# Negative Declaration & Notice Of Determination

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

**ENVIRONMENTAL DETERMINATION NO.** ED20-247 **DATE:** May 18, 2021

**PROJECT/ENTITLEMENT:** Riparian Biosupport Minor Use Permit (DRC2020-00095)
**APPLICANT NAME:** Kirk Azevedo **Email:** angle.planning@gmail.com
**ADDRESS:** 1375 Klau Mine Road (Parcel A), Paso Robles, CA 93446
**CONTACT PERSON:** Mandi Pickens, Angle Land Use Entitlement **Telephone:** 805-459-5334

**PROPOSED USES/INTENT:** Request by Kirk Azevedo, Riparian Biosupport, Inc. for a Minor Use Permit (DRC2020-00095) to establish 3.75 gross acres of outdoor cannabis cultivation (3 acre canopy); 27,500 square feet (sf) of indoor mixed-light cultivation (22,000 sf canopy); 5,500 sf gross of indoor ancillary nursery (5,000 sf canopy); ancillary transport; and approximately 0.92 acres of related site improvements (e.g., storage containers, parking area, composting/trash areas, water tanks, etc.). Two ordinance modifications are requested. The first is a modification of the parking standards to allow 5 parking spaces where 66 spaces are required; and the second is a setback modification to allow a 120-foot setback from the western property line where 300 feet is required. The project would result in a total site disturbance of approximately 5.51 acres including 4,428 cubic yards of cut and 3,650 cubic yards of fill. The project site consists of 50.50 acres located at 1375 Klau Mine Road about 10 ten miles west of the City of Paso Robles. The project site is within the Agriculture land use category and within the Adelaide sub-area of the North County Area Plan.

**LOCATION:** 1375 Klau Mine Road (Parcel A), Paso Robles, CA 93446

**LEAD AGENCY:** County of San Luis Obispo

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

**STATE CLEARINGHOUSE REVIEW: YES** ☒ **NO** ☐

**OTHER POTENTIAL PERMITTING AGENCIES:** CA Department Fish & Wildlife, CA. Department of Food and AG, and Regional Water Quality Control Board

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

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

## Notice of Determination

**State Clearinghouse No.** _____

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

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

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

| Signature | Project Manager Name | Date | Public Agency |
|---|---|---|---|
| | Eric Hughes (ehughes@co.slo.ca.us) | | County of San Luis Obispo |

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

# Initial Study – Environmental Checklist

**PLN-2039**
**04/2019**

**Project Title & No. Kirk Azevedo, Riparian Biosupport Inc. Minor Use Permit (DRC2020-00095) ED20-247**

**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:

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

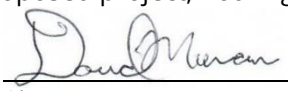
☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ 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.

| | | | |
|---|---|---|---|
| David Moran |  | | 4/29/2021 |
| Prepared by (Print) | Signature | | Date |
| Eric Hughes |  | For Steve McMasters, Principal Environmental Specialist | 5/14/2021 |
| Reviewed by (Print) | Signature | | Date |

# Initial Study – Environmental Checklist

**Project Environmental Analysis**

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

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

## A. Project

**DESCRIPTION:** A request by **Kirk Azevedo, Riparian Biosupport, Inc.** for a Minor Use Permit (DRC2020-00095) to establish 3.75 gross acres of outdoor cannabis cultivation (3 acre canopy); 27,500 square feet (sf) of indoor mixed-light cultivation (22,000 sf canopy); 5,500 sf gross of indoor ancillary nursery (5,000 sf canopy); ancillary transport; and approximately 0.92 acres of related site improvements (e.g., storage containers, parking area, composting/trash areas, water tanks, etc.). Two ordinance modifications are requested. The first is a modification of the parking standards to allow 5 parking spaces where 66 spaces are required; and the second is a setback modification to allow a 120-foot setback from the western property line where 300 feet is required. The project would result in a total site disturbance of approximately 5.51 acres including 4,428 cubic yards of cut and 3,650 cubic yards of fill. The project site consists of 50.50 acres located at 1375 Klau Mine Road about 10 ten miles west of the City of Paso Robles. The project site is within the Agriculture land use category and within the Adelaide sub-area of the North County Area Plan.

Project components are summarized in Table 1. The proposed Project is located on a site that is contiguous to a cannabis project proposed at 1385 Klau Mine Road (DRC2020-00096). Both sites propose the same cannabis activities (e.g., outdoor cultivation, indoor cultivation, ancillary nursery, and ancillary transport), similar square footages for cannabis activities, a similar area of disturbance, and have a common owner. The cannabis project proposed at 1385 Klau Mine Road will take access through the Project site (1375 Klau Mine Road). Figures 1-4 show the location of the two cannabis projects and the development proposed for each site (1375 and 1385 Klau Mine Road). Figures 5-9 provide details of the proposed Project (located at 1375 Klau Mine Road) discussed under this MND.

*Outdoor Cultivation*

An outdoor cultivation area of 3.75 gross acres is proposed with a maximum canopy area of 3 acres. Outdoor cultivation will take place within hoop houses and the plants will be grown in the ground or within pots. The cultivation area will be located near the center of the site in an area previously used for the cultivation of industrial hemp. Outdoor cultivation plots 2 through 10 (Figure 5) will be located at least 300 feet from all perimeter property lines. Plot 1 will be setback greater than 300 feet from the north, south and east property lines; however, a 120 foot setback is proposed from the western property line shared with the

parcel located at 1385 Klau Mine Road. All outdoor cultivation plots will be surrounded by a security fence. Two harvests per year are anticipated; one in June/July and another in October/November.

*Indoor Cultivation (Mixed-Light)*

Indoor cannabis cultivation is proposed within one new greenhouses with a total gross floor area of 27,500 sf and will support 22,000 sf of cannabis canopy. Plants will be grown within pots. The cultivation greenhouse building will be constructed of translucent polycarbonate and will be located south and west of the proposed outdoor cultivation areas on a relatively level area between an existing garage/shop building and an existing residence. The cultivation greenhouse will be constructed with four individual attached bays; each bay will have a pitched roof oriented along the long axis of the buildings (Figure 6). The greenhouse will be equipped with an odor control system. Light deprivation curtains will be installed to prevent interior light from being visible outside during nighttime operations. Five to twelve harvests per year are anticipated for the indoor cultivation activity.

**Table 1 – Project Components**

| Proposed Cannabis Components<br>Biosupport DRC2020-00095 – 1375 Klau Mine Road | | | | |
|---|---|---|---|---|
| **Cannabis Activity** | **Structure / Use** | **Proposed Project Component** | **SF Gross** | **Acres Gross** |
| Outdoor Cultivation | Within Hoop Houses | Outdoor Cultivation (Maximum canopy 3 acres) | 163,350 | 3.75 |
| Indoor Cultivation | New greenhouse | Indoor Cultivation (Maximum canopy 22,000 sf) | 27,500 | 0.63 |
| Ancillary Nursery | New Greenhouse | Ancillary Nursery (canopy 5,000 sf) | 5,500 | 0.13 |
| Ancillary Transport | Outdoor Area. Allows for the transport of cannabis grown onsite to testing facilities and to other licensees consistent with State law. | | 3,600 | 0.08 |
| Miscellaneous Accessory Uses | Cargo Containers for storage fertilizer, tools, and similar materials (2 @ 320 sf each) (*640 sf*) | | 40,155 | 0.92 |
| | 5 parking spaces (includes 1 ADA space) *(815 sf)* | | | |
| | Overflow parking Area *(3,300 sf)* | | | |
| | Composting Area (*6,300 sf*) | | | |
| | Trash/Recycling (*300 sf*) | | | |
| | 4 new water tanks (4 @ 2,500 gallons each) (*2,000 sf*) | | | |
| | Restroom (in Ag Shop) (*400 sf*) | | | |
| | Solar Array *(3,000 sf)* | | | |
| | Interior Road Improvements (16' to 24' width) (8' x ~2,300 linear feet = *18,400 sf*) | | | |
| | Miscellaneous trenching & expanded pad areas *(5,000 sf)* | | | |
| **Total** | | | **240,105** | **5.51** |

*Ancillary Nursery*

The 5,500 square foot nursery greenhouse will be located to the north of the indoor cultivation greenhouse and just south of the access road. The nursery greenhouse will incorporate the same building design and materials as the indoor cultivation greenhouse (Figure 8). Plants will be grown from seed or clone within pots. The greenhouse will all be equipped with an odor control system. Light deprivation curtains will be installed within the greenhouse to prevent interior light from being visible outside during nighttime

operations.

*Ancillary Transport*

The project includes a 3,600 sf outdoor loading area to be used for the ancillary transport of cannabis grown or processed on site. Cannabis products (other than ancillary nursery products) will be loaded into trucks and transported to testing facilities and to other licensees consistent with State law.

### *Other Related Site Improvements*

As noted in Table 1, cannabis operations will include the following additional improvements:

- New composting, soil storage, and trash/recycling areas;
- Two new seatrains for pesticide and nutrient storage;
- Four new water tanks for irrigation;
- A parking area for five vehicles as well as an overflow parking area;
- An upgrade to an existing restroom located within the existing Ag Shop;
- A solar array; and
- Grading for access improvements and additional pad area around proposed structures, and trenching for water and electrical connections/lines.

*Access*

Access to the project site will be provided by a 30' wide road easement that extends to the west from Klau Mine Road and continues through the project site to the adjacent property to the west (1385 Klau Mine Road). This interior access is currently 16' wide and surfaced with decomposed granite (DG). Within the Project site the length of the interior access will be improved to a 24 foot width (20' travel lane with 2' shoulders on each side) with a surface consistent with Cal Fire requirements.

*Operations*

The project will employ up to 4 full time employees during the regular season and up to 7 seasonal employees during harvests for a maximum of eleven employees. Outdoor cultivation would take place between the months of March to November. Indoor cultivation, indoor ancillary nursery, and ancillary transport would occur year round. During the growing season the hours of operation would be from 7 am to 8 pm, 7 days per week. During harvests, the hours of operation would be extended to 6 am to 8 pm seven days per week. The project proposes a total of 5 parking spaces (4 decomposed granite parking spaces and one paved American Disability Act (ADA) compliant space). An unimproved overflow parking area (3,300 sf) would also be provided onsite. Carpool measures are also proposed.

*Security*

A detailed Security Plan has been provided as part of the application materials that includes security fencing, secure main gate entry, and security cameras. Existing perimeter fencing includes a 5-strand barb wire fence around the site's perimeter. The existing perimeter fencing would remain. In addition, new security fencing will enclose the entire indoor and outdoor cultivation areas. The security fence would consist of an eight foot tall chain link fencing with opaque slats. No manufacturing, dispensary, processing or distribution activities are proposed. No public access to the site will occur at any time. Cultivation areas will have complete visual coverage through a network of surveillance cameras. The site will operate in full compliance with State Licensing requirements for track and trace which will further ensure adherence to security protocols.

*Odor Management*

Odor from the outdoor cultivation plots would be ameliorated by the distance to the nearest property line and nearest residence. Outdoor cultivation will be located a minimum of 300 feet from the north, south and east property lines. As discussed above, a 120 foot setback is proposed for plot area HQ 1 along the western property line shared with the parcel located at 1385 Klau Mine Road. The property located at 1385 Klau Mine Road is under the same ownership and is concurrently pursuing a Minor Use Permit for a similar range of cannabis activities. The nearest offsite residence is located about 1,000 feet to the southwest and about 1,500 feet from the area of disturbance. Indoor cultivation and ancillary nursery greenhouses will be fully enclosed and equipped with an odor management system. The proposed greenhouses will have carbon filters that will attach to the ventilation system, providing an air extraction system that will capture odors before they are released into the air.

*Grading*

The outdoor cultivation area will be located in areas previously used for the cultivation of industrial hemp. Proposed greenhouses would be located in previously areas and will be constructed with a slab foundation. Grading would be required for interior vehicular access improvements and for the placement of proposed structures. The proposed structures and interior access grading would result in approximately 4,428 cubic yards (cy) of cut and 3,650 cy of fill for a total site disturbance of approximately 5.51 acres.

As discussed previously, the interior access is currently 16 feet wide, with a DG surface and will be widened to 24 feet with an all-weather surface.

*Waste Management*

Cannabis cultivation will not produce any wastewater as all water is used within the planting environment. All surface water runoff will be managed and adhere to best management practices. All green waste consisting of dead and/or stripped of flower plants in the field and soil are composted onsite within a defined 6,300 sf soil compost area. Trash and recycle bins are proposed; with collection by the local waste management company. No cannabis green or liquid waste will be allowed in these containers. An existing restroom, located within an existing barn, will be provided for the use of employees. The restroom will be brought up to current building standards. The restroom will use an existing septic system and leach field.

*Pesticides & Fertilizers*

In accordance with LUO Section 22.40.050.C.3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan. In this case, the cannabis crop will be farmed using organic methods and will employ the use of only natural pesticides. Any pesticide and fertilizer use will be in accordance with County, Regional Water Quality Control Board, and California Department of Fish and Wildlife standards, and the operator's existing pesticide license for regulations regarding storage, application and disposal. Pesticides will be stored in a designated and marked shed on each parcel. The list of materials that may be on site at a given time is provided below.

| Common Name |
|---|
| Castor oil |
| Corn oil |
| Garlic oil |
| Neem oil -- A naturally occurring pesticide found in seeds from the neem tree |
| Sodium bicarbonate – similar to baking soda and used as a fungicide |
| Geraniol -- Rose oil |
| Potassium bicarbonate as a fungicide |

*Water Management Plan*
The project site is served by an onsite, existing groundwater well. Four, 2,500-gallon water tanks for irrigation are proposed on the project site. The project application materials include a water management plan that indicates cannabis activities will result in a total water demand of 4.44 acre-feet per year (AFY).

**Ordinance Modifications**

*Parking.* The project includes a request for a modification from the parking provisions set forth in Section 22.18.050.C.1 of the County LUO. The type of use that best matches the proposed indoor cannabis cultivation and ancillary nursery is "*Nursery Specialties*" with a parking requirement of one parking space per 500 square feet of floor area. The combined floor area of the proposed greenhouses is 33,000 square feet which would require 66 parking spaces. The project proposes a total of 5 parking spaces including one space designed to meet Americans With Disabilities standards. In addition, a 3,300 sf area for overflow parking is proposed.

*Setback.* The project also includes a request for a modification from the setback standards for outdoor cannabis cultivation set forth in LUO Section 22.40.050 D. 3. The project proposes a 120 foot setback from the west property line where 300 feet is required.

**Baseline Conditions.** The project will be constructed on a single lot of record created by a parcel map (SUB2020-00020) approved in August, 2020. The parcel map grants an access easement to the property to the west (1385 Klau Mine Road) over an all-weather access road that extends to the west from Klau Mine Road. The project site contains a single family residence (manufactured dwelling), a 1,050 square foot shop building, and a series of dirt roads. The project site was used for the outdoor cultivation of industrial hemp beginning in 2016; all hemp-related cultivation activities were removed in May of 2020. The hemp operation was conducted on the subject parcel as well as the adjacent parcel to the west (1385 Klau Mine Road), covered about 6 total acres, and employed two full-time workers. Assuming 2.0 acre-feet (AF) of water demand per acre (Cadiz Inc., 2019) the hemp operations consumed about 12 AFY. Existing and previous agricultural operations include livestock grazing and a small walnut orchard. The project site supports a diverse assemblage of open grassland, oak woodland, riparian and upland scrub habitats.

The project site is crossed by three ephemeral drainages that are tributary to Las Tablas Creek. The easternmost tributary that runs parallel to Klau Mine Road supports an assemblage of coast live oak riparian forest; willows are found along the upper reaches of a second drainage located to the west. Topography of the project site varies from relatively flat lowlands to steep, oak covered hillsides.

# Initial Study – Environmental Checklist

**ASSESSOR PARCEL NUMBER(S):** 014-331-064

**Latitude:** 35.38º N **Longitude:** 120.5257ºW **SUPERVISORIAL DISTRICT #** 1

## B. Existing Setting

**Plan Area:** North County **Sub:** Adelaida **Comm:** Rural

**Land Use Category:** Agriculture

**Combining Designation:** Energy Extractive Area

**Parcel Size:** 50.50

**Topography:** Nearly level to steeply sloping

**Vegetation:** Agriculture Grasses Oak woodland

**Existing Uses:** Agricultural uses single-family residence(s) accessory structures

**Surrounding Land Use Categories and Uses:**

***North:*** Agriculture; agricultural uses ***East:*** Agriculture; agricultural uses

***South:*** Agriculture; agricultural uses ***West:*** Agriculture; agricultural uses

### Other Public Agencies Whose Approval is Required

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

A more detailed discussion of other agency approvals and licensing requirements is provided in Exhibit B of this Initial Study.

