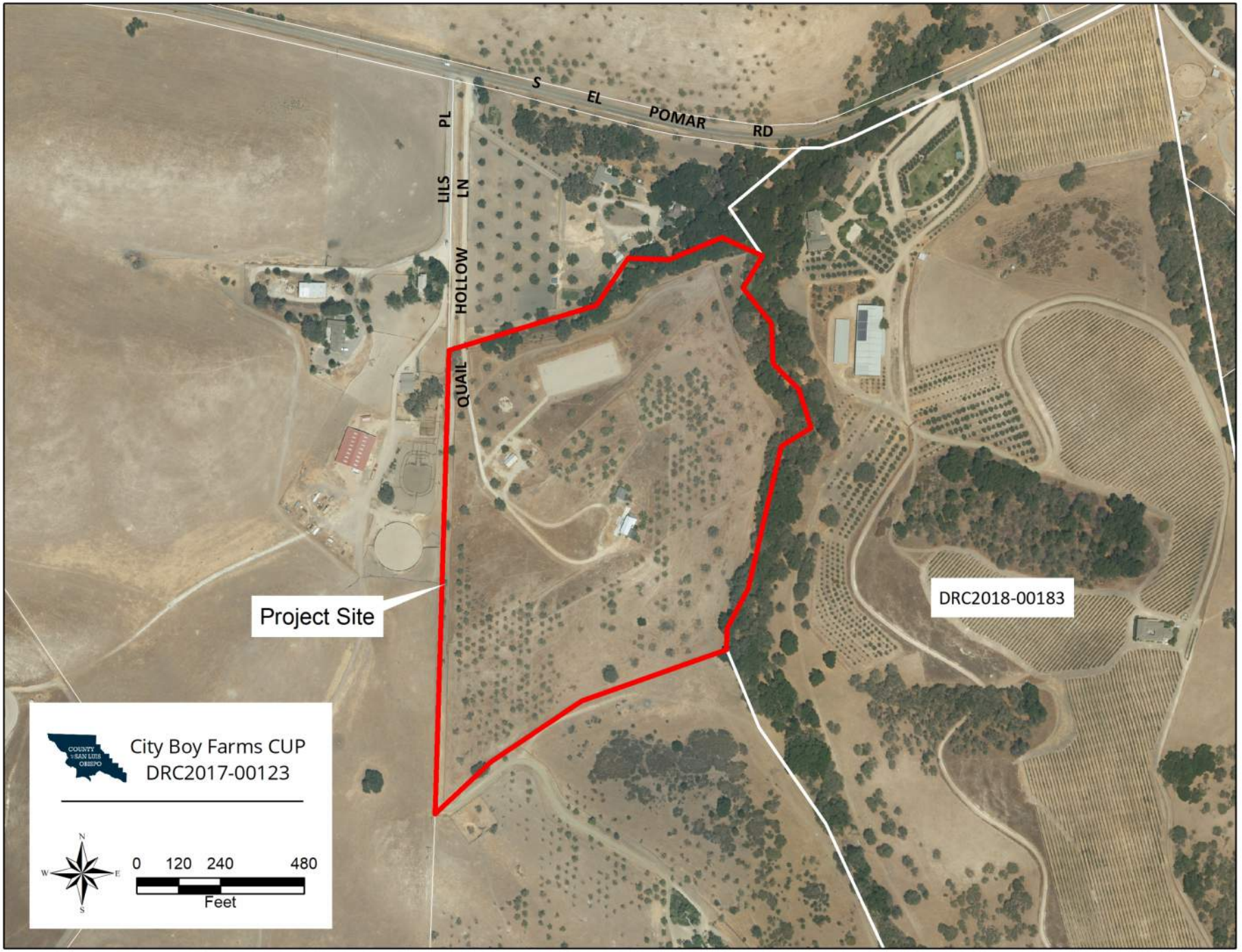
S EL POMAR RD
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HOLLOW
QUAIL PL
Project Site
DRC2018-00183
City Boy Farms CUP
DRC2017-00123
COUNTY OF SAN LUIS OBISPO
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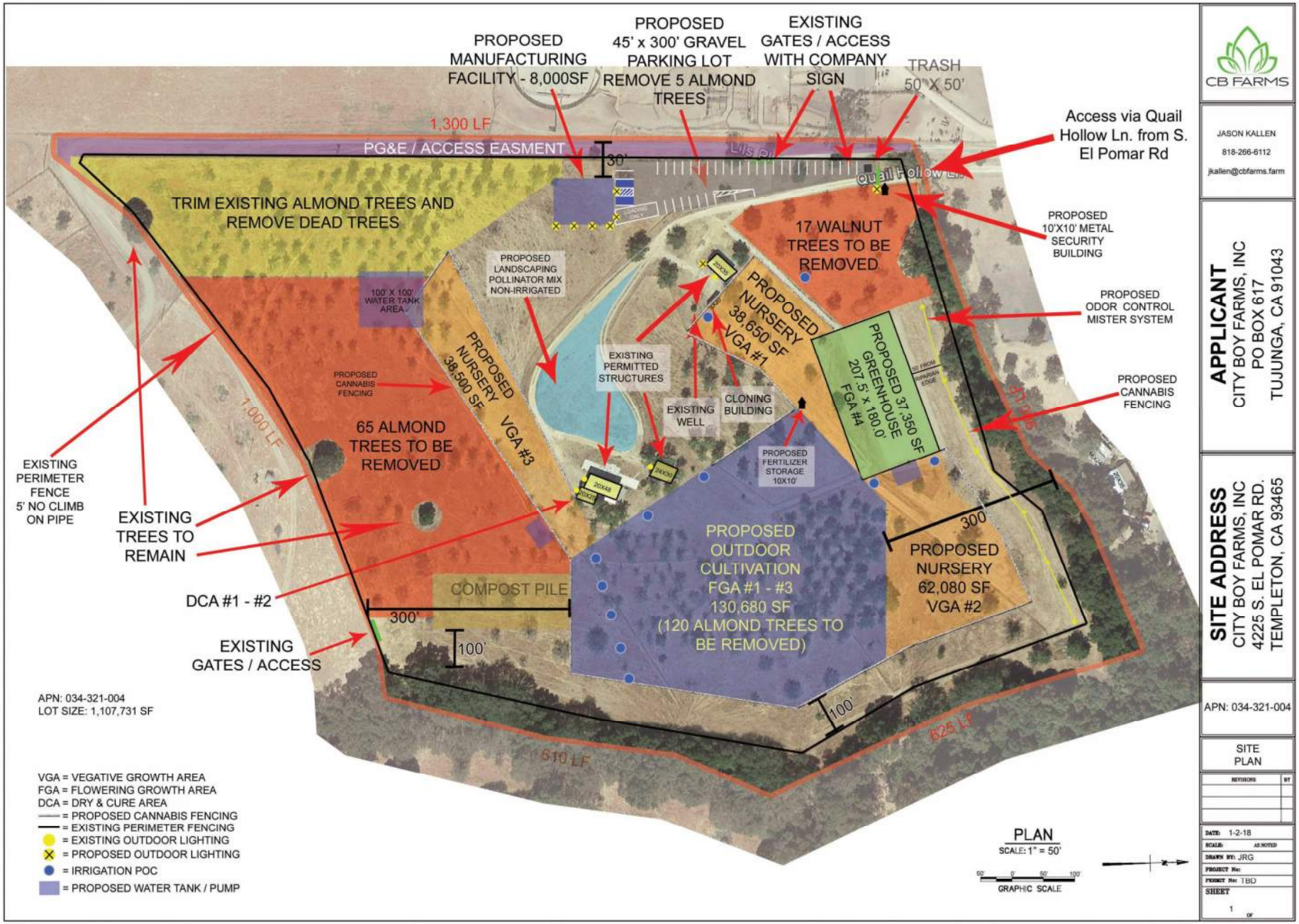
Feet