# Initial Study – Environmental Checklist

**Figure 1 -- Project Location**

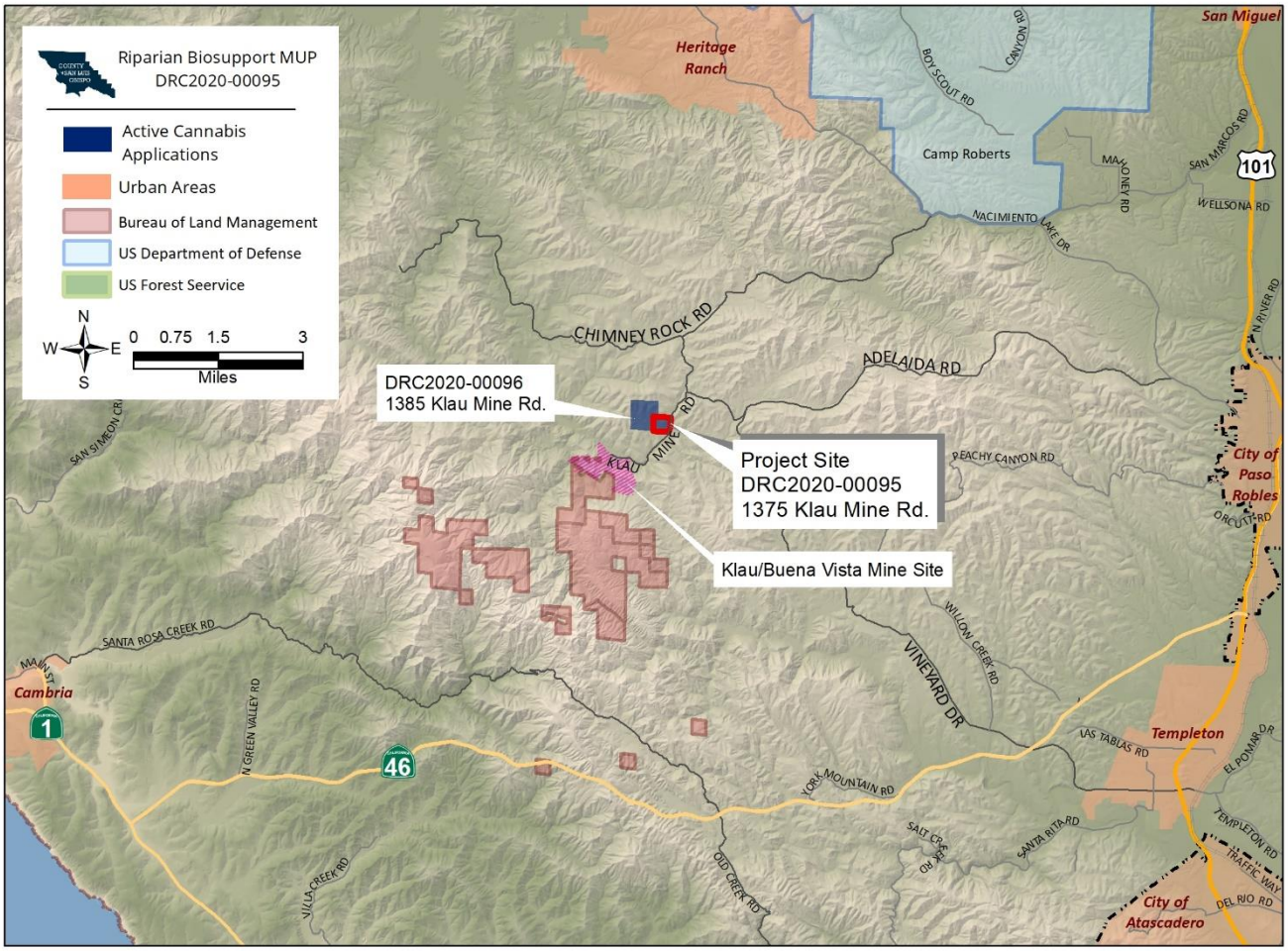


**Figure 2 – Project Site In Relation to 1385 Klau Mine Road**

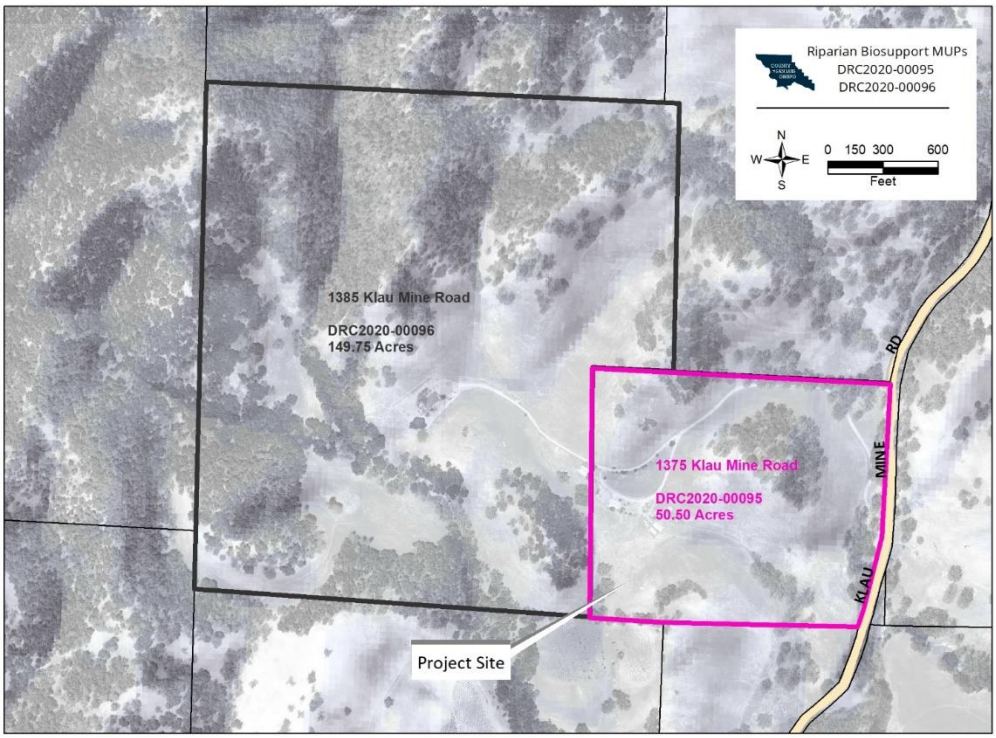



**Figure 3 – Existing Conditions 1375 and 1385 Klau Mine Road**

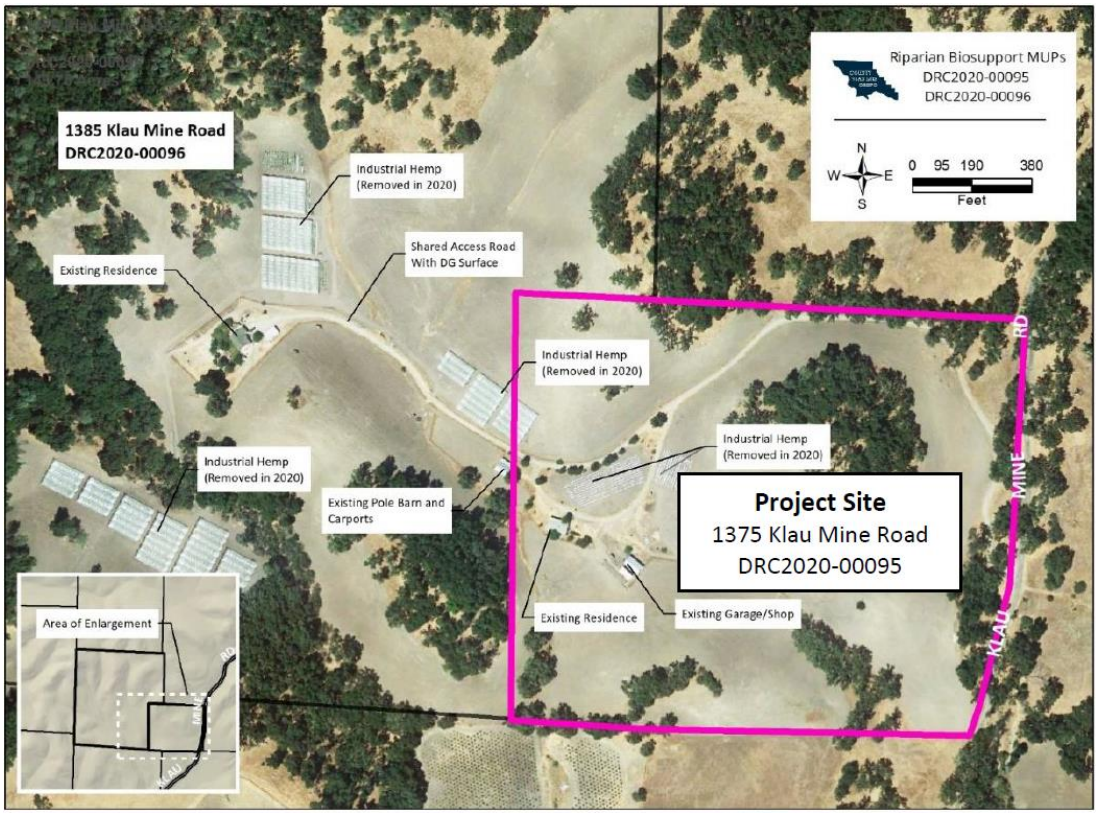
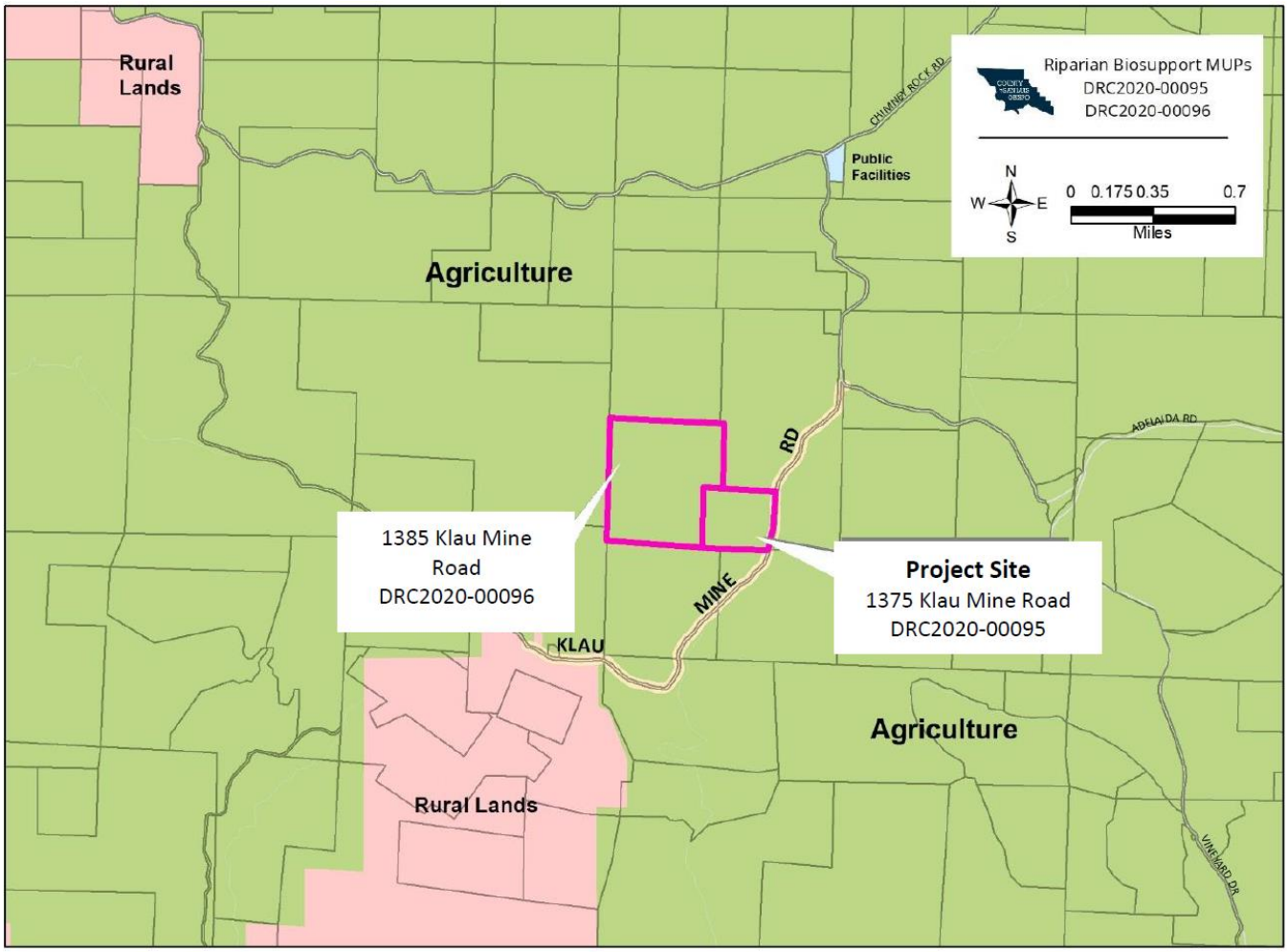
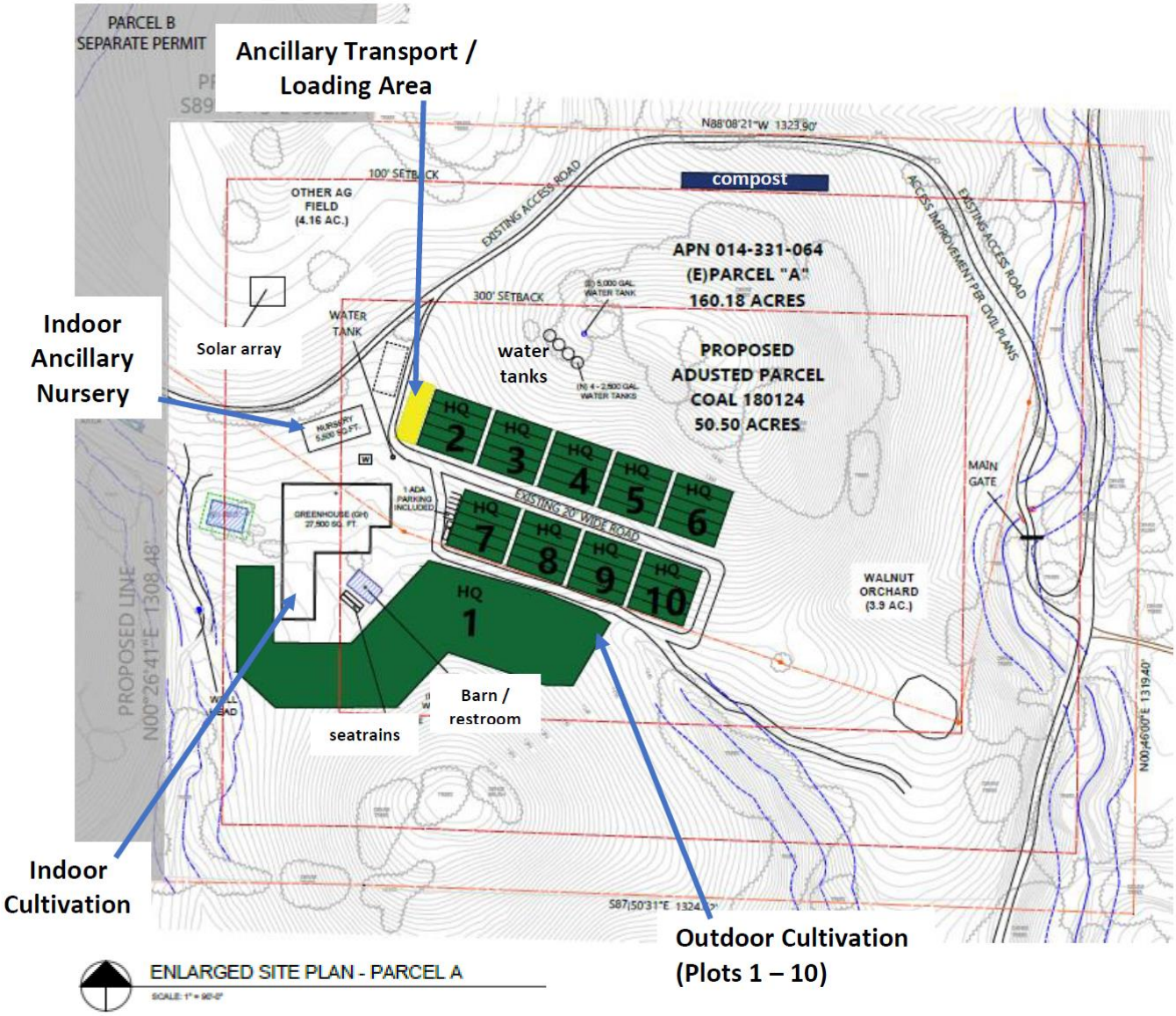