PROPOSED MANUFACTURING FACILITY - 8,000SF
PROPOSED 45' x 300' GRAVEL PARKING LOT REMOVE 5 ALMOND TREES
EXISTING GATES / ACCESS WITH COMPANY SIGN
TRASH 50'X 50'
Access via Quail Hollow Ln. from S. El Pomar Rd
1,300 LF
PG&E / ACCESS EASMENT
30'
TRIM EXISTING ALMOND TREES AND REMOVE DEAD TREES
17 WALNUT TREES TO BE REMOVED
PROPOSED 10'X10' METAL SECURITY BUILDING
PROPOSED LANDSCAPING POLLINATOR MIX NON-IRRIGATED
100' X 100' WATER TANK AREA
PROPOSED NURSERY 38,650 SF VGA #1
PROPOSED ODOR CONTROL MISTER SYSTEM
PROPOSED NURSERY 38,500 SF VGA #3
EXISTING PERMITTED STRUCTURES
PROPOSED 37,350 SF GREENHOUSE 207.5' x 180.0' FGA #4
PROPOSED CANNABIS FENCING
EXISTING WELL
CLONING BUILDING
1,000 LF
65 ALMOND TREES TO BE REMOVED
EXISTING PERIMETER FENCE 5' NO CLIMB ON PIPE
PROPOSED FERTILIZER STORAGE 10X10'
EXISTING TREES TO REMAIN
300'
PROPOSED OUTDOOR CULTIVATION FGA #1 - #3 130,680 SF (120 ALMOND TREES TO BE REMOVED)
PROPOSED NURSERY 62,080 SF VGA #2
DCA #1 - #2
COMPOST PILE
300'
100'
EXISTING GATES / ACCESS
APN: 034-321-004
LOT SIZE: 1,107,731 SF
100'
625 LF
610 LF
VGA = VEGATIVE GROWTH AREA
FGA = FLOWERING GROWTH AREA
DCA = DRY & CURE AREA
= PROPOSED CANNABIS FENCING
= EXISTING PERIMETER FENCING
= EXISTING OUTDOOR LIGHTING
= PROPOSED OUTDOOR LIGHTING
= IRRIGATION POC
= PROPOSED WATER TANK / PUMP
PLAN
SCALE: 1" = 50'
GRAPHIC SCALE
CB FARMS
JASON KALLEN
818-266-6112
jkallen@cbfarms.farm
APPLICANT
CITY BOY FARMS, INC
PO BOX 617
TUJUNGA, CA 91043
SITE ADDRESS
CITY BOY FARMS, INC
4225 S. EL POMAR RD.
TEMPLETON, CA 93465
APN: 034-321-004
SITE PLAN
REVISIONS
DATE: 1-2-18
SCALE: AS NOTED
DRAWN BY: JRG
PROJECT No:
PERMIT No: TBD
SHEET
1
OF

CB FARMS

JASON KALLEN
818-266-6112
jkallen@cbfarms.farm

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CITY BOY FARMS, INC
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SITE PLAN

REVISIONS	BY

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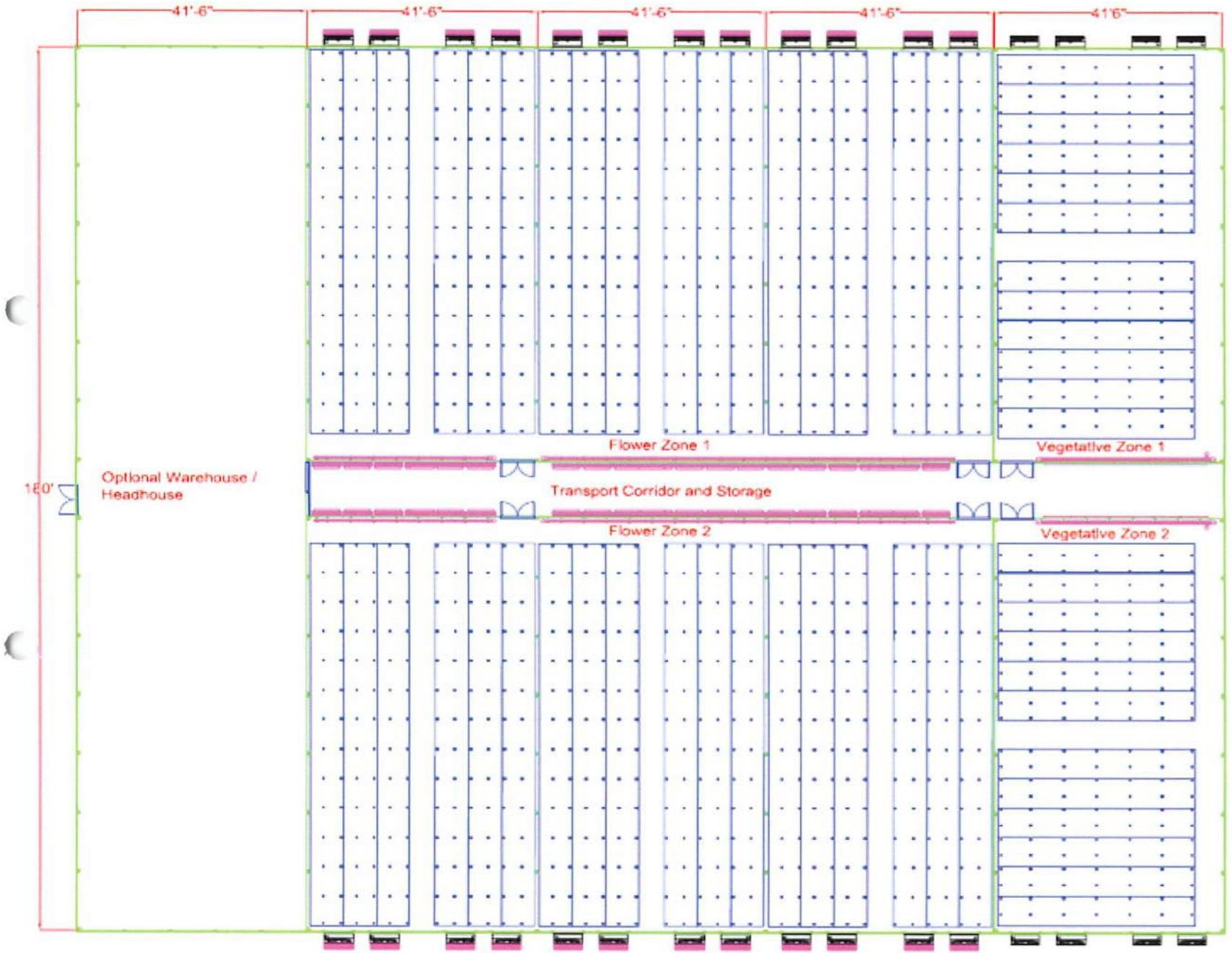
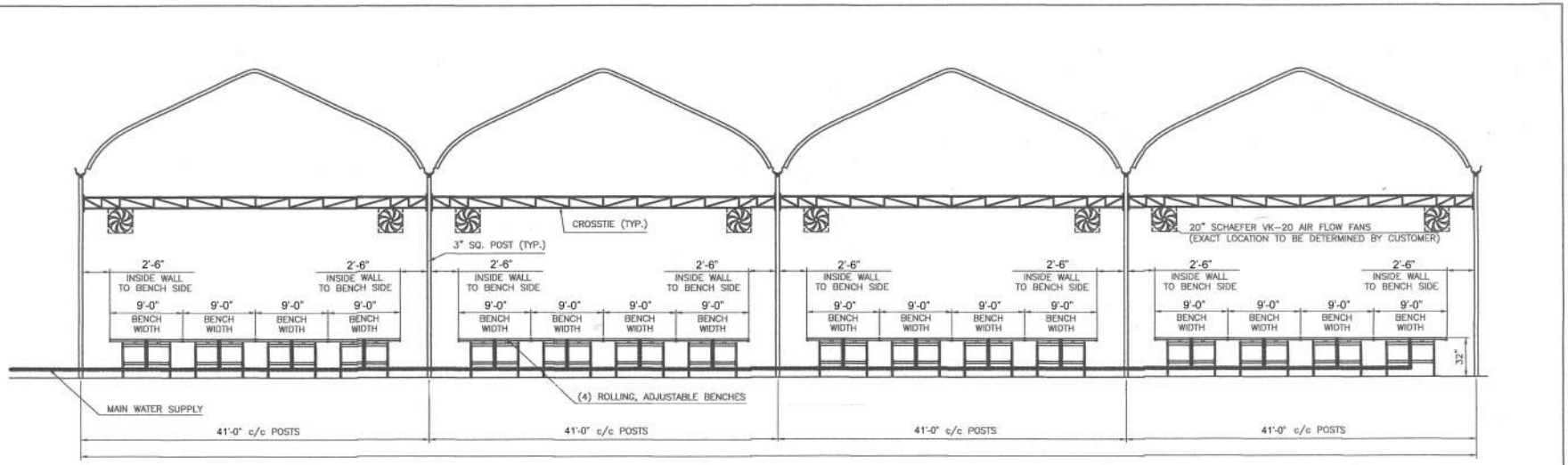
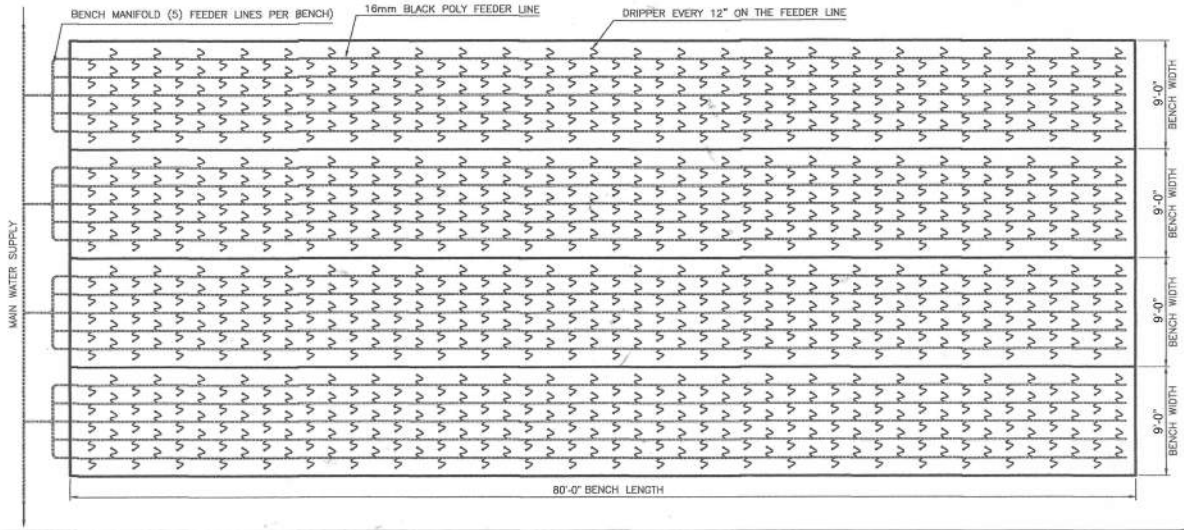
SHEET 1 OF


41'-6"
41'-6"
41'-6"
41'-6"
41'6"
180'
Optional Warehouse / Headhouse
Flower Zone 1
Vegetative Zone 1
Transport Corridor and Storage
Flower Zone 2
Vegetative Zone 2



SECTION VIEW



BENCH IRRIGATION PLAN – TOP VIEW

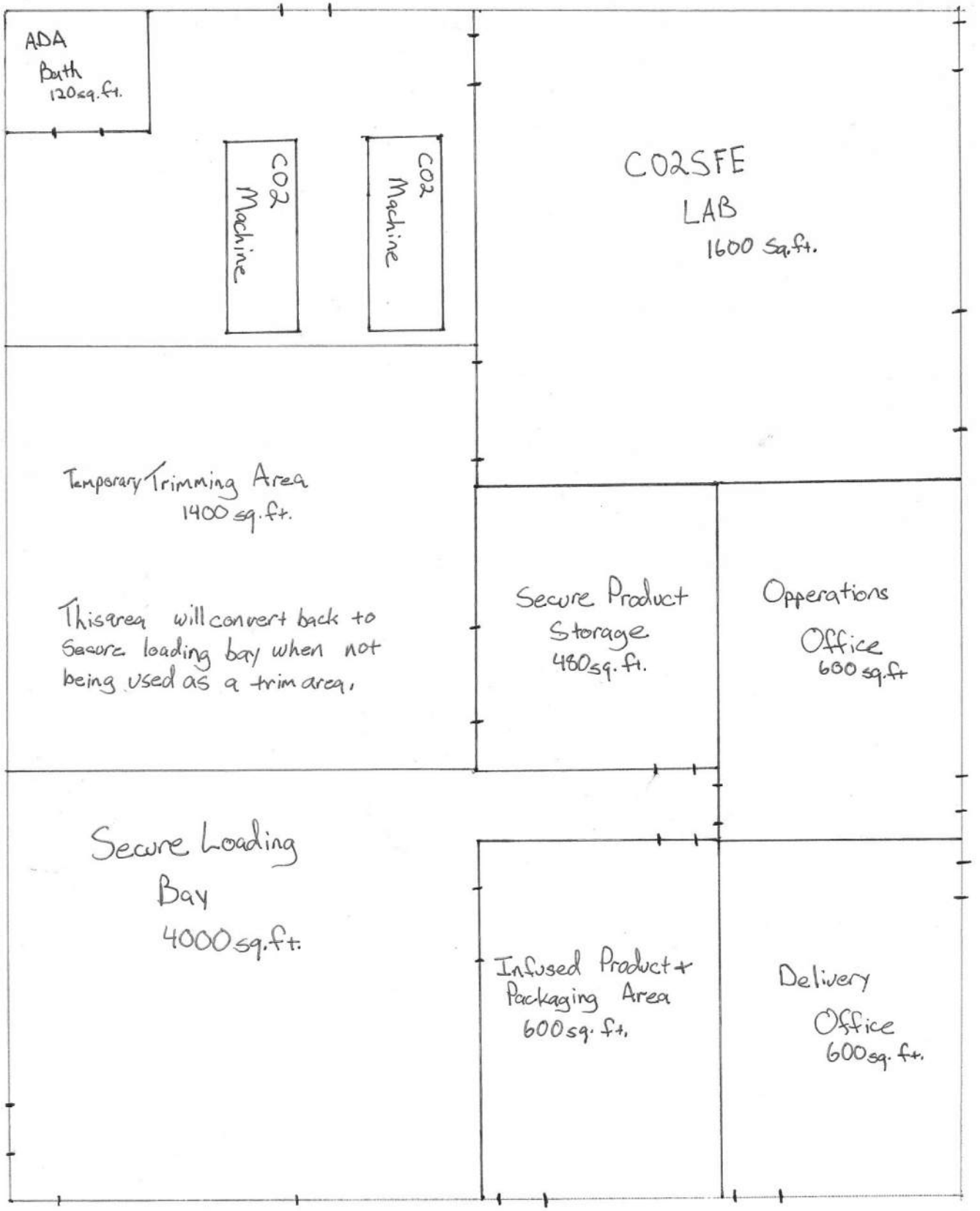
NO.	REVISION	INT.	DATE

CITY BOY FARMS
4225 S. EL POMAR
Ttemplton, CA 93465

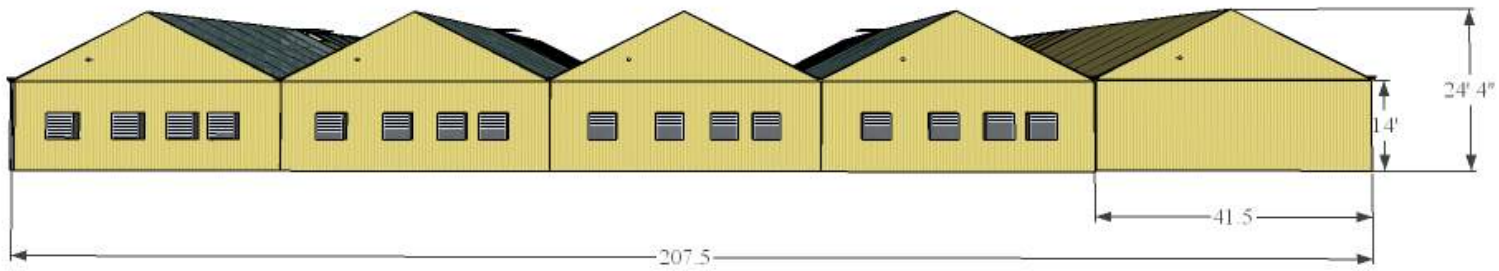
DRAWN BY	APPROVAL DATE	DATE 2-1-19
CHECKED BY		ORDER NO.
APPROVED BY		DRAWING NO.