**Figure 4 – Land Use Categories**



# Initial Study – Environmental Checklist

**Figure 5 -- Site Plan For 1375 Klau Mine Road**



# Initial Study – Environmental Checklist

**Figure 6 – Indoor Cultivation Greenhouse Floor Plan and Elevations**

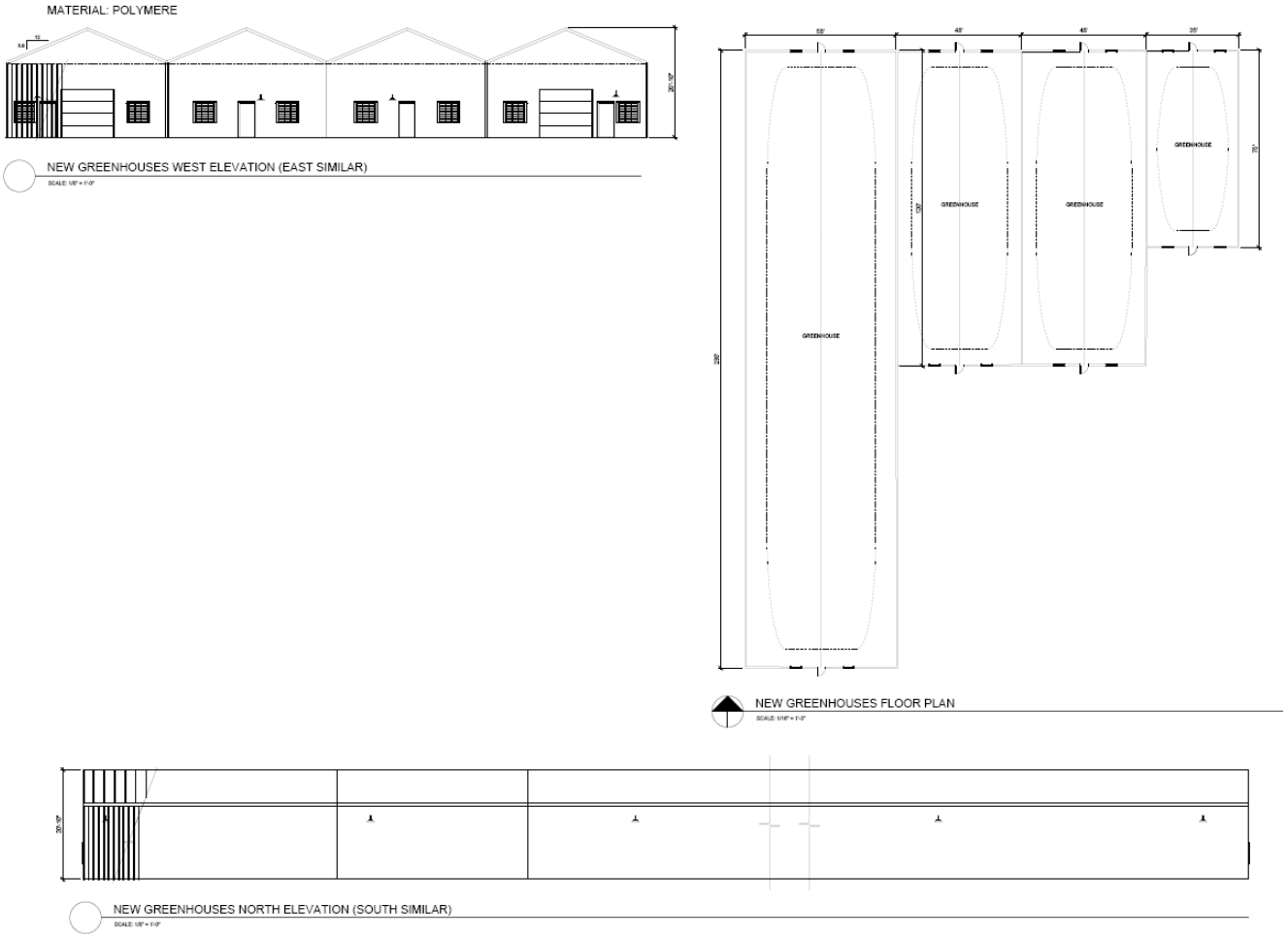


**Figure 7 – Hoop Structures Floor Plan and Elevations**

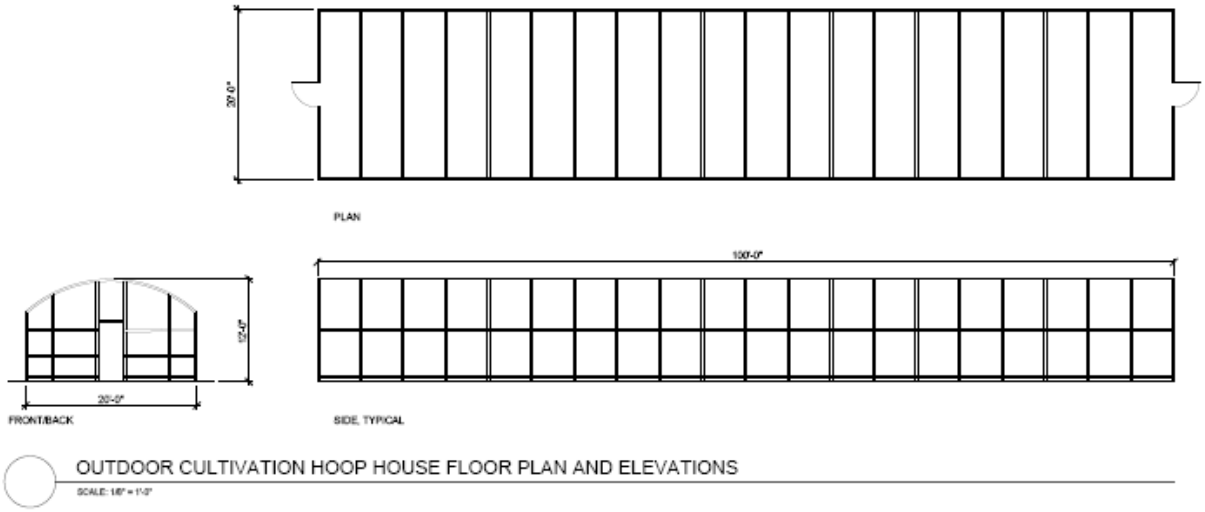
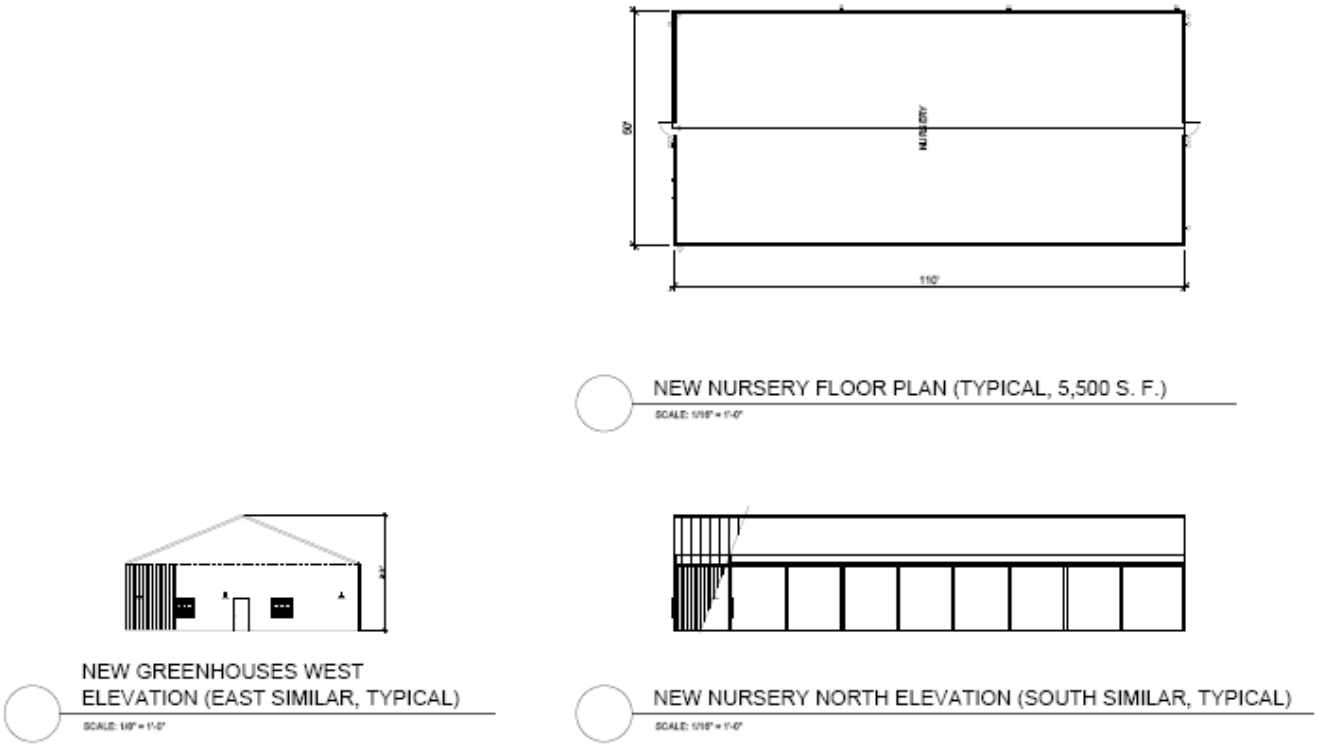
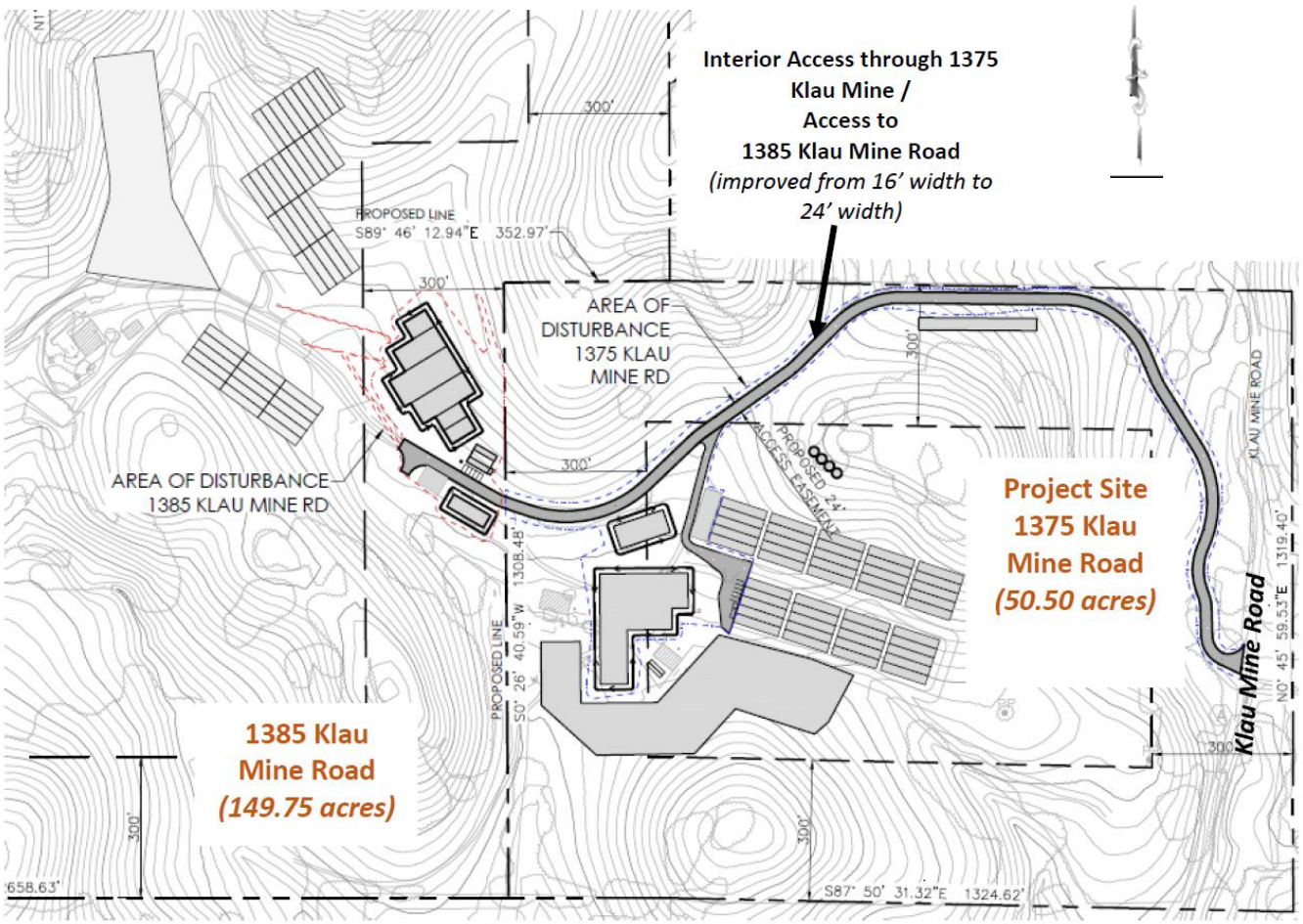



**Figure 8 – Nursery Building Floor Plan and Elevations**



# Initial Study – Environmental Checklist

**Figure 9 – Preliminary Grading Plan**



## 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.

### 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 on a 50.50-acre parcel located west of the city of Paso Robles in a mountainous area characterized by gently to steeply sloping hillsides with dense oak woodlands interspersed with relatively level areas with non-native grasslands. Klau Mine Road, a rural collector, is the primary County-maintained roadway serving the ranches in the area. In the vicinity of the project site the roadway follows a meandering path through the hills following the ephemeral and perennial drainages that are tributary to the Las Tablas Creek watershed. The predominant land use in the area is agriculture (grazing and vineyards) on parcels ranging in size from 25 acres to over 160 acres. The visual quality of the area is relatively high with occasional expansive views of ranchlands and oak-covered hillsides.

The location where cannabis activities are proposed is relatively level and was most recently used for the cultivation of industrial hemp that was removed in May of 2020. Views from Klau Mine Road in the vicinity of the project site are largely screened by the topography and dense vegetation (Figure 10).

## Initial Study – Environmental Checklist

The Conservation and Open Space Element (COSE) of the County of San Luis Obispo General Plan identifies several goals for visual resources in rural parts of the county, listed below:

- **Goal VR 1:** The natural and agricultural landscape will continue to be the dominant view in rural parts of the county.
- **Goal VR 2:** The natural and historic character and identity of rural areas will be preserved.
- **Goal VR 3:** The visual identities of communities will be preserved by maintaining rural separation between them.
- **Goal VR 7:** Views of the night sky and its constellation of stars will be maintained.

Some of the strategies identified to accomplish the goals listed above include encouraging project designs that emphasize native vegetation and conforming grading to existing natural forms, as well as ensuring that new development follows the Countywide Design Guidelines to protect rural visual and historical character.

The Countywide Design Guidelines identify objectives for both urban and rural development. Rural area guidelines applicable to the project include the following:

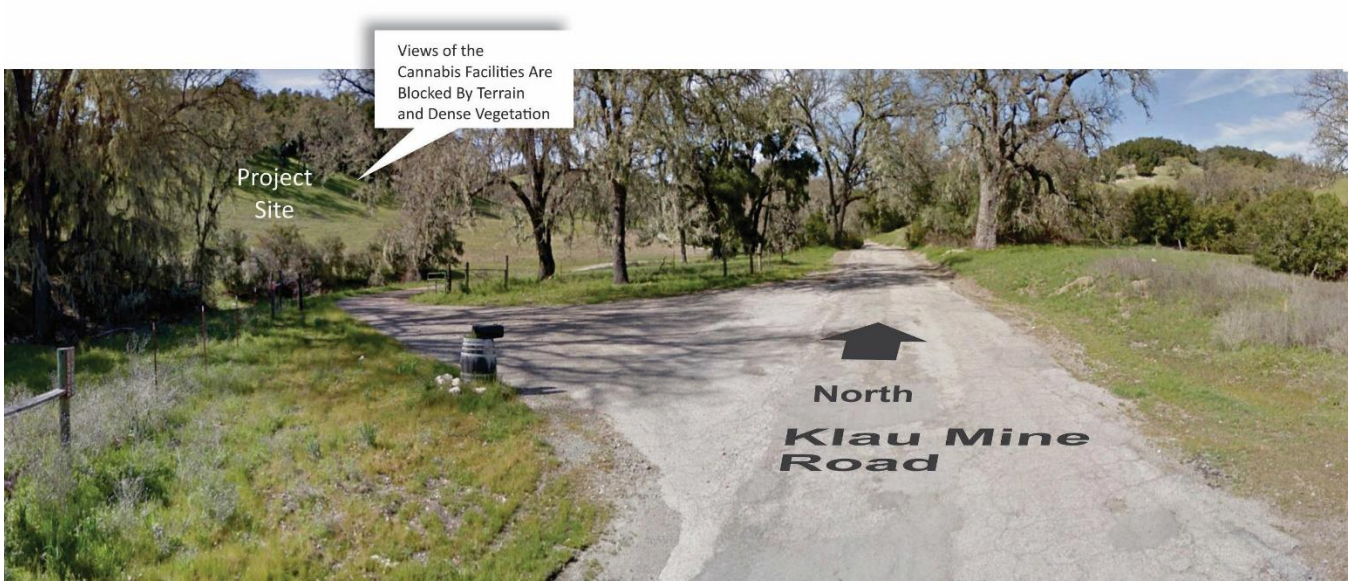
- **Objective RU-5:** Fences and screening should reflect an area's rural quality.
- **Objective RU-7:** Landscaping should be consistent with the type of plants naturally occurring in the County and should limit the need for irrigation.

It should also be noted that the Inland Land Use Ordinance details standards for exterior lighting (LUO Section 22.10.060); however, these standards do not apply to uses established within the Agriculture land use category.

On January 16, 2019, the Office of Administrative Law (OAL) approved the California Department of Food and Agriculture's (CDFA's) cannabis cultivation regulations and the regulations went into effect immediately. These regulations have been set forth in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations and include general environmental protection measures for cannabis cultivation projects, including standards related to aesthetic resources. Section 8304 (c) states, "all outdoor lighting used for security purposes shall be shielded and downward facing." Section 8304 (g) states, "mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare."

The only Officially Designated State Scenic Highway in San Luis Obispo County is Highway 1. The project site is not visible from Highway 1.

**Figure 10 -- Views of the Project Site from Klau Mine Road Looking North**




*Discussion*

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

For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. The project site is located in a rural area of the county accessed by a driveway off of Klau Mine Road which would serve as the primary public vantage for viewing the project site.

While the project vicinity has high scenic value and an appealing rural and agricultural character, it is not considered a scenic vista as it does not offer expansive views of a highly valued landscape and is not officially or unofficially designated as a scenic vista. Therefore, the project would not result in a substantial adverse effect on a scenic vista, and *no impacts would occur.*

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

The project site is not located along, nor visible from, a designated state scenic highway or eligible state scenic highway (Caltrans 2019) nor is it listed as a Suggested Scenic Corridor in Table VR-2 of the Conservation and Open Space Element. Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and *no impacts would occur.*

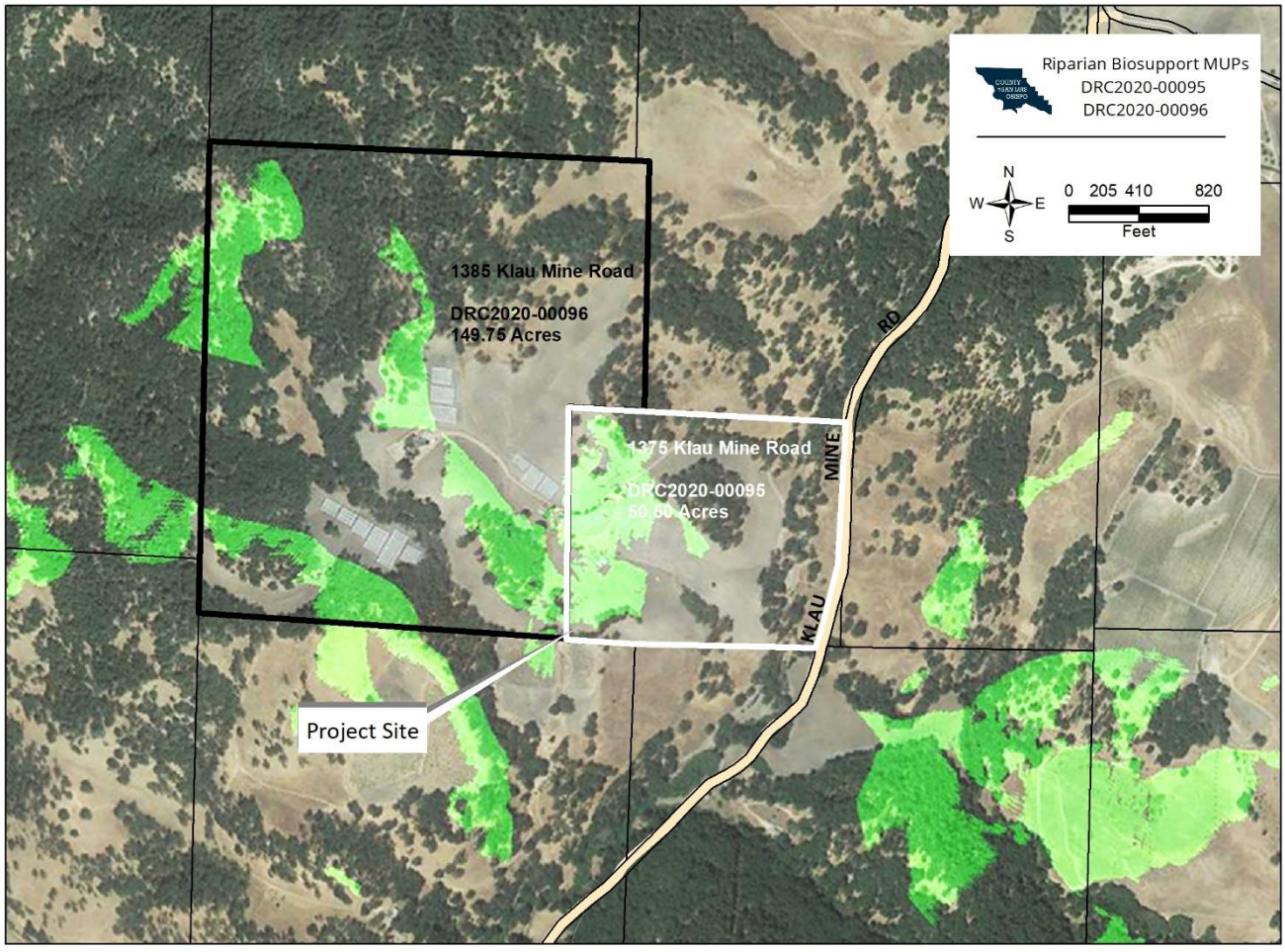
*(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable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

As discussed in the setting the visual character in the vicinity of the project site includes steep, densely vegetated hillsides intersperse with areas of open grasslands used primarily for livestock grazing and orchards. The area proposed for cannabis activities is located on the interior of the project site in an area surrounded by low hills. The proposed greenhouses for indoor cultivation and nursery will be semi-translucent buildings with a pitched roof along the long axis of the buildings

(Figures 6 and 8). Each building will be 24 feet 9 inches at the roof peak. Hoop structures (Figure 7) proposed for outdoor cultivation will be arranged in rows within ten individual cultivation areas with a total gross area of 3.75 acres. As designed, the project will not substantially degrade the existing visual character or quality of public views of the site and its surroundings and will have a *less than significant impact* on public views because:

- As shown in Figure 11, none of the proposed cannabis related facilities will be visible from a public vantage (Klau Mine Road) because of the intervening terrain and vegetation.
- The perimeter of all cannabis use areas will be fenced with 8-foot high chain link security fencing with opaque slats.
- The outdoor cultivation areas will be enclosed in hoop structures surrounded by perimeter fencing and located in the center portion of the project site.
- No significant grading, tree removal or other construction activities are required that would be visible from a public vantage.

**Figure 11 – Light Green Areas Depict Locations Where the Project Will be Visible From Offsite**



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

Due to the remote nature of the project site and relative distance to the nearest urbanized area, the project is located in an area with low existing levels of light pollution (Darksitefinder.com 2020). The project will employ new exterior lighting for security and for operations.

The project also includes mixed-light cannabis and nursery cultivation within proposed greenhouses which may include cultivation techniques such as light deprivation and artificial light simulation. During this process, grow lights may be used in the evenings and nighttime to simulate artificial daylight. The proposed greenhouses would be constructed with materials with relatively high translucency to allow sunlight to be absorbed by the plants. Without appropriate light shielding and prevention, nighttime lighting within these structures would have the potential to affect nighttime views in the area. Mitigation measure AES-1 would require that each greenhouse be equipped with blackout curtains and clarifies when the blackout system is to be engaged when the grow lights are on.