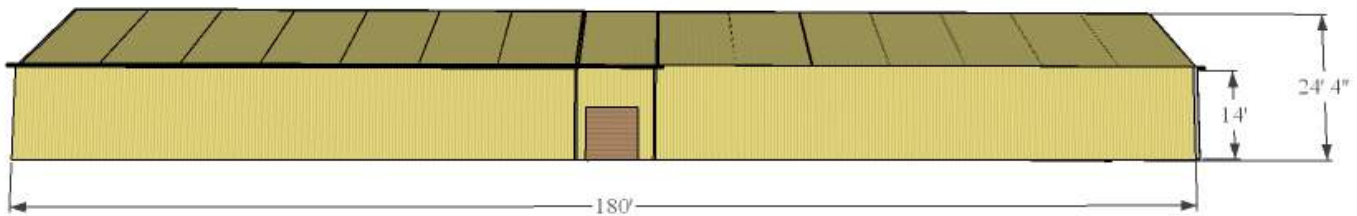
80’ x 100’ x 27’ tall Manufacturing Building

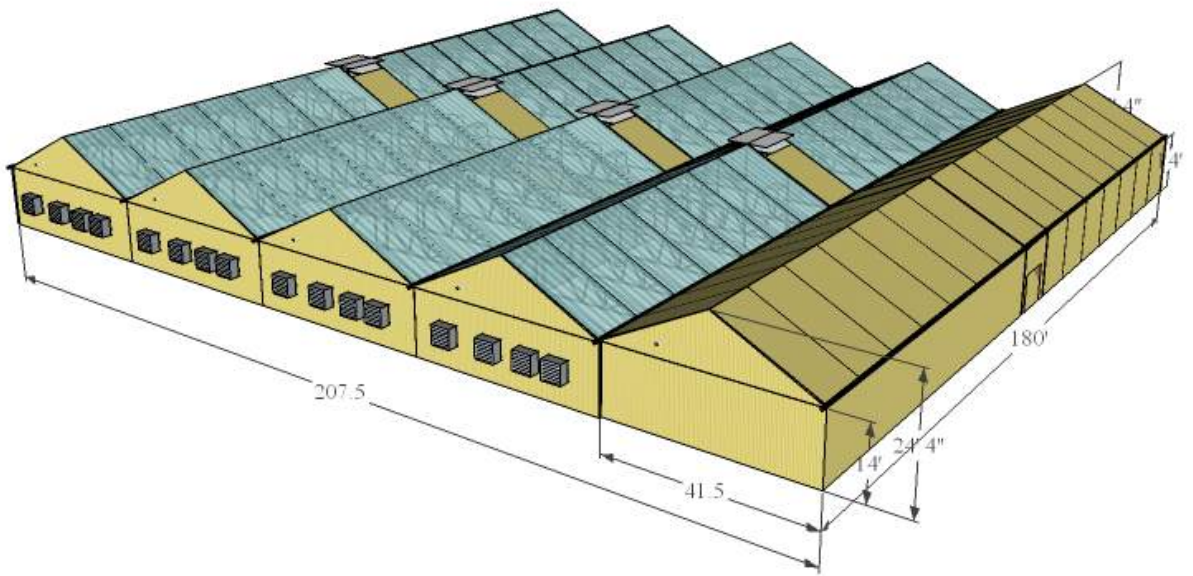
Scale = 3/32

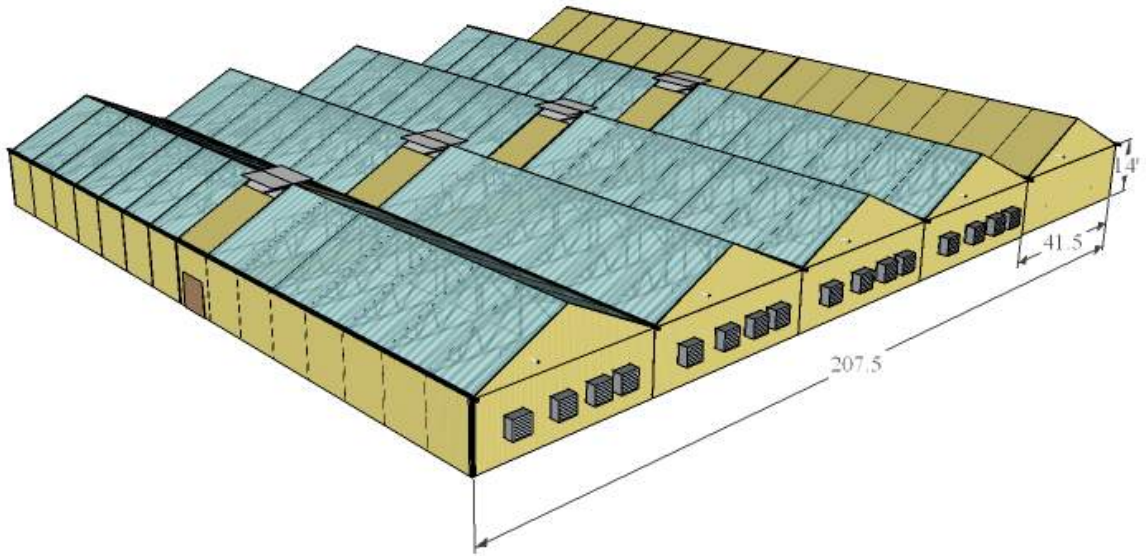


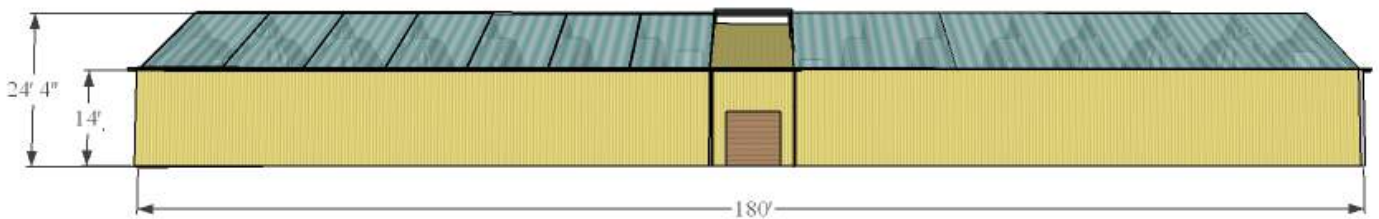
Manufacturing Building Floorplan

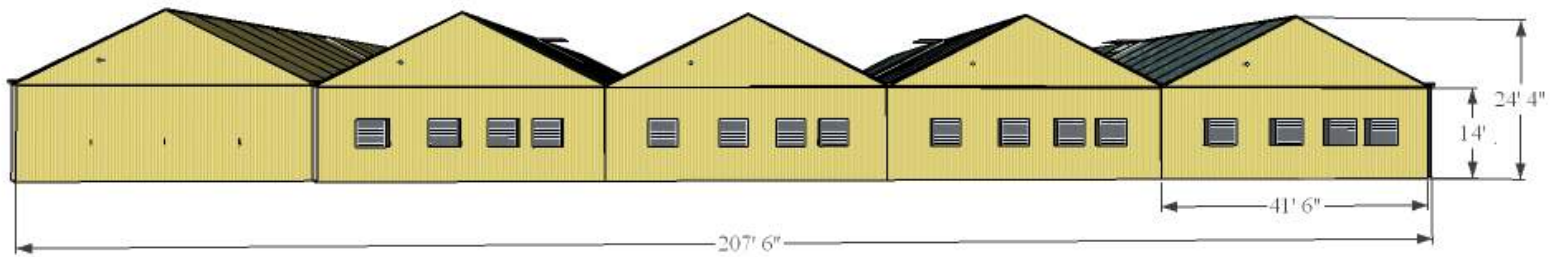

24' 4"
14'
41.5
207.5


24' 4"
14'
180'


207.5
41.5
180'
14'
24' 4"


14'
41.5
207.5


24' 4"
14'
180'


24' 4"
14'
41' 6"
207' 6"

Date: March 1, 2019

To: Ian N. Landreth, Planning and Building

From: David E. Grim, Development Services

Subject: Public Works Final Comments on DRC2017-00123 CB Farms CUP, El Pomar Rd., Templeton, APN 034-321-004

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

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

Public Works Comments:

A. Public Works has amended our comments and recommendations based on our understanding of the revised project description:
   - 3 acres outdoor cultivation
   - 175,870 square feet nursery/greenhouse
   - 8,000 square feet industrial/manufacturing/processing building

B. The project site driveway approach should be reconstructed to current County standards to protect the County public road from edge of pavement damage and minimize tracking soil and rocks onto the roadway surface.

C. The proposed project is within a drainage review area. Drainage plan may be required at the time of future building permit submittal by Public Works. The applicant should review Chapter 22.52.110 or 23.05.040 of the Land Use Ordinance.

D. The proposed project is within the Templeton Area B Road Fee Area. Payment of Road Improvement Fees is required prior to future building permit issuance, and 30-days after project approval.

E. The project is located outside a Stormwater Management Area. However, if the project site disturbs 1.0 acre or more the applicant may be required to enroll for coverage under California's Construction General Permit, which may include preparation of a project Stormwater Control Plan even though its located outside a Stormwater Management Area.

F. The site is within the Paso Robles groundwater basin and is therefore subject to the Sustainable Groundwater Management Act (SGMA). However, the Groundwater Sustainability Agency responsible for overseeing SGMA compliance has not completed the planning efforts that will define the need for any groundwater mitigation requirements. In the interim, consideration of the project's impacts on the groundwater basin should be included in the project's CEQA analysis.

Recommended Project Conditions of Approval:

Access

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

Fees

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

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

Drainage

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

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

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

THIS IS A NEW PROJECT REFERRAL

DATE: 7/15/2019

TO: Environmental Health, Air Pollution Control District

FROM: Ian Landreth (805-781-1298 or ilandreth@co.slo.ca.us)

PROJECT NUMBER & NAME: DRC2017-000123 CB FARMS
PROJECT DESCRIPTION: Proposed Conditional Use Permit for Cannabis Activities to include indoor greenhouse cultivation (22,000sqft grow area; 6,850sqft nursery; 37,350sqft building total), additional indoor nursery (160sq; existing 160sq building), 3 acres outdoor cultivation, manufacturing (8,000sqft), nursery outdoors (139,230sqft), and non-storefront dispensary (600sqft) on El Pomar Road in Templeton.
APN(S): 034-321-004

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

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

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

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

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

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.
Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

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

Please see attached.

7.30.19	Ke Ghiglia	x5551
Date	**Name**	**Phone**

COUNTY OF SAN LUIS OBISPO HEALTH AGENCY
PUBLIC HEALTH DEPARTMENT
Michael Hill *Health Agency Director*
Penny Borenstein, MD, MPH *Health Officer/Public Health Director*

July 30, 2019

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

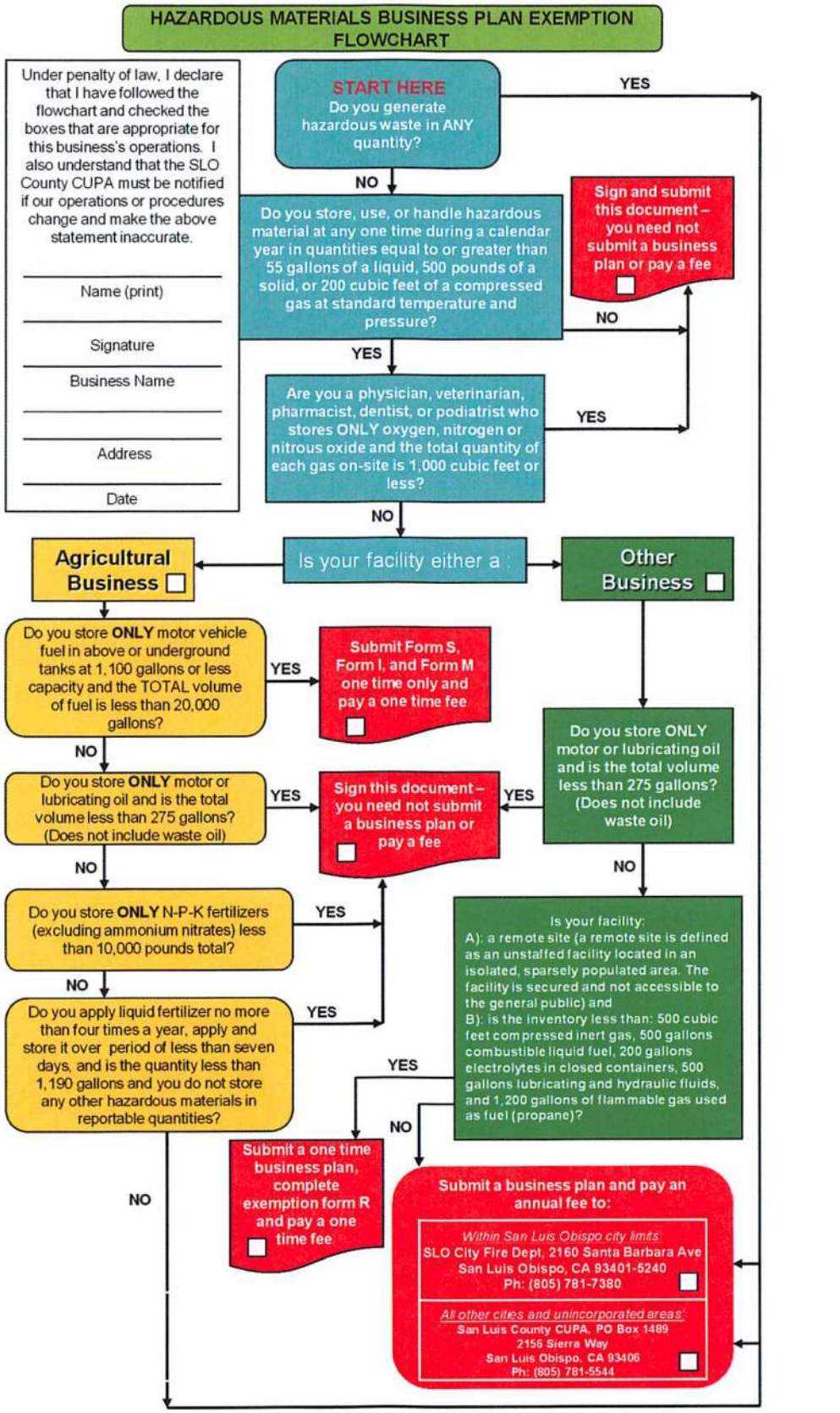
From: Environmental Health
Kealoha Ghiglia , 805-781-5551, klghiglia@co.slo.ca.us

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

Applicant to return attached Hazardous Materials Declaration Flowchart to this office. Be advised that threshold levels are 55 gallons, 500 pounds or 200 cubic feet and common materials include (but are not limited to): fuel, paint, lubricants, pesticides, pool chemicals and compressed gases (such as CO_2). If extraction is proposed, the applicant is also advised to discuss the extraction process and materials with the hazardous materials inspector. Contact Matheson Bliss at (805) 781-5557 or msbliss@co.slo.ca.us with any questions regarding this form and send completed form directly to her.