Therefore, upon implementation of AES-1, potential impacts associated with the creation of a new source of substantial light would be *less than significant with mitigation.*

*Conclusion*

The project is not located within view of a scenic vista and would not result in a substantial change to scenic resources in the area. The project would be consistent with existing policies and standards in the County LUO and COSE related to the protection of scenic resources. Mitigation measure AES-1 has been identified to reduce potential impacts associated with lighting to less than significant. Upon implementation of identified mitigation, impacts to aesthetic resources would be less than significant.

*Mitigation*

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

a. 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; and

b. Any exterior 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. All exterior lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions.

*Sources*

Provided in Exhibit A.

# Initial Study – Environmental Checklist

## II. AGRICULTURE AND FORESTRY RESOURCES

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

*Setting*

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. The FMMP rates the quality of agricultural land according to soil quality and current land use. For environmental review purposes under CEQA, the FMMP categories of Prime Farmland, Farmland of Statewide Importance,

Unique Farmland, Farmland of Local Importance, and Grazing Land are considered "agricultural land." Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water.

Chapter 6 of the County COSE identifies resource management goals, policies, and strategies to protect agricultural soils from conversion to urban and residential uses. Important Agricultural Soils within the County are identified in Table SL-2 of the COSE and Policy SL 3.1 states that proposed conversion of agricultural lands to non-agricultural uses shall be evaluated using the applicable policies in the COSE and Agricultural Element.

Soils of the project site are described in detail below. The acreage and corresponding farmland classifications are provided in Tables 2 and 3:

*Nacimiento-Ayar complex, 9 to 30 percent slopes*

Nacimiento -- Slopes are 9 to 30 percent. This component is on hills. The parent material consists of residuum weathered from calcareous shale and/or sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria.

Ayar -- Slopes are 9 to 30 percent. This component is on hills. The parent material consists of residuum weathered from calcareous shale and/or sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 40 to 70 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria.

*Linne-Calodo complex, 9 to 30 percent slopes*

Linne -- Slopes are 9 to 30 percent. This component is on hills. The parent material consists of residuum weathered from calcareous shale and/or sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria.

Calodo -- Slopes are 15 to 30 percent. This component is on hills. The parent material consists of residuum weathered from calcareous shale and/or residuum weathered from calcareous sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 10 to 20 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Nonirrigated

land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria.

*Linne-Calodo complex, 30 to 50 percent slopes*

Linne -- Slopes are 30 to 50 percent. This component is on hills. The parent material consists of residuum weathered from calcareous shale and/or sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 6e. Irrigated land capability classification is 6e. This soil does not meet hydric criteria.

Calodo -- Slopes are 30 to 50 percent. This component is on hills. The parent material consists of residuum weathered from calcareous shale and/or residuum weathered from calcareous sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 10 to 20 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 7e. Irrigated land capability classification is 7e. This soil does not meet hydric criteria.

**Table 2 – Farmland Classifications of the COSE and Corresponding Acreages**

| Soil | COES Classification | Acres |
|---|---|---|
| Linne-Calado (9-30% slopes) | Not Prime | 35.60 |
| Linne Calado (30-50% slopes) | Not Prime | 14.17 |
| Nacimiento-Ayar (9-30% slopes) | Not Prime | 1.14 |
| Total: | | 50.50 |

Source: Classifications based on Table SL-2 of the County General Plan's Conservation/Open Space Element

**Table 3 – FMMP Farmland Classifications and Acreages of Soils On-Site**

| FMMP Classification | Acres | Acres Impacted |
|---|---|---|
| Grazing | 50.50 | 5.51 |

Source: Farmland Mapping and Monitoring Program, 2016

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The project site is not located on a property under a Williamson Act contract; however, adjacent properties to the north, east, and west of 1375 and 1385 Klau Mine Road are located on property under a Williamson Act contract.

According to California Public Resources Code (PRC) Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife,

biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees.

Agricultural activities on the project site have historically involved livestock grazing and a 3.9 acre walnut orchard. Industrial hemp was cultivated on the project from 2016 until it was removed in 2020.

*(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 areas of project disturbance are classified as Grazing Land by the FMMP. Therefore, the disturbance area does not contain land classified as Prime Farmland, or Farmland of Statewide Importance pursuant to the FMMP (California Department of Conservation [DOC] 2016).

In order to be shown on FMMP's maps as Prime Farmland or Farmland of Statewide Importance, land must have been used for irrigated agricultural production at some time during the four years prior to FMMP designation, and the soil must meet the physical and chemical criteria for Prime Farmland or Farmland of Statewide Importance as determined by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS). None of the soils in the area of disturbance meet the physical and chemical criteria for Prime Farmland under the COSE, based on historical aerial photographs, it does appear that the project site has been used for irrigated agricultural production since at least 2013. Since none of the soils onsite meet both of these criteria, there would be *no impact* associated with the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP to non-agricultural use.

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

The subject property is located within the Agriculture land use category; cannabis cultivation activities including the proposed cultivation and nursery activities are allowed uses within this land use designation (LUO Section 22.06.030).

The 50.50 acre parcel is not governed by a Williamson Act contract. Accordingly, the project will not conflict with zoning for agricultural use or with the limitations associated with an active Williamson Act Contract.

The project was also referred to the Agriculture Department for review and comment. Their response (letter of September 30, 2020 from Lynda L. Auchinachie, Agriculture Department) includes recommended conditions of approval that address, among other things, conformance with NRCS best practices, pesticide management, and water conservation. Additionally, the Agriculture Department has become aware of potential incompatibility issues between cannabis activities and traditional crop production. The proposed outdoor cannabis activities are located proximate to land under Williamson Act contract and wine grape vineyards. Wine grape vineyards and crops that can be supported on the properties under Williamson Act contract are known to use pesticides that cannabis is required to be tested for by California law to ensure there are no pesticide residues above the established tolerance levels. The establishment of the proposed project has the potential to cause traditional agricultural operations to cease, curtail or not expand their crop production activities near the proposed site because of the state regulations which have imposed pesticide residue thresholds for cannabis which are significantly lower than the residue thresholds allowed for traditional crops.

The Agriculture Element has policies to protect and encourage agricultural operations and conserve agricultural resources. As stated in Section 22.40.020 of the San Luis Obispo County Code, cannabis is not an agricultural commodity with respect to local "right to farm" ordinances nor is it considered "crop production and grazing" as a land use type. In this regard, the County has significant interest in ensuring the continued viability of agricultural operations adjacent and near cannabis cultivation operations. For these reasons, the Agriculture Department has recommended findings and a condition of approval that limits the liability of surrounding properties in their lawful application of pesticides with respect to potential impacts to cannabis activities.

Therefore, as conditioned, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract and *no impacts would occur.*

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

The project site does not include land use designations or zoning for forest land or timberland as defined by the Public Resources Code; *no impacts would occur.*

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

A biological resources assessment (BRA) was prepared for the project site (Kevin Merk Associates, LLC, July 2020), that included field surveys and an assessment of potential project impacts to sensitive biological resources. Although the project site contains oak woodlands, the area of disturbance is located outside of these areas. In addition, the existing oak woodlands do not meet the definition of "forest land" as prescribed in Public Resources Code Section 12220(g):

> *"Forest land" is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.*

Therefore, there would be *no impact* associated with the conversion of forest land to a 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?*

The project site is generally surrounded by low-intensity agricultural operations including dry farming and grazing. Surrounding agricultural uses could be temporarily affected by noise and dust generated during the construction phase of the project. These impacts would be temporary in nature and would not result in the direct impairment or conversion of agricultural land to other uses.

As discussed in item b) above, cannabis cultivation is allowed within the property's Agriculture land use designation (LUO Section 22.06.030, 22.40.050). Based on the type of existing agricultural operations on the property and overall compatibility with surrounding agricultural activities, the project would not involve other changes in the environment that would result in conversion of farmland to non-agricultural use or forest land to non-forest use; therefore, potential impacts would be *less than significant.*

# Initial Study – Environmental Checklist

*Conclusion*

The project would not result in potentially significant impacts associated with the conversion of farmland, forest land, or timber land to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. Potential impacts to agricultural resources would be less than significant and no mitigation measures are necessary.

*Mitigation*

None necessary.

*Sources*

Provided in 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 Clean Air Plan*

The San Luis Obispo County Air Pollution Control District (SLOAPCD) San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term air pollutant emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the federal and state standards for for air pollutants identified in the federal and state Clean Air Acts. The CAP presents a detailed description of the sources and pollutants that impact the jurisdiction's attainment of federal and state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality. In order to be considered consistent with the San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP.

The County is currently designated as non-attainment for ozone and $PM_{10}$ under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides ($NO_X$) as well as fugitive dust emissions ($PM_{10}$).

*SLOAPCD Criteria Pollutant Thresholds*

The SLOAPCD has published a CEQA Air Quality Handbook (most recently updated with a November 2017 Clarification Memorandum) as a guide to local agencies in their evaluation of project-specific impacts and to help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. The handbook includes established thresholds for both short-term construction emissions and long-term operational emissions. The Handbook also includes screening criteria to determine the significance of project impacts. According to the Handbook, a project with grading in excess of 4.0 acres and moving 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter ($PM_{10}$).

Use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NOx), reactive organic gases (ROG), greenhouse gases (GHG), and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. The SLOAPCD has established thresholds of significance for each of these contaminants.

Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial, and industrial development. Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (referred to as stationary source emissions). Table 1-1 of the APCD's CEQA Handbook provides screening criteria based on the size of different types of projects that would normally exceed the operational thresholds of significance for greenhouse gases and ozone precursors. The list of project categories in Table 1-1 is not comprehensive and does not include cannabis-related activities. However, operational impacts are focused primarily on the indirect emissions associated with motor vehicle trips associated with development. For example, a project consisting of 99 single family residences generating 970 average daily vehicle trips would be expected to exceed the 25 lbs/day operational threshold for ozone precursors.

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

The prevailing winds in the project vicinity are from the north and west during the daylight hours. The nearest offsite residences are upwind to the north and west.

*Sensitive Receptors*

Sensitive receptors are people with an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest sensitive receptor location to the project site is a single family residence located approximately 1,000 feet to the southwest and about 1,500 feet from the area of disturbance.

*Naturally Occurring Asbestos*

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. Based on SLOAPCD's NOA Screening Map, the project site is located in an area identified as having the potential for soils containing NOA.

*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.

*Discussion*

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

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to 4 full-time regular employees and 7 seasonal employees. The project would likely draw from the local labor pool and would not require a significant number of employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. The voluntary commute options program targets employers in the county with more than 20 full time employees; the project would employ up to a maximum of 4 full time and 7 seasonal employees and would therefore not be a candidate for this program. The project would not conflict with regional plans for transit system or bikeway improvements. Project employees would generally be performing manual tasks such as planting, harvesting, and monitoring the irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program.

Overall, the project would not conflict with or obstruct implementation of the CAP; therefore, impacts would be *less than significant.*

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

The County is currently designated as non-attainment for ozone and $PM_{10}$ under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides ($NO_X$) as well as fugitive dust emissions ($PM_{10}$).

Construction Emissions

Based on the project description, the project will have an area of disturbance of about 5.51 acres and will involve 4,428 cubic yards of cut and 3,650 cubic yards of fill which will be balanced on site. This will result in the creation of construction dust, as well as short-term construction vehicle emissions. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), estimated construction-related emissions were calculated and are shown in Table 4 below.

As shown in Table 4, the project is not expected to exceed the daily or quarterly thresholds for ROG and NOx combined and diesel particulates. However, the project is expected to exceed the quarterly

threshold for the emission of respirable particulate matter. As shown in Table 4, construction related emissions are expected to exceed the general thresholds triggering construction-related mitigation and are considered *less than significant with mitigation*.

**Table 4 -- Estimated Construction-Related Emissions, 1375 Klau Mine Road**

| Pollutant | Total Estimated Project Emissions | APCD Emissions Threshold | Mitigation Required? |
|---|---|---|---|
| Reactive Organic Gases (ROG) + Nitrogen Oxide ($NO_x$) (combined) | 91.28 lbs. [1] | 137 lbs./day | No |
| | 0.45 tons [1] | 2.5 tons/quarter | No |
| Diesel Particulate Matter (DPM) | 3.96 lbs. [2] | 7 lbs./day | No |
| | 0.019 tons [2] | 0.13 tons/quarter | No |
| Fugitive Particulate Matter ($PM_{10}$) | 4.13 tons[3] | 2.5 tons/quarter | **Yes** |

Notes:
1. Based on 8,078 cubic yards of material moved and 0.113 pounds of combined ROG and NOx emissions per cubic yard of material moved and 10 construction days.
2. Based 8,078 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved.
3. Based on 5.51 acres of disturbance and 0.75 tons of PM10 generated per acre of disturbance per month and 10 days of construction.

As discussed in the project description, this project is one of two cannabis cultivation projects proposed on adjacent parcels. Accordingly, it is reasonably foreseeable that both projects will be constructed concurrently. Table 5 provides an estimate of construction related emissions associated with both projects based on the amount of grading involved in each project.

**Table 5 -- Estimated Construction-Related Emissions, 1375 and 1385 Klau Mine Road Combined**

| Pollutant | Total Estimated Project Emissions | APCD Emissions Threshold | Mitigation Required? |
|---|---|---|---|
| Reactive Organic Gases (ROG) + Nitrogen Oxide ($NO_x$) (combined) | 234.45 lbs. [1] | 137 lbs./day | **Yes** |
| | 1.17 tons [1] | 2.5 tons/quarter | No |
| Diesel Particulate Matter (DPM) | 10.17 lbs. [2] | 7 lbs./day | **Yes** |
| | 0.050 tons [2] | 0.13 tons/quarter | No |
| Fugitive Particulate Matter ($PM_{10}$) | 8.25 tons[3] | 2.5 tons/quarter | **Yes** |

Notes:
1. Based on 20,748 cubic yards of material moved and 0.113 pounds of combined ROG and NOx emissions per cubic yard of material moved and 10 construction days.
2. Based 20,748 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved.
3. Based on 11 acres of disturbance and 0.75 tons of PM10 generated per acre of disturbance per month and 10 days of construction.

As shown in Table 5, if both projects are constructed concurrently the daily thresholds for ROG+NOx and diesel particulates is likely to be exceeded, as well as the quarterly threshold for respirable particulate matter. Therefore, the cumulative impact of the two projects is *considered cumulatively*

*considerable*. Mitigation measures AQ-1, AQ-2, AQ-3 are recommended to reduce project construction related emissions of ROG, NOx, diesel particulates and fugitive dust. These measures recommend minimizing the area of disturbance where possible, use of water trucks or sprinkler systems, restrictions on the idling of diesel powered earth moving machinery, regular watering of dirt stockpiles, and other measures to reduce construction emissions.

Upon implementation of measures AQ-1, AQ-2 and AQ-3, the project's ROG and NOx, DPM, and PM10 emissions would be reduced to below the SLOAPCD's daily and quarterly emissions thresholds.

Operation-Related Emissions. Based on trip generation rates applied by the Department of Public Works, the project is expected to generate up to 9 average daily trips during typical operations and 29 average daily motor vehicle trips during peak operations. As discussed above, a project that generates less than 970 average daily motor vehicle trips will likely generate emissions that fall below the threshold of significance for ozone precursors and greenhouse gas emissions.

LUO Section 22.40.050.D.4 states that Cannabis cultivation sites located on an unpaved public or private road as defined in Title 20 of the County Code shall incorporate measures to mitigate the air pollution (i.e. dust) effects created by the use. The project site fronts Klau Mine Road which is a paved, county maintained roadway. Therefore, the provisions of LUO 22.40.050.D.4 do not apply. However, as discussed in the project description, the project will be accessed by way of an unpaved all-weather driveway extending to the west from Klau Mine Road that will serve the subject parcel as well as the project proposed for 1385 Klau Mine Road. Accordingly, it is reasonably foreseeable that both projects will be constructed and operated concurrently. Assuming a road length of 0.6 miles and 4 - 8 average daily trips, typical daily operation of both projects will likely exceed the 25 lbs/day operational threshold of significance for the emission of particulate matter (PM10).

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

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

The nearest sensitive receptors are single-family residences located approximately 1,000 feet southwest of the project site and about 1,500 feet from the area of disturbance. Residences may be occupied by sensitive receptors who could be exposed to diesel particulates and fugitive dust from construction activities.

The project would result in temporary increases in air pollutant emissions, including emissions of fugitive dust ($PM_{10}$) and diesel-exhaust particulate matter (DPM) during project construction. These pollutants are known to be hazardous to health, particularly when exposed to a sensitive receptor. As discussed above, the project would require ground disturbance within 1,500 feet of a sensitive receptor and standard diesel fuel idling and dust control mitigation have been identified to reduce fugitive DPM and $PM_{10}$ emissions during construction activities. Implementation of mitigation measures AQ-1, AQ-2 , AQ-3 and AQ-5 would effectively reduce the concentrations of pollutant emissions in proximity to sensitive receptors; therefore, potential impacts would be *less than significant with mitigation.*

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

The project site is located in an area identified as having soils containing NOA by the SLOAPCD. As a result, the applicant will be required to prepare an assessment of the potential for the presence of

NOA before earth disturbing activities begin. Mitigation measure AQ-4 would require a geologic investigation to determine if NOA is present within the area of disturbance. If NOA is found at the site, the applicant shall comply with all relevant requirements in the California Air Resources Board Air Toxics Control Measure for Construction. With implementation of AQ-4, potential NOA impacts would be *less than significant with mitigation.*

The project does not propose to burn any onsite vegetative materials and would be subject to SLOAPCD restrictions on developmental burning of vegetative material; therefore, the project would not result in substantial air pollutant emissions from such activities.

The project includes both indoor and outdoor cannabis cultivation. These activities often produce potentially objectionable odors during the flowering, harvest, and storage phases of the operations which could disperse through the air and be detected by surrounding receptors. Accordingly, Section 22.40.050 of the LUO requires the following:

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

With regard to the effects of cannabis odors on air quality, there are no standards for odors under either the federal or State Clean Air Acts. Accordingly, there are no objective standards through which the adverse effects of odors may be assessed. Although odors do affect "air quality", they are treated as a nuisance by the County and abated under the County's nuisance abatement procedures (Title 1.04.040 of the County Code).

The precise adverse health effects of cannabis odors, if any, are unknown. However, a study published in the Journal of American Medicine in 1986 (Am J Med. 1986 Jan;80(1):18-22) concluded that odors are an important cause of the worsening of certain respiratory illnesses such as asthma. A person's expectations regarding the harmful effects of an odor may affect airway physiology in asthma sufferers (Journal of Psychosomatic Research Volume 77, Issue 4, October 2014, Pages 302-308). As discussed above, odors are not considered an air pollutant under federal or state air quality laws.

The Project incorporates the following features to address odors:

- The outdoor cultivation area, including open air areas and within hoop structures, will be located at least 300 feet from the north, east, and south property lines as required by LUO 22.40.50.D.3. Along the western property line, a 120-foot setback is proposed from the property line shared with1385 Klau Mine Road which is under common ownership and also proposes cannabis activities.
- The Operations Plan required by LUO Section 22.40.040.A.3. sets forth operating procedures to be followed to help ensure odors associated with cannabis related activities do not leave the project site.
- The project has been conditioned to operate in a manner that ensures odors associated with cannabis activities are contained on the project site.
- The project has been conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.

- As required by LUO Section 22.40.050 D. 8., all structures for indoor cannabis cultivation will 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 an odor neutralizing spray. Carbon scrubbers, for example, have been demonstrated to be an effective odor abatement method for indoor cannabis facilities (County of Santa Barbara 2017) and work by pulling odors from the air into an exhaust system and absorbing any odors that pass through via activated/deactivated carbon (granular, pelletized, or powdered). Based on the location of the proposed outdoor cultivation areas and use of proposed odor control systems, the outdoor cultivation areas are not expected to result in detectable offsite cannabis nuisance odors, in accordance with LUO 22.40.050.D.8.

Construction could generate odors from heavy diesel machinery, equipment, and/or materials. The generation of odors during the construction period would be temporary, would be consistent with odors commonly associated with construction, and would dissipate within a short distance from the active work area. The project has been located and designed to prevent any long-term operational nuisance odor emissions from affecting surrounding properties. Therefore, potential impacts associated with other emissions, such as odors, would be *less than significant*.

*Conclusion*

The project would be consistent with the SLOAPCD's Clean Air Plan and thresholds for operational emissions. The project would have the potential exceed the SLOAPCD's construction thresholds for DPM, and fugitive dust emissions and would be subject to standard mitigation measures to reduce associated impacts to less than significant. The project could potentially expose sensitive receptors to substantial pollutant concentrations and would require mitigation to reduce DPM and $PM_{10}$ emissions during construction activities. The project has been located and designed to prevent any long-term operational nuisance odor emissions from affecting surrounding properties. Therefore, potential impacts to air quality would be *less than significant with mitigation*.

*Mitigation*

**AQ-1** **Construction Equipment Emissions Controls.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Maintain all construction equipment in proper tune according to manufacturer's specifications;
2. Fuel all off-road and portable diesel powered equipment with CARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
3. Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
4. Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
5. 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;
6. All on and off-road diesel equipment shall not idle for more than 5 minutes.

7. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
8. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
9. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
10. Electrify equipment when feasible;
11. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
12. Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

**AQ-2** **Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment.** During all site disturbance and construction activities of all project phases:

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
2. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
3. Use of alternative fueled equipment is recommended whenever possible; and,
4. Signs that specify the no idling requirements must be posted and enforced at the construction site.

**AQ-3** **Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

**AQ-4** **Prior to the onset of ground disturbing activities**, the applicant shall prepare a geologic investigation of the project site by a qualified professional to determine if Naturally Occurring Asbestos (NOA) is present within the area of disturbance, including the access roadway. If the investigation determines that NOA is not present, an exemption request shall be filed with the San Luis Obispo Air Pollution Control District (APCD). If NOA is found at the site, the applicant shall

comply with all relevant requirements outlined in the California Air Resources Board Air Toxics Control Measure (ATCM) for Construction. This may include, but is not limited to, development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

**AQ-5** **Operational fugitive dust impacts**. For the life of the project, implement one of the following:

a. Limit the number of round trips using the access roadway from Klau Mine Road to three or fewer per day.

b. For the life of the project, maintain the unpaved road with a dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402). To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

*Sources*

Provided in 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*

The project site is located on a 50.50-acre parcel about ten miles west of the City of Paso Robles in the Santa Lucia Mountains. As discussed in the Baseline Conditions, the site is developed with a single family

residence and accessory structures and supports a diverse assemblage of open grassland, oak woodland, riparian, and upland scrub/chaparral habitats (Figure 12). In addition, two ephemeral drainages (Drainages F and G as shown on Figure 12) cross the site. Topography of the site varies from relatively flat to moderately-sloping. The surrounding properties are developed with rural residences and low intensity agricultural operations.

A biological resources assessment (BRA) was prepared for the project site and the adjoining parcel to the west (1385 Klau Mine Road) by Kevin Merk Associates, LLC (KMA, July 2020), which included field surveys and an assessment of potential project impacts to sensitive biological resources. The following is a summary of the findings and recommendations of that study.

*Methodology*

The BRA evaluates the site's existing natural conditions to determine whether special-status biological resources may be present and could be adversely affected by the project. The study area included all areas within the areas of disturbance for the projects proposed at 1375 and 1385 Klau Mine Road (Figure 2) plus a buffer of approximately 300 feet. The site plans for both projects prepared by Angle Land Use Entitlement (July 6, 2020) and grading plans prepared by Roberts Engineering (July 1, 2020) were reviewed to determine potential impacts to biological resources as defined under the California Environmental Quality Act (CEQA).

To prepare the BRA, a background review of biological information from the area surrounding the project site was reviewed to identify the special-status species and sensitive natural communities that could potentially occur onsite. The CNDDB (CDFW 2020a) was queried for special-status biological resources within the nine USGS 7.5-minute topographic quadrangle maps within the site vicinity. CNDDB records for the Lime Mountain quadrangle, where the project site is located, and the following eight surrounding quadrangles were queried: Adelaida, Cypress Mountain, York Mountain, Cambria, Bradley, San Miguel, Pico Creek, and Tierra Redonda Mountain. The *Web Soil Survey* (Natural Resources Conservation Service [NRCS] 2020) was used to identify the soil mapping units present within the study area. The *National Wetlands Inventory* (NWI) was examined to evaluate the extent of any identified wetlands on the site and in the vicinity (USFWS 2020a). USGS topographic maps were also reviewed for information on hydrologic and topographic features. Designated critical habitat for species listed under FESA was identified and mapped based upon information provided in *Environmental Conservation Online System* (USFWS 2020b).

KMA biologists, Kevin Merk and Susan Christopher, conducted a reconnaissance survey on November 12, 2018. The entire proposed disturbance area was surveyed on foot, as well as natural habitats and drainages outside of the project footprint for a buffer of approximately 300 feet. Habitat types were characterized, all plant species observed that could be identified during the dry season were recorded, and any wildlife species or their sign (e.g., scat, wood rat middens) were noted. Geographically referenced photos of notable features of the study area were taken to characterize the site. Plant communities and other features were mapped on Google Earth aerial imagery.

Biologist Kevin Merk also conducted a focused rare plant survey on May 8, 2019 from 0830 to 1200 hours. The survey included all portions of the project impact area plus some relatively undisturbed areas of the property to determine whether any rare plant populations may be present in the project site or adjacent areas. The weather during the survey was foggy at the start and clearing, with light wind and air temperature 60 to 65°Fahrenheit (F).

From the list of all special-status biological resources (i.e., plants, natural communities, and animals) within the nine quadrangle search, local species distribution information was obtained from a variety of online and published sources (Hoover 1970, Jennings and Hayes 1994, Bolster 1998, Moyle et al. 2015, Thompson et al. 2016, Audubon 2020, Calflora 2020, California Native Plant Society 2020, California Herps 2020, The Cornell

Lab of Ornithology 2020a, 2020b; CDFW 2020d). Those species that are restricted to the coastal region, Camp Roberts, or Paso Robles/Salinas River valley eastward were eliminated from the list of species considered to be within the project vicinity (Appendix B of the BRA). Based upon the biologist's knowledge of the local area and other sources of species occurrence records (particularly observations recorded in Calflora 2020 and The Cornell Lab of Ornithology 2020a), the biologists included additional special-status biological resources that have been documented in the project vicinity.

For the list of all special-status species recorded in the project vicinity, an evaluation of those with potential to occur onsite was conducted based upon the suitability of habitat conditions onsite, and the local distribution (geographical and elevational ranges) and specific requirements (plant communities and soils) of the species considered. The biologists relied on existing information and known occurrence records in the region coupled with site-specific observations to make determinations for the probability of occurrence of special-status species in the study area. Those species listed as "Potential" in Appendix B of the BRA met the following requirements: records in the site vicinity, appropriate plant community and soil associations onsite, and within the elevational range of the species. If any one of these elements was not met or considered to be marginal for the site, but the other elements were present, that species was considered "Unlikely". If environmental conditions were clearly inappropriate onsite, or the species is of very limited distribution that does not overlap the site, those species were considered "Not Expected". If any lifestage or particular life history use (i.e., foraging) fit the requirements of the onsite conditions, even while other aspects were inappropriate for certain functions (i.e., breeding), these species were still considered to have "Potential" to occur onsite and a description of this assessment is provided in the special-status species tables provided in Appendix B of the BRA.

Although definitive surveys for the presence or absence of special-status animal species were not conducted, the May rare plant survey was conducted during a wet year and during the appropriate blooming period when special-status plant species would have been identifiable. Based on the results of the rare plant survey, the probability of occurrence in Appendix B of the BRA was revised to indicate the likelihood that these species could occur in the project impact area. Other plant species that were determined to have potential to occur on the property based upon environmental conditions and nearby records from the background review are listed in the results section, but were removed from consideration within Appendix B of the BRA.

The biologists determined whether special-status plant and animal species, sensitive natural communities, and designated critical habitat could occur on or near the site. They then evaluated the potential impacts of the proposed project on each of these biological resource issues, including the six additional impacts in CEQA Appendix G. An evaluation of significance as defined under CEQA is provided for each potential impact, and mitigation is proposed to reduce impacts to a level below the significance threshold.

*Regulatory Setting*

For the purpose of the BRA, special-status species are those plants and animals listed, or Candidates for Listing, as Threatened or Endangered by the US Fish and Wildlife Service (USFWS) under the federal Endangered Species Act (FESA); those listed as Threatened or Endangered under the California Endangered Species Act (CESA); animals designated as "Species of Special Concern," "Fully Protected," or "Watch List" by the California Department of Fish and Wildlife (CDFW; 2019); plants considered Endangered or Rare under the California Native Plant Protection Act; and, animals considered sensitive that do not have a specific listing status but which are recorded in the California Natural Diversity Database (CNDDB; CDFW 2020a).

FESA provisions protect federally listed species and their habitats from unlawful take, which is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the

specifically enumerated conduct." Under these regulations, "harm" may include significant habitat modification or degradation that kills or injures wildlife. Candidate species are not afforded legal protection under FESA; however, Candidate species typically receive special attention during the CEQA environmental review process. CESA provides for the protection and preservation of native species of plants and animals that are experiencing a significant decline which if not halted would lead to a threatened or endangered designation. Habitat degradation or modification is not expressly included in the definition of take under CESA.

CDFW maintains a list of Species of Special Concern for those species in which declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction. The goal of designating species as special concern is to halt or reverse their decline early enough to secure their long-term viability. Species of Special Concern may receive special attention during environmental review, but do not have statutory protection. FESA and CESA emphasize early consultation to avoid impacts on Threatened and Endangered species. As part of the consultation process, project proponents are directed to develop appropriate mitigation plans to offset project effects on listed species and their habitats.

Sensitive natural communities are those native plant communities listed in the CNDDB (CDFW 2020a) as rare or of limited distribution. They are evaluated using NatureServe's Heritage Methodology to assign global and state ranks based on rarity and threat, and these ranks are reviewed and adopted by CDFW's (2020b) Vegetation Classification and Mapping Program (VegCAMP). Evaluation with the state (S) level results in ranks ranging from 1 (very rare or threatened) to 5 (demonstrably secure). Those with ranks of S1 to S3 are to be addressed in the environmental review process under CEQA (CDFW 2020b).

Critical habitat is designated for species listed under FESA, and are areas that contain the physical or biological features which are essential to the conservation of those species and may need special management or protection. Critical habitat designations affect only federal agency actions or federally funded or permitted activities. Activities by private landowners are not affected if there is no federal nexus.

Rare plants are those defined as occurring on California Rare Plant Rank (CRPR) 1A, 1B, 2A, 2B, 3 and 4 developed by the CDFW working in concert with the California Native Plant Society (CNPS; CDFW 2020c). Rank 4 species are a watch list, and typically do not meet CEQA's rarity definition but are included because they may be of local concern. The CPR definitions are as follows:

- *Rank 1A: Presumed extirpated in California and either rare or extinct elsewhere.* These species are presumed extirpated because they have not been recorded in the wild in California for many years.
- *Rank 1B: Rare, threatened or endangered in California and elsewhere.* Plants that are rare throughout their range and the majority in this rank are endemic to California.
- *Rank 2A: Presumed extirpated in California, but more common elsewhere.* These species are presumed extirpated because they have not been recorded in the wild in California for many years, but they are common outside of the state.
- *Rank 2B: Rare, threatened or endangered in California, but more common elsewhere.* Plants that have ranges that extend into California, where they are rare, but are common in areas outside of the state.
- *Rank 3: Plants needing more information - A review list.* Information necessary to assign the species to one of the lists or reject them is lacking. Most species in this rank are taxonomically unresolved.
- *Rank 4: Plants of limited distribution - A watch list.* Species of limited distribution or infrequent occurrence throughout their range in California but which their vulnerability to extirpation appears low at this time and should be monitored.

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state regulations. Birds of prey are protected in California under the California Fish and Game Code Section 3503.5. Disturbance that causes nest abandonment or loss of reproductive effort is considered take by CDFW. Eagles are protected under the Bald and Golden Eagle Protection Act. The federal Migratory Bird Treaty Act (MBTA) applies to many bird species, including common species, and prohibits killing, possessing, or trading in migratory birds, including whole birds, parts of birds, bird nests, and eggs. The act restricts construction disturbance during the nesting season that could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment.

Impacts to, or removal of, mature oak trees (i.e., greater than six inches in diameter at breast height [DBH]) or oak woodland habitat is evaluated under CEQA as a potentially significant impact. As a CEQA Lead Agency, the County of San Luis Obispo currently applies a 4:1 mitigation ratio for removed trees and a 2:1 mitigation ratio for impacted trees. Mature coast live, valley, and blue oak trees are present on the project site in association with open savannah, dense woodland, and riparian habitat. Based on the current development plans, it is expected that no oak trees will be removed as a result of the proposed development. However, impacts to oak trees may occur through trimming, compaction or excavation within the critical root zone (typically defined as 1.5 times the distance from the trunk to the drip line), and placement of year-round or summer watering within the critical root zone. Impacted and removed trees may require mitigation in the form of on-site plantings or off-site protection of existing oak woodland.

The County of San Luis Obispo adopted an Oak Woodland Ordinance (Chapter 22.58) on April 11, 2017, effective May 11, 2017. This ordinance prohibits clear-cutting (removal of more than one acre of contiguous trees) within an oak woodland and on slopes >30 percent, without an exemption or permit. There are exemptions for clearance required by CalFire or otherwise creating a fire break, trees that are diseased or dead, trees creating a hazardous condition, residential development, public utility work, and tree removal for establishing fence lines. A Minor Use Permit is required for clear-cutting 1-3 acres of oak woodland over a 10-year period, and a Conditional Use Permit is required for clear-cutting more than 3 acres over a 10-year period (County 2017). Property owners who want to remove less than one acre of oak woodland (defined as a grouping of trees where the dominant species is blue oak, coast live oak, interior live oak, valley oak, and California black oak) are required to file an Oak Woodland Tree Removal Form with the Department of Planning and Building or by preparing and submitting an Oak Woodland Management Plan (County 2018). Removal of individual Heritage Oaks, which are individuals of any of the oak species listed above 48-inches diameter at breast height or greater and separated by oak woodland habitat by at least 500 feet, can be authorized under a Minor Use Permit (County 2017). This ordinance does not apply to the removal of individual oak trees (except for Heritage oaks), woodland thinning, or tree trimming, which can be conducted without a permit (County 2018).

Lastly, Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations include general environmental protection measures for cannabis cultivation projects, including the following requirements associated with compliance with biological resources:

a. Comply with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife; and

b. Comply with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code.

*Habitats*

Four primary habitat or land use types were observed in the survey area for 1375 and 1385 Klau Mine Road an included: 1) Agriculture; 2) Developed/Ruderal; 3) Foothill Woodland; and, 4) Non-native Grassland

(Figure 12). Within the proposed project area for both parcels, Agriculture and Developed/Ruderal were the primary land use types. The habitat types are described below.

*Agriculture*

The areas identified as Agriculture on Figure 12, consisted of disked areas observed during the site visits, which were historically disturbed and/or farmed as shown on Google Earth time series imagery. These areas had greater than 90% bare soil and shale rocks, with occasional weedy vegetation such as field bindweed *(Convolvulus arvensis),* summer mustard *(Hirschfeldia incana),* and western vervain *(Verbena lasiostachys).* A rocky area had some native species, such as California milkweed *(Asclepias californica),* beardless wild rye *(Elymus triticoides),* California cottonrose *(Logfia filaginoides),* coast tarweed *(Madia sativa),* and small fescue *(Festuca microstaychys).* Areas used for agriculture were located in openings among the patches of woodland that appeared to formerly contain Non-native Grassland habitat, and did not encroach into woodland habitats. Some of the Agriculture areas were used for hemp cultivation in addition to historic hay farming.

*Developed/Ruderal*

The areas identified as developed or ruderal were around the existing residences and included outbuildings, hoop houses, and roads that are regularly disturbed and had weedy plant species that are adapted to frequent disturbance, including yellow starthistle *(Centaurea solstitialis),* slender wild oats *(Avena barbata),* coyote brush *(Baccharis pilularis),* black mustard *(Brassica nigra),* and Harding grass *(Phalaris aquatica).* Species that were planted included numerous horticultural landscaping plants as well as several trees including pines *(Pinus* sp.) and California sycamore *(Platanus racemosa).* Subsequent to the site visits, some of the Developed/Ruderal areas were used for hemp cultivation, as shown in the attached site plans.

*Foothill Woodland*

The Foothill Woodland habitat type on the property occurred on hillsides, hilltops, and along drainages. It was comprised of mature trees with Non-native Grassland and shrubs in the understory. Dominant tree species included coast live oak *(Quercus agrifolia),* valley oak *(Quercus lobata),* and foothill pine *(Pinus sabiniana).* The shrub understory included toyon *(Heteromeles arbutifolia),* poison oak *(Toxicodendron diversilobum),* common snowberry *(Symphoricarpos albus),* and California coffeeberry *(Frangula californica).* The herbaceous species in the understory consisted of yerba buena *(Clinopodium douglasii),* pink honeysuckle *(Lonicera hispidula),* and bur chevril *(Anthriscus caucalis).*

*Non-native Grassland*

Non-native Grassland occurred in the understory of, and openings in, the Foothill Woodland habitat, along ephemeral drainages where disking was not conducted, and in one opening within the Foothill Woodland habitat in the western portion of the property that was not disked. Dominant species included ripgut brome *(Bromus diandrus),* soft chess *(Bromus hordeacous),* Italian thistle *(Carduus pycnocephalus),* summer mustard, slender wild oats, California melic *(Melica californica),* field hedge parsley *(Torilis arvensis),* wine cup clarkia *(Clarkia purpurea),* dogtail grass *(Cynosurus echinatus),* and California milkweed. Native forbs included sky lupine *(Lupinus nanus),* pinpoint clover *(Trifolium gracilentum),* rancheria clover *(Trifolium albopurpureum),* blue dicks *(Dichelostemma capitatus)* and coast tarweed.

### *Hydrologic Features*

Each of the drainage features mapped on Figure 12 are shown as intermittent drainages on the USGS Lime Mountain quadrangle. These drainages are also shown on the USFWS National Wetland Inventory (NWI) map. These ephemeral drainages (described below) are tributaries of Las Tablas Creek, which flows west

and then north into Lake Nacimiento. No agricultural ponds or impoundments were observed on the property. With the exception of Drainage G, no water or damp soil conditions were present at any of the onsite drainages, and they were dominated by upland plant species. Drainages C, D, and E that run through agricultural areas had a buffer along the channel that was not disked, and vegetation was composed of upland Non-native Grassland species. The May 2019 site survey followed an exceptionally wet winter, and the only drainage onsite that had water was Drainage G. Drainages C, D and E showed no signs of flow from surface runoff earlier that winter, apparently due to their limited watersheds and potentially from the San Simeon earthquake.