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

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



P:\EH\WEBSITE_DOCUMENTS\Programs\Hazardous Materials\Business Plans\References\Hazardous Materials Business Plan Exemption-Eligibility Flowchart.doc 11-Aug-11

COMMON HAZARDOUS MATERIALS

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

COMMON HAZARDOUS WASTES

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

Not sure?

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

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

DATE: **June 4, 2019**

TO: **Ian Landreth, Project Manager**

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

SUBJECT: **City Boy Farms Conditional Use Permit DRC2017-00123 (2033)**

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

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

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

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

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

SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

Via Email

July 23, 2019

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

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

Dear Mr. Landreth:

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

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

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

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

GENERAL COMMENTS

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

CONSTRUCTION PHASE

Construction Phase Impacts - Below Threshold

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

Developmental Burning

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

Dust Control Measures

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

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

at the construction site;

i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114;
j. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
l. All PM_{10} mitigation measures required should be shown on grading and building plans; and
m. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact Tim Fuhs at 805-781-5912).

Construction Permit Requirements

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

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

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

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

OPERATIONAL PHASE

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

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

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

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

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

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

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

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

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

Nuisance – Agricultural Growing of Cannabis

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

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

Sincerely,

JACKIE MANSOOR
Air Quality Specialist

JNM/jjh

cc: Jason Kallen, Applicant

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

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

March 30, 2018

Brandi Cummings, Project Manager
County of San Luis Obispo
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, California 93408
bcummings@co.slo.ca.us

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

Dear Ms. Cummings:

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

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

CDFW ROLE

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

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

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

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

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

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: Jason Kallen, City Boy Farms

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

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

Timeframe: Unspecified.

COMMENTS AND RECOMMENDATIONS

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

I. Environmental Setting and Related Impact

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or the United States Fish and Wildlife Service (USFWS)?

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

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

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

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

COMMENT 1: Tricolored blackbird (TRBL)

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

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

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

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

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

Mitigation Measure 1: TRBL Surveys

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

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

Mitigation Measure 2: TRBL Take Avoidance

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

Mitigation Measure 3: TRBL Take Avoidance

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

COMMENT 2: least Bell's vireo (LBV)

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

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

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

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

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

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

Mitigation Measure 4: LBV Surveys

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

Mitigation Measure 5: LBV Avoidance

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

Mitigation Measure 6: LBV Take Avoidance

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

COMMENT 3: San Joaquin Kit Fox (SJKF)

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

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

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

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

Recommended Potentially Feasible Mitigation Measure(s)

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

Mitigation Measure 7: SJKF Habitat Assessment

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

Mitigation Measure 8: SJKF Surveys

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

Mitigation Measure 9: SJKF Take Authorization

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

COMMENT 4: California red legged frog (CRLF)

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

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

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

Recommended Potentially Feasible Mitigation Measure(s)

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

Mitigation Measure 10: CRLF Habitat Assessment

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

Mitigation Measure 11: CRLF Surveys

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

Mitigation Measure 12: CRLF Avoidance

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

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

COMMENT 5: Burrowing Owl (BUOW)

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

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

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

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

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

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

Mitigation Measure 13: BUOW Habitat Assessment

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

Mitigation Measure 14: BUOW Surveys

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

Mitigation Measure 15: BUOW Avoidance

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

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

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

* meters (m)

Mitigation Measure 16: BUOW Passive Relocation and Mitigation

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

COMMENT 6: Western pond turtle (WPT)

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

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

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

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

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

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

Mitigation Measure 17: WPT Habitat Assessment

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

Mitigation Measure 18: WPT Surveys

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

Mitigation Measure 19: Relocation of WPT

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

COMMENT 7: Other State Species of Special Concern

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

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

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

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

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

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

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

Mitigation Measure 20: Habitat Assessment

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

Mitigation Measure 21: Species of Special Concern Surveys

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

Mitigation Measure 22: Avoidance

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

COMMENT 8: Special status plants

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

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

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

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

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

Mitigation Measure 23: Habitat Assessment

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

Mitigation Measure 24: Special Status Plant Surveys

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

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

Mitigation Measure 25: Special Status Plant Avoidance

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

Mitigation Measure 26: Special Status Plant Take Authorization

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

II. Environmental Setting and Related Impact

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

COMMENT 9: Lake and Streambed Alteration

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

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

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

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

Notification of Lake and Streambed Alteration

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

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

Editorial Comments and/or Suggestions

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

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

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

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

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

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

ENVIRONMENTAL DATA

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

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

FILING FEES

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

CONCLUSION

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

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

Sincerely,

Julie A. Vance
Regional Manager

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

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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

May 13, 2019

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

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

Mr. Landreth,

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

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

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

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

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

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

- The proposed 8,000 square foot manufacturing facility shall require a commercial fire sprinkler system. A Registered Fire Protection Engineer shall determine the appropriate classification of fire sprinkler system to be installed within the proposed manufacturing facility. An occupancy classification change to any existing structure shall require the installation of an appropriately designed, installed and inspected fire sprinkler system.

- If the greenhouse structure satisfies all San Luis Obispo County Dept. of Planning & Building requirements for such structures, fire sprinklers shall not be required.

- ***VEHICULAR ACCESS*** – The existing access road (Quail Hollow Lane) must be improved to provide a minimum edge to edge all-weather driving surface of no less than 24-feet wide. Overall, this existing access road appears to provide the required 24-foot width for most of the roadway length from S. El Pomar Drive to the property gate. Once onsite, the access road shall be classified as a fire lane. The onsite fire lane must provide a minimum edge to edge all-weather driving surface of no less than 20-feet wide. The existing gate must provide a minimum 24-foot width between posts. Paving is required for all portions of the access road and fire lane exceeding a 12% grade.

- ***WATER STORAGE*** - "Poly" and or plastic style water storage tanks shall not be allowed. Multiple or "daisy chained" tanks are not allowed to be utilized to provide water held in storage dedicated to fire suppression purposes unless designed by a Registered Fire Protection Engineer and approved by CAL FIRE/County Fire. The Registered Fire Protection Engineer shall determine the amount of water required to be held in storage dedicated to fire suppression purposes for the entire site. Existing water storage tanks located onsite, will not satisfy relevant code(s) for the current proposal. If fire sprinklers are required within the greenhouse, this must be accounted for within the comprehensive technical analysis provided by the Registered Fire Protection Engineer.

- ***FIRE PUMP/HYDRANTS*** – Pressurized fire hydrants are required onsite and shall be placed in compliance with relative code(s). Fire hydrants must provide (2) 2-1/2 inch male connections and (1) 4-inch male connection. All connections must be National Standard threads.

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

- ***OCCUPANCY CLASSIFICATION*** – An occupancy classification change to any existing structure located onsite shall require the installation of an appropriately designed and installed commercial fire sprinkler system.

- ***EMERGENCY ACCESS*** – A Knox Corporation key switch shall be installed on all electric vehicular gates and rapid entry Knox boxes shall be attached to commercial structures (where required and agreed upon). The Knox boxes shall be located where approved by County Fire.