The NWI shows freshwater emergent wetland, freshwater forested/shrub wetland, and a freshwater pond along Drainages C, D and E. According to the BRA, these areas appear to have been mapped in error as no wetland vegetation was present in Drainages C, D or E at the time of the site visits, and only Drainages F and G contained a few scattered plant species that would indicate periods of increased soil moisture (as described below). The pond shown by the NWI on Drainage D appears to be a misinterpretation of aerial photographs because an excavated or graded area is visible on historical aerial photography, but this area is on the hillside and does not appear capable of holding surface water. The NWI incorrectly maps this feature as occurring on Drainage D, but in fact the drainage channel actually occurs to the west of the NWI mapped location. In addition, there is a rock rubble pile across Drainage D that apparently was constructed to prevent erosion, but the rocks are loosely fitted and do not impound water. This feature is visible on aerial photography and may have been misinterpreted as an impoundment on the drainage. No evidence of impounded water was observed during the surveys, and the site conditions suggested ponded water likely never occurred in that location.

Freshwater forested/shrub wetland (riparian vegetation) is mapped along Las Tablas Creek south of the survey area (Figure 12), and was also observed in the field as a band of willow woodland along the channel offsite. The only willow scrub riparian habitat observed onsite was a small patch of red willows *(Salix laevigata)* at the headwaters of Drainage F. The coast live oak trees taken together with a mesic understory along Drainage G could be classified as Central Coast Live Oak Riparian Forest (Holland 1986).

A description of the drainages onsite is provided below and corresponds to locations shown on Figure 12 and the photographs provided in in Appendix C of the BRA. Drainages A, B, D, and E, are located entirely on the parcel located at 1385 Klau Mine Road. Drainages F and G are located entirely on the property at 1375 Klau Mine Road. Portions of Drainage C are located on both.

Drainage A: Ephemeral drainage with predominately upland non-native grassland species characteristic of the surrounding understory within the Foothill Woodland habitat, and also having blue wild rye *(Elymus glaucus),* goldenrod *(Solidago* sp.), poison oak, and southern honeysuckle *(Lonicera subspicata).* No evidence of flow was seen during the site visits.

Drainage B: Ephemeral drainage, less than two (2) feet wide, within Foothill Woodland habitat with at least 90% canopy cover. The understory was composed of redberry *(Rhamnus crocea),* snowberry *(Symphoricarpos mollis),* nodding needle grass *(Stipa cernua),* blue wild rye, giant wild rye *(Elymus condensatus),* poison oak, yerba buena, southern honeysuckle, California wild rose *(Rosa cahfornica),* and narrow leaf milkweed *(Asclepias fascicularis).* Evidence of flow from the previous winters, such as racking of duff and branches against a rock, was observed during both site visits, but there was no water present. There is a farm road crossing through the drainage with no signs of erosion.

Drainage C: Ephemeral drainage downstream of the confluence of Drainages D and E which flow through a small culvert under the existing driveway. Disturbance at the confluence location upstream from the road crossing as well as in a former pasture area downstream from the road has eliminated a true

channel. There was no evidence of flow and the disturbed area was vegetated by weedy upland species, which were predominantly yellow starthistle and summer mustard. Downstream from the disturbed area there is a section of channel that had not been disked and was vegetated by Non-native Grassland.

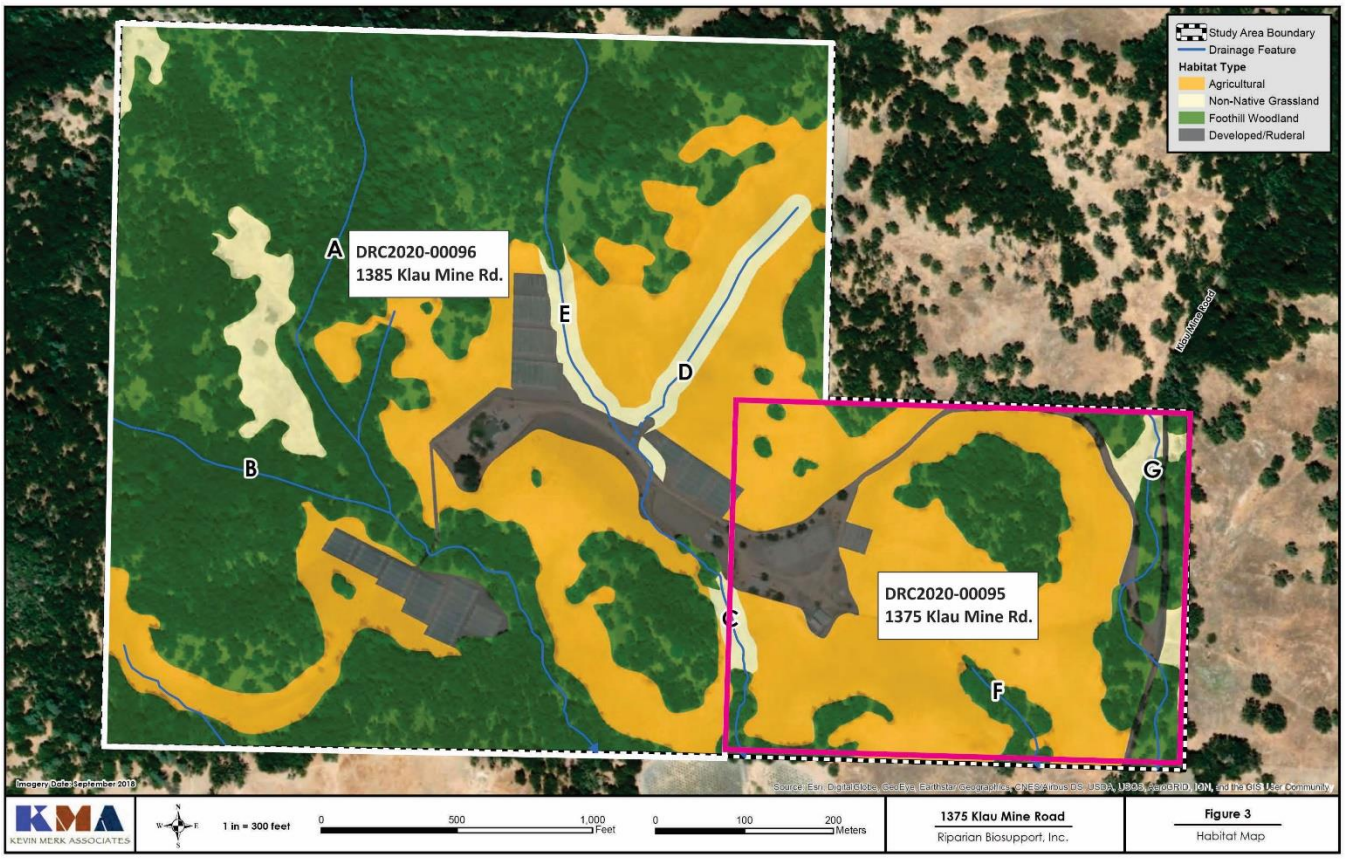
Drainage D: Ephemeral drainage with no clearly defined channel, and no evidence of flow was seen during either site visit. It was vegetated by summer mustard, ripgut brome, soft chess, and yellow starthistle. A rock rubble pile has been placed on the lower end of the drainage, possibly from clearing rocks from the agricultural field or to prevent erosion.

Drainage E: Ephemeral drainage with no clearly defined channel or evidence of flow. Below the wooded portion of the drainage, it was vegetated by summer mustard, ripgut brome, soft chess, and yellow starthistle.

Drainage F: Ephemeral drainage lacking a scour line in a narrow (1-foot wide) channel with steeply sloping hillsides. One potential small plunge pool was seen. The overstory was valley oak, and in the upper portion of the drainage there were a few medium-sized red willows and California coffeeberry shrubs. Along the channel there were a few clumps of slender rush *(Juncus tenuis),* but otherwise it was vegetated by upland non-native grassland species.

Drainage G: Intermittent stream with rock and cobble substrate, which receives seasonal flows. Evidence of flow was seen during the November 2018 survey as racking and leaves caught on obstructions, and flowing water was present throughout the channel during the May 2019 survey. At the crossing of the existing driveway, it flows through two culverts with headwalls made from stacked pavers. Grates have been installed in the upstream side of the channel to trap leaves and other debris and prevent clogging the culverts. The channel was vegetated by soft chess, ripgut brome, summer mustard, narrow leaf milkweed, wild teasel *(Dipsacus fullonum),* smilo grass *(Stipa miliacea),* false brome *(Brachypodium distachyon),* and willow herb *(Epilobium brachycarpum).* The streambank was vegetated by coffeeberry, redberry, southern honeysuckle, creek clematis *(Clematis ligustiafolia),* and poison oak. The overstory was dominated by coast live oak, and given the species in the understory, could be considered Central Coast Live Oak Riparian Forest (Holland 1986).

**Figure 12 – Habitats and Ephemeral Drainages Associated with 1375 and 1385 Klau Mine Road**




*Special-status Plant Species*

Nine special-status plant species were determined to have potential to occur onsite within the Foothill Woodland and Non-native Grassland habitat types on the property. Of these nine species, none are associated with disturbed or developed habitats. None of these species are federally or state listed as Threatened or Endangered or are Candidates for listing, but instead are California Rare Plants. These species may occur in woodland or open grassy areas that are outside of the proposed disturbance footprint. The grassland-associated species could occur either in the understory of woodland habitat, or in the limited areas of grassland that have not been disked. The majority of grassland areas on the site have been farmed over the years and are currently in agriculture, which reduces the chance that special-status plant species would occur in these areas. Additionally, because there are no large expanses of true undisturbed grassland habitat on the property, the probability that they could occur is much lower than for similar undisturbed sites. The following rare plant species were considered to have potential to occur onsite due to plant community and soils affiliations, documented elevational range, and records in the site vicinity:

- Douglas' fiddleneck *(Amsinckia douglasiana);*
- Santa Lucia manzanita *(Arctostaphylos luciana);*
- Salinas milk-vetch *(Astragalus macrodon);*
- Dwarf calycadenia *(Calycadenia villosa);*

- Small-flowered gypsum-loving larkspur *(Delphinium gypsophilum* ssp. *parviflorum);*
- Umbrella larkspur *(Delphinium umbraculorum);*
- Jones' bush-mallow *(Malacothamnus jonesii);*
- Woodland woollythreads *(Monolopia gracilens);* and,
- Michael's rein orchid *(Piperia michaelii).*

The May 2019 focused rare plant survey covered all of the potential disturbance areas proposed by the projects located on 1375 and 1385 Klau Mine Road, and focused on searches for the nine rare plant species identified above with potential to occur on the property. No special-status plant species were found within the project impact area. May is within the documented blooming period of eight of the special-status plant species listed above, and the ninth species is Santa Lucia manzanita, which is a perennial shrub and would have been identifiable at any time of year. Spring 2019 followed an exceptionally wet winter, which would have presented favorable conditions for the growth of plant species. Therefore, if any rare plant species were present in the areas of disturbance for either project, there is a very high probability that they would have been found during the survey. Most of the project area had already been disked or was otherwise disturbed. The exception was the patch of undisked Non-native Grassland in the western portion of the site, and no special-status plant species were found in this area that could contribute propagules to other areas onsite. The special-status biological resources table in Appendix B of the BRA has been revised to indicate that these species are Not Expected to occur in the project impact area based upon this survey, and no further surveys are recommended at this time.

*Special-status Wildlife Species*

There is potential for five special-status amphibian or reptile species, three bird species, and seven mammal species to occur in the study area. Each of these species is a CDFW Species of Special Concern or are considered to be a sensitive species, and none are federally listed as Threatened or Endangered or are Candidates for listing. The two eagles are CDFW Fully Protected species, and one is state Endangered. No special-status invertebrates or fish were considered to have potential to occur on the site. There is no designated critical habitat for federally listed species on or near the study area. While these 15 animal species could use Foothill Woodland habitats on the property, there is a very low probability that any would occur in the Agriculture or Developed/Ruderal areas where the project would be located. Project impact areas are highly disturbed and would not provide the resources or structure necessary to provide cover, food, or other resources necessary to maintain wildlife populations. Use by special-status animal species within the project impact area is expected to be unlikely, and limited to transitory individuals that may occur periodically while foraging or moving through the area. These considerations are described below for each special-status animal species with potential to occur on the property.

Southwestern Pond Turtle. The southwestern pond turtle *(Actinemys pallida)* has been recorded from Las Tablas Creek less than 1500 meters from the property (CDFW 2020a), and may occur in other areas of that creek closer to the project site. In addition, there is a potentially suitable pond visible on aerial photography on an adjacent property approximately 320 meters from the site. Marginal aquatic habitat is present at Drainage G, which could be occupied by this species periodically when it contains water although it appears to lack pools of sufficient depth to support long-term occupancy. There are no ponds or permanent streams on the property that could support the aquatic life history phase of this species, but they could use upland habitats on the site for refugia in fall/winter. Southwestern pond turtles move away from aquatic sites in fall when water levels decline; they have been found to move up to 1,096 meters in one season, and occupy oak woodland, scrub and chaparral vegetation within 500 meters from

their aquatic sites for up to 30 weeks (Reese and Welsh 1997, Rathbun et al. 2002, Pilliod et al. 2013). Nesting, which occurs in summer in upland areas, is unlikely to occur onsite because they have been found to use areas closer to aquatic habitats (within 170 meters) (Rathbun et al. 2002). Southwestern pond turtles may move through agricultural areas onsite but are not expected to occupy these areas for refugia due to lack of cover. Terrestrial habitats likely to be used onsite include drainage corridors and Foothill Woodland.

California Red-Legged Frog. The federal threatened California red-legged frog (*Rana draytonii*) is a highly aquatic amphibian that is known to occur in nearby drainage features and designated critical habitat Unit SLO-2 (Piedras Blancas to Cayucos Creek) for the California red-legged frog is located within five miles of the study area. This unit is comprised of 82,673 acres, and is along the northwestern coast of San Luis Obispo County extending eastward to the upper Santa Rosa Creek watershed (USFWS 2010). The limits of the critical habitat unit generally follow the ridge of the Santa Lucia Mountains, near Cypress Mountain, and do not extend into the Las Tablas Creek watershed in which the project site is located. According to the BRA, there are no records of the California red-legged frog in the CNDDB from Las Tablas Creek (CDFW 2020a), and no suitable aquatic habitat for the species is present in the portion of the study area within 1375 Klau Mine Road.

However, according to the project referral response from the US Fish and Wildlife Service (letter of May 7, 2019), the critical habitat for the federally listed California red-legged frog is three miles south-west of the project site with contiguous habitat linking California red-legged frog locations and the project site.

California Legless Lizard. The northern California legless lizard *(Anniella pulchra)* has been recorded in the foothills of the Santa Lucia Range (CDFW 2020a), and all of San Luis Obispo County is included in the central part of this species' range (Thompson et al. 2016). This species occurs in a variety of habitats as long as there is soil moisture and cover, including beach dunes, chaparral, pine forest, oak woodland, riparian forest and scrub, coastal scrub and landscaped areas near residences (California Herps 2020). This species is fossorial and buries into loose soils, leaf litter, or is associated with cover objects that provide moisture (i.e., rocks, boards, and logs). They forage just beneath the surface of loose soil or in leaf litter during the morning or evening, and may be active above the surface at dusk or at night (California Herps 2020). Their peak activity near the surface is from February through May (Yasuda 2012). Suitable habitat is present in the Foothill Woodland habitat. The clay loam soils in this area are likely to be suitable, especially in woodland areas with increased organic matter that would provide increased friability of the soil. Leaf litter, rocks or logs may provide adequate cover. They would not occur in Agricultural areas due to frequent disking, arid soil conditions and lack of cover. They could occur in Developed/Ruderal areas under lumber piles or similar objects that maintain moist soil conditions.

Lesser Slender Salamander. The lesser slender salamander *(Batrachoseps minor)* has a very restricted distribution along the crest and north slope of the Santa Lucia Range extending from the area west of Cambria through Cuesta Pass and east to Trout Creek in Santa Margarita (Samuel S. Sweet, unpublished range map). Therefore, the project site is slightly north and east of the species' known distribution. However, little is known about this species and most areas in the vicinity are private land inaccessible to researchers. In addition, DNA analysis of collected individuals is needed to determine the identity of this species from sympatric black-bellied salamanders *(Batrachoseps nigriventris).* The site is within the elevational range of the lesser slender salamander, and suitable habitat is present in the more mesic areas along drainages and within dense Foothill Woodland. It would not occur in or near Agricultural areas onsite because of its requirements for dense woodland cover and moisture.

Blainville's Horned Lizard. Blainville's horned lizard *(Phrynosoma blainvillii)* has been reported from Camp Roberts and along the Salinas River (CDFW 2020a), and all of San Luis Obispo County is within the central

part of this species' range (Thompson et al. 2016). They occur in a variety of habitat types, as long as those areas have open areas for basking in the sun, and shrubs or other objects for cover. They are surface active primarily in the spring and summer during periods of warm weather, and retreat underground during periods of low temperatures or extreme heat (California Herps 2020). While they can "swim" into loose sandy soil for burial, they area also found in areas with sandy gravel or loam substrates where they use small mammal burrows (Jennings and Hayes 1994). This species is negatively correlated with the presence of the invasive and non-native Argentine ants *(Linepithema humile),* which proliferate in developed areas and displace native ant species that are the food source of horned lizards (Fisher et al. 2002). Individuals could occur in any of the open habitats onsite, including Developed/Ruderal areas associated with ranch buildings and roads, and along the edges of Foothill Woodland habitat with scattered shrubs.

California Newt. The California newt *(Taricha torosa)* is primarily a terrestrial species, migrating to ponds, reservoirs and streams to breed. In central California, this species occupies rolling woodland and grassland, and can migrate up to 3,200 meters from aquatic breeding sites (Lanoo 2005). They may be found under cover objects such as plant containers or lumber, or walking around near rural residences. This species has been recorded within five (5) miles of the site (CDFW 2020a). Potentially suitable aquatic habitat may be present at Las Tablas Creek near the project site. Therefore, there is a possibility that California newts may occupy Foothill Woodland habitats onsite during their terrestrial and aestivation life history phases. They may also move through Agricultural, Developed/Ruderal, or Non-native Grassland areas during migration. Additionally, they may temporarily occupy Drainage G, but this stream is too ephemeral to support breeding.

Golden Eagle. The golden eagle *(Aquila chrysaetos)* could potentially occur onsite periodically. There are numerous sightings around Adelaida, Lake Nacimiento, Highway 46, Paso Robles, and along the coast west of the project site (The Cornell Lab of Ornithology 2020a). Potential foraging habitat is present in the Agricultural and Non-native Grassland habitats on the site, although these areas occur in relatively small patches within the Foothill Woodland and this species generally prefers larger expanses of open terrain for foraging. They potentially could nest in the larger trees in the Foothill Woodland habitat, although their preferred nesting habitat is associated with cliffs. This species is listed as Fully Protected by CDFW for nesting and wintering habitat.

Great Blue Heron. The great blue heron *(Ardea herodias)* has been recorded at several locations close to the site, with concentrated use of areas at Lake Nacimiento and along the Salinas River (The Cornell Lab of Ornithology 2020a). This species does not have a specific listing status but is considered a sensitive species by CDFW for nesting colonies, which are located in forests near bodies of water. This species is associated with wetland habitats, but it is occasionally seen foraging in grasslands or agricultural fields away from water. Individuals could occur onsite periodically while foraging, but nesting colonies would not utilize the site due to the distance from any lakes, ponds or wetlands. Appropriate aquatic habitat for nesting colonies is not present in or near the study area.

Bald Eagle. The bald eagle *(Haliaeetus leucocephalus)* is a state Endangered species for nesting and wintering habitats and is a CDFW Fully Protected species. Their primary prey is fish, but they also feed on small mammals, amphibians, reptiles and carrion (The Cornell Lab of Ornithology 2020b). They are usually in close proximity to large bodies of water, rivers or flooded fields with large trees or other perches nearby (CDFW 2020d). They roost communally in winter in dense conifer stands away from human disturbance. Nests are in large trees in stands with moderately low canopy within 1 mile of water (CDFW 2020d). There are numerous observations of this species from Heritage Ranch and Lake Nacimiento (The Cornell Lab of Ornithology 2020a). There is a chance that individuals may fly over the site and could forage

on the property, but they are unlikely to nest or roost on the site due to the distance from a large body of water.

Pallid Bat. The pallid bat *(Antrozous pallidus)* could forage in the more open stands of Foothill Woodland, as well as over the Agricultural and Non-native Grassland habitats onsite. Roosting habitat (maternity, winter or daytime roosts) with the type of structure that moderates temperatures was not seen during the site visit, but it is possible that cavities in large trees in the Foothill Woodland habitat onsite could be used. Pallid bats "night roost" (rest for periods of time while actively foraging at night) in or on various open structures. The structures on the property had porches, overhanging roofs, or were open-sided and could be used as night roosts. They were inspected and no patches of guano or old prey remains were observed.

Townsend's Big-Eared Bat. Townsend's big-eared bat (*Corynorhinus townsendii*) occurs in a variety of habitats including dry upland areas, semidesert, coniferous forest, and riparian woodland. They prefer foraging along the edges of riparian vegetation and they drink water from ponds. They roost in caves, mines, abandoned buildings and under bridges (Gruver and Keinath 2006). They are considered to widespread throughout California except for high elevations in the Sierra Nevada and occur in this area throughout the year (CDFW 2020d). They have been documented roosting in structures at Camp Roberts and in mines near Adelaida (CDFW 2020a). This species could forage over the site, but there is no suitable habitat for roosting. The outbuildings onsite would not be suitable because the roof structures are open and would not provide sufficient protection.

Hoary Bat. The hoary bat *(Lasiurus cinereus)* occurs in open habitats or habitat mosaics along woodland edges. They prey on moths and other flying insects (CDFW 2020d). Roost sites are in dense foliage of large trees, and maternity roosts are woodlands/forests with medium to large trees. They winter along the coast and in southern California, and breed inland and in northern parts of the state. During migration, males are found in foothills, deserts and mountains, and females in lowlands and coastal valleys (CDFW 2020d). This species could forage over any area of the site, and roost in the Foothill Woodland.

Fringed Myotis. The fringed myotis *(Myotis thysanodes)* occurs in a wide variety of forested habitats and desert scrub. Foraging is in relatively open habitats with shrubs or low trees, and near water sources. They roost in caves, mines, buildings, and in crevasses, using different roosts during the day and night (CDFW 2020d). They are sensitive to disturbance at roost sites. This species has not been recorded in the CNDDB from the vicinity of the site, but San Luis Obispo County is considered to be entirely within this species' year-round range (CDFW 2020d). They could forage over any area onsite, and could roost in the cavities of large trees within the Foothill Woodland or in the outbuildings. No evidence of bat roosting was observed during the surveys.

Yuma Myotis. The Yuma myotis *(Myotis yumanensis)* forages in open forests and woodlands, usually over water sources such as ponds and streams (CDFW 2020d). They prey on flying insects as well as ants. They roost in buildings, mines, caves, crevices and under bridges (CDFW 2020d). This species is considered to be common and widespread throughout all but the deserts of California, and they are known to occur year-round in the county (CDFW 2020d). Although there are no water sources onsite, Las Tablas Creek and ponds on adjacent properties could be used. This species could forage over the site and night roost in the outbuildings.

Monterey Dusky-Footed Woodrat. The Monterey dusky-footed woodrat *(Neotoma macrotis luciana)* has been reported to occur within five miles of the property (CDFW 2020a), and the property is within the local distribution of this species. Dusky-footed woodrats are highly arboreal, and coast live oaks and shrubs are important habitat components for this species. The Foothill Woodland habitat onsite has potentially

suitable habitat for this species, and a woodrat midden (stick house) was observed during the site visit in the dense woodland, away from the residence and agricultural areas. The local distribution of the San Miguel woodrat *(N. fuscipes bullatior)* contacts that of the Monterey dusky-footed woodrat just to the north and east of the project site, with the San Miguel occurring in the Salinas Valley and the Monterey occurring in the Santa Lucia Range (Koenig 2015). Therefore, the midden observed onsite is highly likely to be that of the Monterey dusky-footed woodrat. Woodrats readily occupy outbuildings that are not frequently disturbed by humans or their domesticated pets, and there is a slight potential they could occur in Developed areas onsite. They would not occur in the Agricultural areas due to lack of cover and food resources, but may move through those areas while moving between patches of woodland.

American Badger. The American badger *(Taxidea taxus)* could potentially occur on the project site in Non-native Grassland, Agriculture, Developed/Ruderal and Foothill Woodland habitats. This species occurs in a variety of open habitats, and prefers grassland, oak savannah and edges of shrubland. They are associated with friable soils in which they dig burrows. Although they frequently reuse old dens, they may dig a new den each night, especially in summer (CDFW 2020d). Potential prey, California ground-squirrels *(Otospermophilus beecheyi),* was observed on the property, but not with high frequency. In addition, badgers also eat pocket gophers, rats, mice and chipmunks (CDFW 2020d). Because many of these prey species often occur around ranch buildings and roads, badgers may also occur in the Developed/Ruderal habitat onsite while foraging. Badgers are somewhat tolerant of human activities (CDFW 2020d). Badgers are unlikely to build dens in the Developed/Ruderal or Agricultural habitats or in dense Foothill Woodland habitat, but may occur around the edges or in more open patches of woodland.

*Migratory Birds and Raptors*

Many resident and migrant birds would likely build nests in various trees and shrubs in the Foothill Woodland habitat onsite. These include raptors as well as common species that are protected under the MBTA. While no large stick nests indicative of raptors, including species such as the bald or golden eagle, were observed in the vicinity of the proposed project, the expanse of Foothill Woodland on the property provides extensive nesting opportunities for birds protected by the MBTA, California Fish and Game Code, and Bald and Golden Eagle Protection Act. Only species tolerant of human activities would be likely to nest in the ornamental trees and shrubs within the Developed/Ruderal areas.

*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 background review identified nine California Rare Plant Rank 1B, 3 and 4 plant species with potential to occur on the property, but none of these species are expected to occur in project impact areas because these species would not occur in Developed/Ruderal or Agricultural habitats (see description of habitat requirements in Appendix B of the BRA). Some areas of Non-native Grassland and Foothill Woodland are shown within the area of disturbance for the access road. These areas were surveyed, and only ruderal plant species occurred in this area due to being disturbed periodically along the edge of the existing road. None of the rare plant species identified as having potential to occur onsite are associated with disturbed habitats. This conclusion is supported by a seasonally timed rare plant survey conducted for the BRA in May, 2019 in which no special-status plant species were found within the disturbance footprint. Foothill Woodland habitats where some of these species could potentially occur will be avoided by the project. Non-native Grassland that

occurs in the understory of woodland habitats, along ephemeral drainages, and in an unfarmed patch in the western portion of the property also are outside of the project footprint. No special-status botanical species were documented on site during appropriately-timed spring surveys. Accordingly, project impacts to special status plant species are considered *less than significant.*

Special-Status Wildlife Species

*Mammals*

Sensitive bat species may potentially forage over the areas of disturbance, but there are no trees or other features suitable for roosting. Although bats could use some of the existing structures for roosting, the existing residences and ranch outbuildings are not proposed to be used for cannabis cultivation, and are therefore outside of the scope of the project. The existing pole barn is completely open in nature and does not have sufficient protection for bat roosting. Additionally, evidence of bat guano was searched for during the surveys, and none was found. However, road improvements associated with the project could disturb roosting bats in the trees along the construction route. This impact is considered less than significant impact with mitigation.

Other CDFW animal Species of Special Concern that could occur on the property but are not expected to be impacted by the project include the Monterey dusky-footed woodrat and American badger. The Monterey dusky footed woodrat occurs in woodland habitats that are outside of impact areas. There is a chance that the woodrat could occupy outbuildings onsite, but these structures are outside of the area of disturbance. They would not occupy the pole barn due to its completely open nature.

Potential foraging habitat of the American badger may be slightly affected because fencing is proposed that would restrict badger movement through the project site. The project would result in the loss of approximately less than five-acres of low-quality foraging habitat. This is not expected to be a significant effect due to the suboptimal quality of the habitat, and the surrounding area will remain undeveloped and provide better quality foraging habitat. Burrowing habitat would not be affected because badgers are not expected to use Agricultural areas that have been regularly disked, nor are they expected to construct burrows next to active residences. Therefore, the project would result in *no impact* to Monterey dusky footed wood rat and American badger.

*Amphibian and Reptile Species*

Five CDFW Species of Special Concern amphibian and reptile species have slight potential to be found in project impact areas. The northern California legless lizard and lesser slender salamander are associated with woodland habitats where they remain underground or under cover objects where there are mesic conditions, and would not occur in regularly disked, arid Agricultural areas lacking native vegetation where the cultivation areas would be located. The southwestern pond turtle and California newt could potentially move through the Agricultural areas in winter, but would not remain in these areas due to lack of cover. If Blainville's horned lizard occurs onsite, it would most likely be along margins of native vegetation, and the project impact areas are surrounded by existing agriculture that would not represent suitable habitat for this species. Three of these five species that are mobile above ground could occur on the access roads at some point in time while moving between suitable habitat areas, should they be present in the study area (e.g., southwestern pond turtle, Blainville's horned lizard, California newt).

Although the site lacks suitable aquatic habitats for the turtle and newt, potentially suitable aquatic sites are present offsite within the distance that individuals can move when occupying terrestrial habitats. They could also use Drainage G when water is present. During periods of terrestrial movements, these three species could occur on roads that are used by employee or farm vehicles, transport of materials and products in and out of the site, as well as during the construction phase of road improvements and suffer mortality or injury due to vehicle strikes. California legless lizard and lesser slender salamander may be present in woodland habitats adjacent to the access road that will be disturbed during road improvement phases.

During periods of wet weather, California red-legged frogs may disperse up to 1.7 miles from aquatic habitat through upland habitat. Thus, it is possible for California red-legged frogs to be present on the property. While the BRA mentions the absence of standing water or damp soil conditions at any of the onsite drainages, riparian vegetation occurs south of the property. Moreover, Drainage G (Figure 12) is an intermittent stream on the eastern edge of the property, and has evidence of flow. Potential aquatic habitat is present seasonally within Las Tablas Creek adjacent to the site, and therefore California red-legged frogs could potentially use upland areas on the project site or temporarily occupy Drainage G.

The legless lizard, California newt and Blainville's horned lizard may also occur in areas where there are cover objects such as ranch materials and could be disturbed, injured or killed if these items are removed during construction, such as for the relocation of the pole barn. The legless lizard would likely be mostly restricted to the woodland areas onsite, but they also often occur in developed areas where they could be under woodpiles or other materials. The horned lizard may occur along the edges of roads or other open areas, where they could be vulnerable to vehicle strikes. No breeding habitats or areas critical to their survival will be affected by the project.

Although the proposed project does not represent any new threats to these species in comparison to existing agricultural activities, should they occur onsite, increased human activity including construction activity, could pose a slightly increased chance of encounter. Therefore, impacts to listed amphibians and reptiles are considered *less than significant with mitigation*.

*Special-status Insects*

In 2018, a petition to list four species of bumblebee as endangered was received by the California Fish and Game Commission, and the California Department of Fish and Wildlife (CDFW) was tasked with evaluating available scientific information to determine if listing was warranted. The four bumble bee species are: Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*). CDFW's Evaluation Report was completed in April 2019 and it was determined that, based on information in the petition, the four species are warranted for listing as endangered under the California Endangered Species Act (CESA). The Fish and Game Commission accepted the petition for consideration at their June 2019 meeting, and CDFW is now completing additional analysis to determine if the species will meet the listing criteria. During the approximately one-year review period, the four bumble bee species are identified as candidate species as defined by Section 2068 of the Fish and Game Code, and thereby are afforded all legal protections under CESA consistent with listing as endangered. CDFWs final evaluation report is expected in late December, 2020.

Crotch bumblebee and Western bumblebee were not found within the nine USGS quadrangles queried in the NDDB. However, the project is within the historical range of the Crotch bumblebee and marginally suitable grassland habitat is present outside the areas of disturbance. Therefore, potential impacts to Crotch bumblebee are considered *less than significant with mitigation*.

Mitigation measures BIO-1 through BIO-6 have been identified below to avoid and reduce potential project impacts to these species; therefore, potential impacts associated with substantial adverse effects to special status species would be *less than signification 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?*

No riparian habitat is present in the project footprint for the cultivation areas or structures proposed for 1375 or 1385 Klau Mine Road. The exiting access road that will be improved as part of the project passes through Central Coast Live Oak Riparian Forest. As shown in the project grading plans, all trees within 20 feet of grading limits will be protected by the installation of protective fencing along their driplines. Along Drainage G, the existing road passes under the riparian canopy. Although no trees are planned to be removed, it is possible that trees may need to be trimmed to accommodate the increased road width and appropriate CalFire clearance requirements. The limits of disturbance for the road improvements shown on the grading plans extends under the canopy of these trees. Placement of fill to elevate the road surface and shoulders within the root zone of oak trees may adversely affect individuals. Additionally, the site plan and grading plans show the water tanks to be located within the canopy of Foothill Woodland. The grading plans call for construction of a graded and compacted pad for placement of these four tanks. These activities may require removal or damage of the oak trees. This impact is considered *less than significant with mitigation*.

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

No wetland habitat is present on either 1375 or 1385 Klau Mine Road, and there were no basins or reservoirs that would collect water and could potentially support wetland vegetation. No wetland vegetation was seen within the onsite drainages. All drainages onsite were ephemeral and the dominant vegetation types were upland species, except Drainage G which would be considered to be an intermittent stream but is outside the areas of disturbance. Drainages B and G had a defined bed and bank, and evidence of flow such as scour and racking, may be under the jurisdiction of the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the CDFW.

The areas of disturbance for both projects have been clustered away from these two drainages, and there would be no direct or indirect effects. The proposed project does not include improvements to the culvert structure for the driveway crossing of Drainage G. Therefore, no permitting from these agencies would be required. All project disturbance areas observe a 50-foot setback on either side of drainage centerlines, including those that lack a clear channel or evidence of flow. However, the RWQCB may require development to be setback 100 feet from the centerline as part of their permitting requirements and the project will be conditioned to obtain all relevant permits from responsible agencies (including the RWQCB and CDFW) prior to building permit issuance. The project grading plans incorporate sediment and erosion control measures that would minimize these effects during the construction phases. Under the direction of the project engineer, these measures should be sufficient to reduce construction effects to a level below significance.

With the incorporation of setback areas and sediment and erosion control measures specified in the project grading plans, there would be no significant direct or indirect effects on federally protected wetlands or other jurisdictional areas. Therefore, there would be *no impact* to state or federally protected wetlands.

(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?*

*Wildlife Corridors*

Maintaining connectivity between areas of suitable habitat is critical for the survival and reproduction of plants and wildlife. Intact habitats benefit plants by ensuring proper dispersal of pollen and seeds, which sustains or grows the population and contributes to the genetic health of the species. Wildlife need contiguous habitats for the acquisition of food, access to mates and suitable habitat that supports reproduction, migration, and rest, and for the successful dispersal of young. The project site is located in a rural area of northern San Luis Obispo County, within the Santa Lucia Range. Large tracts of undeveloped land are present in the surrounding landscape. However, existing barriers to migration, particularly for wildlife, include public and private roadways, rural residences and patches of agricultural operations in the region, which typically correlates with a high frequency of land manipulation, wildlife-exclusion fences, and pest management activities.

The project has been designed to make use of an existing road, developed or disturbed areas, and development has been located away from woodland habitat and drainages to the maximum extent feasible. It would result in the loss of potential wildlife movement across low quality Agricultural and Developed/Ruderal habitat in two approximately 5-acre areas of disturbance that will be fenced. The type of fencing to be used is expected to be a barrier to the movement of species such as the American badger and equal- or larger-sized mammals. It would not affect the movements of bats, birds, amphibians and some reptiles. The area surrounding these two project sites will remain unfenced, and represents approximately 190 acres of higher quality habitat for wildlife movement. The natural characteristics of the site will remain unchanged following implementation, and native wildlife species are expected to continue to use the site. The driveway onsite would not be improved in such a way, and use of the driveway would not increase to the extent, in which the road would be considered a barrier to movement for most animal species. However, there is a slight possibility that increased use of the driveway could lead to mortality of amphibians and reptiles, which are frequently found on rural roads and unpaved ranch access routes. Fish would not occur onsite because all of the drainages are too ephemeral to support fish, and drainages would not be impacted. If any nursery sites (such as maternal bat roosts) exist onsite, they would occur in the woodland areas that are outside of proposed disturbance areas.

*Migratory Nesting Birds*

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

Special-status bird species, common species protected under the MBTA, and raptors protected under Fish and Game Code and other federal acts could nest in the Foothill Woodland habitat onsite. The type of disturbance associated with operating the proposed activity is considered to be the same as for the existing farming operations.

Several special-status bird species have potential to forage over the property, and may nest in Foothill Woodland habitat outside of the project impact area. No special-status bird species would nest in the Agricultural areas because there are no trees, shrubs or other structures for nesting. Current agricultural areas will be used for cannabis cultivation, and would not be considered to affect foraging habitat on the site because bird species would continue to forage over the site after project implementation.

However, construction of the nursery and greenhouse buildings could cause disturbance that may affect the breeding behavior of bird species that nest in adjacent Foothill Woodland habitat areas. Construction work to improve the access road will be located adjacent to woodland areas that could support protected breeding bird species. Construction activities to dismantle the pole barn may also affect nesting birds if the work was done during the nesting season.

With the recommended mitigation measures impacts related to interference with the movement of migratory fish or wildlife would be *less than significant with mitigation.*

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

As discussed under item b), above, no oak trees will be removed as part of the projects proposed for 1375 and 1385 Klau Mine Road, as disturbance areas will generally remain outside of the dripline of oak trees in the Foothill Woodland habitats onsite. Project plans call for protective fencing to be installed at the drip line of oak trees and no work to be conducted within this protective area. However, access road improvement work that will be under the canopy of coast live oak trees may adversely impact existing oak trees. Additionally, the location of the water tanks and all grading to create a pad for the tanks. Therefore, impacts associated with conflict with local ordinances or policies protecting biological resources would be *less than significant with mitigation.*

*(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?*

The project site is not within an area governed by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would not conflict with the provisions of an adopted plan and *no impacts* would occur.

*Conclusion*

Upon implementation of mitigation measures BIO-1 through BIO-10 to reduce potential impacts to special-status plants, special-status wildlife, and native oak trees, potential impacts to biological resources would be *less than significant*.

*Mitigation*

**BIO-1** **Environmental Awareness Training –** Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the

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

**BIO-2** **Site Maintenance and General Operations** - The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
- Ground disturbance, including excavation, maintenance, and staging of equipment and vehicles within 60 feet of small mammal burrows shall be avoided.
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- Any temporary construction lighting shall avoid nighttime illumination of suitable habitat features (i.e. drainages, riparian corridor, sensitive species habitat). Temporary construction lighting shall be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages.

Federal and State Waters and Wetlands.

- If construction occurs during or immediately following rain, temporary site stabilization methods will be used to prevent inadvertent erosion and sedimentation into adjacent aquatic habitat. An erosion and sediment control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into the aquatic habitats during construction. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e. non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard BMPs. BMPs shall be installed and maintained for the duration of construction or until the site has been stabilized.