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

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

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

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

Sincerely,

Clinton I. Bullard
Fire Inspector

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

TEMPLETON AREA ADVISORY GROUP

TO: Kate Shea C : TAAG members/alternates

FROM: Bob Bejarano, Chair

SUBJECT: **ACTION ON REFERRED MATTERS**

DATE: June 2, 2018

At its regular May meeting, TAAG considered and acted upon the following three proposed projects previously referred to it for review and advisory recommendation.

SKINNER-SCOVILLE

SUB2018-00006

Proposed Lot Line Adjustment to swap existing overall acreage to provide for private access to each parcel as opposed to shared easements; 1861 and 1875 Santa Rita Road in Templeton.

Department staff: Cindy Chambers.

History: No relevant history known.

Application completeness: Apparently final.

Applicant representative: Robert (Rob) Skinner.

Notification of adjacent landowners: Unknown.

Reason for application: Allow new driveway to one parcel without having to modify by demolition or other alternation an existing structure on the other parcel.

Recommendation: TAAG unanimously recommends approval.

Merits: No objections raised or received.

FINLEY FAMILY FARMS

DRC2018-00016

Proposed Minor Use Permit for cannabis cultivation including three one-acre outdoor cultivation sites and one 2,200 sq. ft. greenhouse. To be located at 630 El Pomar Drive, Templeton.

Department staff: Brandi Cummings.

History: This and the following application are the first applications for a grow of recreational marijuana in the TAAG area.

Application completeness: Incomplete.

1. Page 4, Physical Site Characteristics. Item 1 Topography. Intervals for contour lines not shown on plans. See Sheets A-1.2 and A-3.

2. Page 4, Item 9. List the names of the public roads from which the project is visible. Is it only S. El Pomar?

3. Page 5, Water Supply, Item 2. Clarify response.

4. Page 5, Item 5. Incomplete response.

5. Page 6, Waste. Where will the solid waste be accumulated?

6. Page 6, Commercial/Industrial Project Information. Emissions. It is noted that there will be odors produced by the cannabis, and that mitigation [is] addressed. What is being done to address odors?

7. Page 6, Item 8. A traffic study has been provided the form should so indicate.

8. Page 7, Item 11. See traffic study for visibility problems or connectivity problems with access.

9. Page 7, Special Project Information, Item 1. What special project information as referred to in the response is shown on plans?

10.Page 7, Item 3 What vertical integration is anticipated to be employed in the future activity connected to the proposal? Vertical integration requires a CUP per 22.40.040 B.

11.Page 7, Energy conservation Information Item 1. What is the drought resistant landscape to be provided?

12. Application Requirements: 22.40.040 A. The following information needs to be provided:

a) On-site security measures both physical and operational. Cameras are noted on the plans and a non-see through fence is noted.

i. How is security achieved?

ii. How is loitering to be prevented? The access is open to the fence. 22.40.040 D

b) What is the odor management plan?

c) What signage to be provided?

d) Parking plan (two spaces provided). Required number not verified.

e) Proof of ownership. Deferred to County.

f) Has an employee safety and training plan been developed?

g) Has a statement on neighborhood compatibility and a plan for

addressing potential compatibility issues been provided?

h) What is the waste management plan? Cannabis activities are required to provide solid waste and recycling collection in accord with 22.10.150.B and C.

i) Provide a vicinity map showing at least one-thousand feet of surrounding area and the distances to the following uses: Any preschool, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. The distance to be measured from the nearest point of the property line of the site that contains the cultivation to the nearest point of the property line of the enumerated uses using a direct straight-line measurement. Not shown.

13.The Application requirements as specified in the Cannabis Ordinance have not been included in documents received. The requirements include the following:

a) A detailed water management plan including the proposed water supply proposed conservation measures, and any water offset requirements. 22.40.050.C.1

b) Information regarding storm water control and wastewater discharge. 22.40.050.C.2

c) A list of all pesticides, fertilizers, and any other hazardous materials used in the nursery process. 22.40.050.C.3

d) A storage and hazard response plan for all pesticides, fertilizers, and any other hazardous materials kept on the nursery's site. 22.40.050.C.4

14.Screening and Fencing 22.40.050. D.6. The fence is to be both solid and durable. Is it solid? The TCDP indicates that Fences are of wood construction but that slatted fence can be substituted.

15.Pesticide and Fertilizer storage 22.40.050.D.9. What is the nature of the facility in which pesticides and fertilizers are to be stored and what makes it "proper" for the storage of same?

16. See application requirements as shown for Cultivation 22.40.060.C

a) Watering management plan to include conservation measures, and any water offset requirements.

b) Information regarding stormwater control and wastewater discharge.

c) A list of all pesticides, fertilizers, and any other hazardous materials used in the nursery process.

d) A storage and hazard response plan for all pesticides, fertilizers, and any other hazardous materials kept on the nursery's site

Applicant representative: Matthew Goodman.

Notification of adjacent landowners: Unclear.

Reason for application: Development of crop for sale.

Recommendation of TAAG: No recommendation; comments only

Merits: Applicant has a history of experience with medical marijuana cultivation. Appears to be in compliance with County ordinance. No objections made or received.

Specific recommendations:

Recommendation #1: The submittal of a Hazardous Materials Management Plan (HMMP) (Title 16 Section 5001.5.1) and a Hazardous Materials Inventory Statement (HMIS) (Title 16 Section 5001.5.2) as described in the aforementioned sections of the Fire Code should be required. for submittal and approval by the fire code official. In addition, a current copy of the HMMP and HMIS should be maintained on site and made available to the fire code official upon request and the requirement to do so should be made a part of any operating permits issued. The HMIS and HMMP should be updated annually and maintained in a current condition throughout the useful life of the facility.

Reason: The quantities of materials to be stored or used establish specific requirements to be used in the operation of this facility. Changes in technology involving the storage or use of new materials in a facility of this nature is likely. Inspection of the facility should include a review of the approved materials as contained in the HMIS of a type and a quantity that have been defined in the list to verify that the quantities and types remain within the range specified by the permit.

Recommendation #2: Consideration should be given by the fire code official as to the need for on-site water storage to augment water to be supplied by fire service vehicles for use by fire service personnel in emergency response or fire suppression. The capacity and nature, e.g., above ground tanks, of any onsite storage shall be determined by the fire code official.

Reason: Water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supply systems do not exist. Storage of on-site water can be provided as a means to control possible wildfires that may expose the growing operation and accessory structures otherwise requiring access by emergency responders or other third-party personnel. Having an additional water supply available to emergency responders will provide the opportunity to control wildfires for this site.

Recommendation #3: Uncontrolled vegetation on site should be kept to a minimum and a weed control program which includes the annual disking, cutting, and/or removal of wild grasses and vegetation should be implemented annually. A master site plan indicating the management of vegetation should be submitted for approval by the fire code official.

Reason: Wildland/urban interface issues potentially expose the owner to loss and the community to unintended incidents including fires caused either purposely, maliciously, or accidentally.

- By maintaining a defensible zone around structures, the nursery and the outdoor cultivation area the potential conflagration can be kept to a minimum.
- A second consideration is that the site is required to be a secured site making access from the outside more difficult of fences are to be cut or removed to allow access for fire-fighting.
- Removal of security fencing to provide access for fire-fighting or suppression creates problems for the owner and the community that may be avoided if a program to control weeds and/or combustible brush is implemented.

CB FARMS

DRC2017-000123

Proposed Conditional Use Permit for Cannabis Activities to include indoor greenhouse cultivation (22,000 sq. ft. grow area; 30,000 sq. ft. building total), three acres outdoor cultivation, manufacture (8,000 sq. ft.), and nursery outdoors (115,000 sq. ft.) on El Pomar Road in Templeton.

Department staff: Brandi Cummings

History: One of two of first applications received based in the TAAG area for the commercial development and sale of marijuana.

Application completeness: Incomplete.

1. Site Plan or other. Identify the location for flammable liquid (ethanol or other) storage along with quantities to be stored. Provide a distance between the storage area and the closest property line. 22.10.070 (50 feet minimum unless otherwise required).

2. Application Requirements General: 22.40.040.A.

3. Cultivation Specific 22.40.040: The Application requirements as specified in the Cannabis Ordinance have not been included in documents received.

4. Page 8, Item 6 of the Water Supply Information section of the Environmental Description Form (EDF) indicates a yield test on proposed or existing wells has been provided. The required copy of the well test was not provided.

5. Page 8, Item 4 of the Sewage Disposal Information of the EDF indicates that an engineered percolation test has been conducted. The required copy of the test was not provided.

6. Page 9, Item 4 of the Commercial/Industrial Project Information Section of the EFD indicates that there will be no emissions from the project including, but not limited to gases, smoke, dust, odors, fumes, or vapors:

Applicant representative: Jason Kellan.

Notification of adjacent landowners: In process.

Reason for application: Development of crop for sale.

TAAG recommendation: No overall recommendation of approval or disapproval; other comments made (see below).

Merits: Appears to be generally compliant with applicable County ordinance. No objections made or received.

Recommendation #1: As a condition of approval the currently optional requirements for the submittal of a Hazardous Materials Management Plan (HMMP) (Title 16 Section 5001.5.1) and a Hazardous Materials Inventory Statement (HMIS) (Title 16 Section 5001.5.2) as described in the aforementioned sections of the Fire Code should be required. for submittal and approval by the fire code official. In addition, a current copy of the HMMP and HMIS should be maintained on site and made available to the fire code official upon request and the requirement to do so should be made a part of any operating permits issued.

The HMIS and HMMP should be updated annually and maintained in a current condition throughout the useful life of the facility.

Reason: The quantities of materials to be stored or used establish specific requirements to be used in the operation of this facility. Changes in technology involving the storage or use of new materials in a facility of this nature is likely. Inspection of the facility should include a review of the approved materials as contained in the HMIS of a type and a quantity that have been defined in the list to verify that the quantities and types remain within the range specified by the permit. The HMIS/HMMP should be formatted to include the building or area of the site where the specific materials are stored or used. Process chemicals and product produced as well as pesticides, herbicides, fertilizers, and other hazardous materials stored or used across the entire area occupied on the site are to be identified and quantified. Section 22.40.070.C.1 has requirements for a complete description of all products used in the manufacturing process including liquids, solvents, agents, and process.

Recommendation #2: Identify the location for flammable liquid (ethanol or other) storage along with quantities to be stored. Provide a distance between the storage area and the closest property line. 22.10.070 (50 feet minimum unless otherwise required).

Reason: Ethanol is a Class IB Flammable liquid. The quantity in use and storage dictates construction requirements when stored or used in structured based on maximum allowable quantities per control area as defined in the building and fire codes. Storage location is also dictated to some degree by the type of container and proximity to property line or if exterior the location proximate to building entry/exits. The plans provided are not sufficiently detailed to determine the impact on the site.

Recommendation #3: Consideration should be given by the fire code official as to the need for on-site water storage to augment water to be supplied by fire service vehicles for use by fire service personnel in emergency response or fire suppression. The capacity and nature, e.g., above ground tanks, of any onsite storage shall be determined by the fire code official.

Reason: Water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supply systems do not exist. Storage of on-site water can be provided as a means to control possible wildfires that may expose the growing operation and accessory structures otherwise requiring access by emergency responders or other third-party personnel. Having an additional water supply available to emergency responders will provide the opportunity to control wildfires for this site.

Recommendation #4: Uncontrolled vegetation on site should be kept to a minimum and a weed control program which includes the annual disking, cutting, and/or removal of wild grasses and vegetation should be implemented annually.

A master site plan indicating the management of vegetation should be submitted for approval by the fire code official.

Reason: Wildland/urban interface issues potentially expose the owner to loss and the community to unintended incidents including fires caused either purposely, maliciously, or accidentally.

- By maintaining a defensible zone around structures, the nursery and the outdoor cultivation area the potential conflagration can be kept to a minimum.

- A second consideration is that the site is required to be a secured site making access from the outside more difficult of fences are to be cut or removed to allow access for fire-fighting.

- Removal of security fencing to provide access for fire-fighting or suppression creates problems for the owner and the community that may be avoided if a program to control weeds and/or combustible brush is implemented.

Recommendation #5: Suitable equipment should be provided that will capture, contain, destroy or otherwise remove odorous compounds from discharge from process operations. General ventilation (dilution ventilation) and exhaust from the general area should not be used as a stand-alone means for odor control. Local exhaust should be provided at workstations and equipped with suitable equipment for odor abatement. Pollution control equipment could include absorption and/or adsorption using various media such as activated carbon or other to capture the emission. The pollution control equipment to be employed should be site specific and designed by a registered professional engineer with a proven skill set in the design of pollution control equipment. Noise from the operation of any pollution control equipment or exhaust systems should be considered to avoid noise pollution of the general which may be produced by fans, pumps or allied equipment.

Reason: The products produced include essential oils which are known to be odorous. Cannabis growing and cultivation areas may also be odorous. The extract process concentrates compounds such as the turpenes which can have strong odors associated with them based on the type and nature of the product as well as the waste materials. Even though the area currently seems remote there are other properties in relatively close proximity and dilution by the atmosphere is not a desirable solution based on the fact that dilution alone does not contain an odorant. In addition, the proximity next to the Chicago Grade Landfill sets up the case for complaints with each entity blaming the other for fugitive odors. The removal of pollutants from the cannabis manufacturing operation will avoid complaints and potential problems for both the owner and the neighboring community.

Recommendation #6: Equipment used in manufacturing or processing operations should be in conformance with County Fire Code Section including but not limited to Section 5003.2.3 used to process hazardous materials in quantities in any quantity should be listed or approved for the use intended. Under the authority granted by Section 104.7.2 of the code the fire code official can require the applicant to have the equipment evaluated by a qualified third party accompanied by a technical opinion and report. Equipment employed in CO2 extraction systems should be in accordance with the requirements of the California Department of Health regulations §42205 (DPH 17-004, April 18, 2017 or later) and certified as required by a professional engineer.

Reason: The cannabis industry is an emerging industry and available equipment may or may not be listed by a listing entity such as UL, Factory Mutual, others. Equipment provided by the manufacturers should have basic safeguards present to avoid fires, and possible incidents and injuries as well as exposure of operating personnel to hazards that can have an offsite consequence in the community. Approval of unlisted equipment of the nature anticipated may require the use of third party engineers or specialists with expertise in equipment safety for equipment used in the processing industry. The fire code official should use the authority granted by the code in the approval process as may be needed to seek the aid of qualified persons to perform a safety analysis of the equipment for suitability with costs to be borne by the permittee. The fire code official as the requestor should receive the report whether in draft or final form directly from the third party with a copy provided to the permittee.

Recommendation #7: Ensure that the minimum setback distance required between the eastern boundary of the outdoor cannabis cultivation area is separated by a distance of not less than 50 feet from the upland extent of any riparian vegetation of any water course on or off the property and clearly designate the location of the blue line stream on the site plan provided.

Reason: The applicant is seeking a modification to reduce the required setback distance of 300-foot from property lines for locating outdoor growing areas to 75 feet (Refer to §22.40.050.D.3.b) There is also a required 50-foot setback between outdoor cultivation areas and the extent of riparian upland vegetation of any watercourse (Refer to § 22.40.050.D.3.d).There is a blue line stream proximate a cultivation area at the eastern side of the property and contour lines on the current site plan shows uplands vegetation within the required setback at distances ranging from less than 15 feet to 25 feet in some places. A distance of not less than 50 feet is required.

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

Vanderwier, Julie <julie_vanderwier@fws.gov>

Mon 3/19/2018 4:41 PM

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

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

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

julie

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

ventura, california 93003
805.677.3400

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

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

County of San Luis Obispo
Department of Planning & Building

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

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

DIRECT LINK to CB FARMS Referral Package

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

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

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

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

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

Direct your comments to the project manager(s):

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

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

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

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

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

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

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

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

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

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

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