- If project design changes resulting in drainage crossings or other direct impacts to mapped aquatic resources, all applicable agency permits with jurisdiction over the project area (i.e. CDFW, RWQCB, and/or Corps) should be obtained, as needed, prior to construction. All additional mitigation measures required by these agencies would be implemented as necessary throughout the project.

**BIO-3** **Pre-construction survey for Special-status Reptiles and Amphibians**. A qualified biologist shall conduct a pre-construction survey for special-status reptile and amphibian species including, but not limited to, western pond turtle, California legless lizard, lesser slender salamander, Blainville's horned lizard, and California newt, immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 100 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal including tree removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, construction activities that may result in the take of species shall cease and they will be allowed to leave on their own or, following authorization by the USFWS, will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring shall be repeated. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species. (See also mitigation measure BIO-11)

**BIO-4** **Pre-construction surveys for Crotch Bumblebee (CBB).** The following actions shall be undertaken to avoid and minimize potential impacts to CBB:

a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB within suitable habitat (i.e. small mammal burrows, thatched/bunched grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.)) on the project site. Survey(s) shall be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.

b. CBB Take Avoidance - If the survey(s) establish the presence of CBB within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the Department of Panning and Building in consultation with CDFW. The Management Plan shall include at least the following:

i. Avoidance measures to include a minimum 50-feet no-disturbance buffer to avoid take and potentially significant impacts.

ii. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department of Planning and Building, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).

c. In the event CBB is denied listing under the CESA, this measure shall not be required.

**BIO-5** **Bat Roost Avoidance**. A qualified biologist shall conduct a survey before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. If no active roosts are found, no further action shall be required. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing surveys.

If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost shall be fully avoided and not removed or otherwise impacted by project activities during the maternity season. A minimum 100-foot ESA avoidance buffer shall be demarcated by highly visible orange construction fencing around active maternity roosts. No construction equipment, vehicles, or personnel shall enter the ESA without clear permission from the qualified biologist. ESA fencing shall be maintained in good condition for the duration of the maternity season. The roost shall be removed only after the maternity season has ended, and shall be removed under the direction of a qualified biologist.

If active non-maternity bat roosts (e.g., day roosts, hibernacula) are found in trees scheduled to be removed, the individuals shall be safely evicted (e.g., through installation of one-way doors) under the direction of a qualified bat biologist in consultation with the CDFW. In situations requiring one-way doors, a minimum of one week shall pass after doors are installed to allow all bats to leave the roost. Temperatures need to be sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in coastal California. Eviction shall be scheduled to allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.

**BIO-6** **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

**BIO-7** **Site Restoration Following End of Operations**. Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

**BIO-8** **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-9** **Native Trees (Oaks) – Minimizing Impacts**. At the time of building permit application and during construction, 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) that are at least four (4) inches in diameter at breast height (DBH); Each tree shall be identified to species, assigned a unique number, and DBH measured for each trunk or major (>3 inch) branch that split below approximately 4.5 feet. An aluminum tag imprinted with the identifying number shall affixed to the north side of the tree at approximately four (4) feet above the ground. The locations of each tree should be recorded using a Geographic Positioning System with submeter accuracy or located by a licensed surveyor.

b. 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".

c. 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.

d. 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. Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.

e. 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.

f. Within two weeks prior to the initiation of work to improve the access road, protective fencing shall be installed as specified in the project grading plans. The applicant shall employ the services of a certified arborist to trim trees as necessary for clearance. The arborist shall work with the project engineer and grading contractor to provide information on how to avoid and minimize impacts of fill and/or grading within the critical root zone of oak trees.

g. Protective fencing shall also be placed delineating the drip line for oak and pine trees adjacent to the proposed water tank area. All grading for the water tank pad and the construction access route to the pad should remain out of this area, or Mitigation Measure BIO-10 shall be employed.

**BIO-10 Mitigation for Potential Impacts to Native Trees**. For any work including grading or placement of fill within the dripline of oak trees, compensatory mitigation shall be employed at the ratio of 2:1 (i.e., two oak trees to be planted for every oak tree impacted). Trees that may be affected by the project shall be identified using the tree inventory described in Mitigation Measure BIO-9. An appropriate mitigation site shall be determined in close proximity to the impacted trees. An Oak Tree Mitigation Plan shall be prepared and implemented by a qualified biologist. The plan shall follow current County guidelines and shall provide the methods and techniques to be used in the field to mitigate impacted trees. Should any oak tree require removal a 4:1 ratio (i.e., 4 trees planted for every tree removed) would be required. Replacement trees shall be the same species impacted and planted in open space areas that will not be affected by future development. Mitigation trees can also be installed adjacent to existing trees. All replacement trees shall be maintained and monitored for a minimum of seven (7) years to ensure successful establishment. If replacement trees die or do not successfully establish, then additional trees will be installed and monitored accordingly to meet this requirement. An as-built planting plan shall be prepared that is used to track the replacement trees, and annual reports prepared by a qualified individual and submitted to the County by December 31st of each year following planting. It may also be possible to pay an in-lieu mitigation fee for trees impacted or removed. Working with the County, the applicant may pay an estimated fee of $485 for each tree impacted and $970 for each tree removed.

**BIO-11 California Red-legged Frog**. The following measures shall be implemented to mitigate potential impacts to CRLF:

a. Site preparation, including vegetation clearance, soil disturbance, and grading shall not occur: (a) during the typical rainy season (November 1 to April 1), (b) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), (c) during an actual or predicted rain event of 0.25-inches or greater or within 24 hours after an actual rain event, and (d) near isolated pools.

b. If remaining construction activities (such as wall construction or interior work) are proposed during the rainy season, **prior to obtaining a building permit or continuing construction**, the applicant shall prepare a Management Plan prepared by a qualified professional. The project's Management Plan is subject to the review and approval of the United States Fish & Wildlife Service (USFWS) and San Luis Obispo County Planning & Building Department **prior to any continuation of construction or building**.

c. The Management Plan shall address items including, but not limited to: (a) monitoring that will occur during construction related activities (e.g., monitoring duration, time, frequency), (b) procedures if a California Red Legged Frog (CRLF) or other sensitive species is encountered during construction related activities, (c) pre-construction worker training, (d) the construction

schedule proposed to minimize impacts to sensitive species (i.e, completing construction activities closest to potential CRLF habitat first), and (e) the filing of a post-construction report "lessons learned" on the effectiveness of the required measures.

d. Construction activities conducted during the wet season shall not occur: (a) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), or (b) during an actual or predicted rain event of 0.25-inches or greater, or within 24 hours after an actual rain event. All construction materials and equipment will be staged in previously disturbed areas. The applicant will complete construction activities closest to potential CRLF habitat (Drainage G as shown on Figure 12) first, followed by activities that are further from the potential habitat.

*Sources*

Provided in 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*

San Luis Obispo County possesses a rich and diverse cultural heritage and has an abundance of historic and prehistoric cultural resources dating as far back as 9,000 B.C. The County protects and manages cultural resources in accordance with the provisions of local ordinances and through the CEQA process.

As defined by CEQA, a historical resource includes:

1. A resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR).
2. Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant. The architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural records of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence.

The COSE identifies and maps culturally sensitive areas and historic resources within the county and establishes goals, policies, and implementation strategies to identify and protect areas, sites, and buildings having architectural, historical, Native American, or cultural significance.

In the event of an accidental discovery or recognition of any human remains, Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations section 8304 (d) requires cannabis cultivation projects to immediately halt all ground-disturbing activities and implement section 7050.5 of the Health and Safety Code. California State Health and Safety Code Section 7050.5 and LUO Section 22.10.040 (Archaeological Resources) require that in the event of accidental discovery or recognition of any human remains, no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California PRC Section 5097.98.

*Discussion*

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

A cultural resources survey was prepared for the project site (Central Coast Archaeological Research Consultants, February 2020) that included a records search using the Central Coast Information

Center (CCIC) of the California Historical Resources Information System. In addition to this research effort, the following sources were consulted:

- National Register of Historic Places
- California Register of Historic Places
- California Inventory of Historic Resources (1976 and updates)
- California State Points of Historic Interest (1992 and updates),
- California State Historical Landmarks (1996 and updates)
- California State and Local Bridge Surveys
- Office of Historic Preservation's Historical Property Data File.

Owing to the paucity of information on the archaeological patterns in the study area, the author expanded the records search to include selected properties within a one mile radius of the current project area (i.e., B. Bertrando 2005a, 200b; Laurie and Hibma 2013; Lictenstein 2012). The studies identified numerous built environment resources 50 years old or older associated with agriculture and historic ranching complexes. Lictenstein (2012) conducted excavations of the closest prehistoric site situated on Las Tablas Creek, CA-SLO-898, located approximately one mile east-northeast of the current study. The impressive site is a habitation deposit overlain with a historic ranch complex.

Based on the results of the field survey and literature searches, the study concludes that the project site does not contain, nor is it located near, any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would not result in an adverse change in the significance of a historical resources and *impacts would be less than significant.*

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

As discussed above, a cultural resources survey was prepared for the project site (Central Coast Archaeological Research Consultants, February 2020) that included a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System and other sources. Due to the limited background context for the immediate study area, additional reports from the Camp Roberts Cultural Resources Management Program were obtained and reviewed to develop an understanding of the prehistoric land use of the current project. This literature review included extensive testing documents (i.e., Basgall 2006), and base-wide intensive survey reports. The archival research suggests the sites are more likely to be located along the river corridors adjacent to fresh water and associated resources. Personal communications with Ethan Bertrando (27 August 2018), the Camp Roberts Cultural Resources Manager, confirmed this pattern. Additionally, the author has conducted studies in the vicinity of the study area, and knowledge of the current survey area suggests a low likelihood of archaeological deposits within the project area.

On 14 September 2018 the author conducted an initial, intensive survey of 1375 and 1385 Klau Mine Road parcels. In June and July 2019, after land preparation for dry farmed barley, the initial acreage was surveyed and expanded to confirm the 2018 survey results. The field investigation identified no prehistoric or historic cultural materials located within the 1375 and 1385 Klau Mine Road parcels. In an area characterized with low to moderate archaeological sensitivity, the landforms have been altered during previous agricultural practices and maintenance, and grading. The general region is

known to be under agricultural use since the 1800s. The potential for intact archaeological deposits existing on the property is low.

Therefore, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

In the unlikely event that resources are uncovered during grading activities, implementation of LUO 22.10.040 (Archaeological Resources) would be required. This section requires that in the event archaeological resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department must be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. This protocol would ensure full compliance with California State Health and Safety Code Section 7050.5 as well as CDFA requirements regarding accidental discovery of cultural resources.

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

Based on existing conditions and results of the archaeological surface survey conducted onsite, buried human remains are not expected to be present in the area proposed for cannabis activities. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and LUO 22.10.040 (Archaeological Resources) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and County LUO, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant.*

*Conclusion*

No historical resources are known or expected to occur within or adjacent to the areas proposed for cannabis activities. Adherence with County LUO standards and State Health and Safety Code procedures would reduce potential impacts to less than significant. Accordingly, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

*Mitigation*

None are required.

*Sources*

Provided in 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*

*Local Utilities*

The Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within San Luis Obispo County. Approximately 39% of electricity provided by PG&E is sourced from renewable resources and an additional 47% is sourced from non-renewable greenhouse gas (GHG)-free resources (PG&E 2019).

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

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

*Local Energy Plans and Policies*

The COSE establishes goals and policies aimed at reducing vehicle miles traveled (VMT), the conservation of water, increasing energy efficiency and the use of renewable energy, and reducing GHG emissions. This element provides the basis and direction for the development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide GHG emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

*State Building Code Requirements*

The California Building Code (CBC) includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the *2019 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements. While the CBC has strict energy and green-building standards, U-occupancy structures (such as greenhouses used for cultivation activities) are typically not subject to these standards.

*Vehicle Fuel Economy Standards*

In October 2012, the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHSTA), on behalf of the Department of Transportation, issued final rules to further reduce GHG emissions and improve corporate average fuel economy (CAFE) standards for light duty vehicles for model years 2017 and beyond. NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon (mpg) limiting vehicle emissions to 163 grams of carbon dioxide ($CO_2$) per mile for the fleet of cars and light-duty trucks by the model year 2025.

In January 2017, EPA Administrator Gina McCarthy signed a Final Determination to maintain the current GHG emissions standards for the model year 2022-2025 vehicles. However, on March 15, 2017, EPA Administrator Scott Pruitt and Department of Transportation Secretary Elaine Chao announced that EPA intends to reconsider the Final Determination. On April 2, 2018, EPA officially withdrew the January 2017 Final Determination, citing information that suggests that these current standards may be too stringent due to changes in key assumptions since the January 2017 Determination. According to the EPA, these key assumptions include gasoline prices and overly optimistic consumer acceptance of advanced technology vehicles. The April 2, 2018 notice is not EPA's final agency action, and the EPA intends to initiate rulemaking to adopt new standards. Until that rulemaking has been completed, the current standards remain in effect. (EPA 2017, EPA 2018).

As part of California's overall approach to reducing pollution from all vehicles, the California Air Resources Board (CARB) has established standards for clean gasoline and diesel fuels and fuel economies of new vehicles. CARB has also put in place innovative programs to drive the development of low-carbon, renewable, and alternative fuels such as their Low Carbon Fuel Standard (LCFS) Program pursuant to California Assembly Bill (AB) 32 and the Governor's Executive Order S-01-07.

In January 2012, CARB approved the Advanced Clean Cars Program which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34 percent fewer

global warming gases and 75 percent fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

All self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles (except on-road two-engine sweepers) are subject to the CARB's Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road regulation). This includes vehicles that are rented or leased (rental or leased fleets). The overall purpose of the Off-Road regulation is to reduce emissions of oxides of nitrogen ($NO_x$) and particulate matter (PM) from off-road diesel vehicles operating within California through the implementation of standards including, but not limited to, limits on idling, reporting and labeling of off-road vehicles, limitations on use of old engines, and performance requirements.

*Energy Use in Cannabis Operations*

The California Department of Food and Agriculture (CDFA) Code of Regulations includes renewable energy requirements for indoor mixed-light cannabis cultivation operations. Beginning in 2023 all indoor mixed-light licensees must provide evidence of carbon offsets if the licensee's average weighted GHG emission intensity is greater than the local utility provider's GHG emission intensity. As such, for cultivators within San Luis Obispo County, if a cultivator's mixed-light energy use is supplied by resources with a lesser GHG-emission intensity than PG&E's GHG-emission intensity (currently approximately 85%), they would be required to acquire carbon offsets to account for the difference (California Code of Regulations [CCR] Section 8305).

CDFA Code of Regulations includes renewable energy requirements for indoor mixed-light cannabis cultivation operations. Beginning in 2023 all indoor mixed-light licensees must provide evidence of carbon offsets if the licensee's average weighted GHG emission intensity is greater than the local utility provider's GHG emission intensity. As such, for cultivators within San Luis Obispo County, if a cultivator's mixed-light energy use is supplied by resources with a lesser GHG-emission intensity than PG&E's GHG-emission intensity (currently approximately 85%), they would be required to acquire carbon offsets to account for the difference (California Code of Regulations [CCR] Section 8305).

The total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, location of the project, and the types of equipment required. Outdoor cultivation involves minimal equipment and has relatively low energy demands, while indoor cultivation involves more equipment that tends to have much higher energy demands (e.g., high-intensity light fixtures, climate control systems) (County of Santa Barbara 2017). Specific energy uses in indoor grow operations include high-intensity lighting, dehumidification to remove water vapor and avoid mold formation, space heating or cooling during non-illuminated periods and drying processes, preheating of irrigation water, generation of carbon dioxide ($CO_2$) from fossil fuel combustion, and ventilation and air conditioning to remove waste heat. Reliance on equipment can vary widely as a result of factors such as plant spacing, layout, and the surrounding climate of a given facility (CDFA 2017).

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

Depending on the site and type of activities, cannabis operations may range in measures that promote the conservation of energy resources. For instance, several current operators are known to engage in practices

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

*Discussion*

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

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

Construction Activities

During construction activities, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the county. Based on the size and scope of proposed earthwork and building construction, the project would have the potential to result in adverse environmental impacts through its use of diesel fuel for construction equipment. Mitigation measures AQ-1 through AQ-3 and AQ-5 have been identified to reduce potentially significant air quality impacts associated with use of diesel fuel equipment and would require the project contractor to avoid wasteful, inefficient, or unnecessary consumption of energy resources, such as idling. Upon implementation of these measures, potentially significant environmental impacts associated with consumption of energy resources during construction would be reduced and project construction activities would not result in a conflict with a state or local plan for renewable energy or energy efficiency. Therefore, project construction impacts associated with energy use would be *less than significant with mitigation.*

Project Operations

*Electricity and Natural Gas Use.* Based on an analysis of cannabis cultivation operations throughout the county, it is assumed that cannabis cultivation projects typically use an insignificant amount of natural gas which is typically associated with cooking appliances and space heating. Cooking appliances are not proposed as a part of the project, and all proposed space heating units would run on electricity. Accordingly, this assessment of impacts is based on electricity use. There is one occupied residence and one accessory structure on the project site; therefore, existing energy demand is minimal.

The project's operational electricity needs would be met by a connection to PG&E infrastructure. In addition, an area has been identified for the installation of a 3,000 square foot solar array on the south facing hillside to the north of the cultivation areas. Assuming 250 watts per panel, a 200 panel array would produce about 50 kilowatts per hour, or about 109,500 kWh per year. To provide a worse-case analysis, the following discussion assumes all cannabis related electricity will be provided by PG&E.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards. However, U-occupancy structures, such as greenhouses used for indoor cultivation activities, are exempt from CBC standards and therefore would not be subject to state-mandated energy efficiency design requirements or practices. As a result, these uses have the potential to result in wasteful, inefficient, or unnecessary energy consumption. Proposed indoor mixed-light cannabis

cultivation activities would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation if it utilizes significantly more energy (greater than 20%) than a typical commercial building of the same size. Based on the California Energy Commission Report prepared by Itron, Inc. (March 2006), a typical commercial building utilizes 21.25 kWh per square foot (kWh/sf) annually (13.63 kWh from electricity and 7.62 kWh from natural gas). Therefore, a project that generates more than 25.5 kWh per square foot per year of energy demand is considered to have energy use that is wasteful, inefficient and unnecessary.

To determine whether a project has the potential to exceed this threshold, the County applies energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018) which contains energy demand factors for different types of cannabis related activities. For mixed-light indoor cultivation (in a greenhouse), the form assumes an energy demand of 110 kWh/sf of building floor area annually. For indoor cultivation, the form assumes an energy demand of 200 kWh/sf/yr.

The proposed project includes construction of 33,000 square feet of greenhouse floor space for both indoor mixed-light cannabis cultivation and cannabis nursery. Based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018), the project's expected energy consumption for the mixed-light cultivation activities and indoor nursery would be approximately 3,630,000 kWh per year (kWh/year; see Table 6 below).

**Table 6 -- Estimated Operational Energy Use**

| Project Component | Size (sf) | Rate (kWh/year-sf) | Projected Energy (kWh/year) |
|---|---|---|---|
| Typical Commercial Building of Comparable Size | 33,000 | 21.25 | 701,250 |
| Mixed-Light Cultivation In Greenhouses (includes indoor cultivation and commercial nursery). | 33,000 | 110 | 3,630,000 |
| **Percent In Excess of Generic Commercial Building** | | | **417%** |

Sources:

1. Itron, Inc. March 2006. Average energy demand of commercial businesses. Includes 13.63 kWh from electricity and 7.62 kWh from natural gas.
2. Santa Barbara County Cannabis Energy Conservation Plan Electricity Use Calculation Form 2018.

Based on the demand factors derived from the California Energy Commission Report, a typical non-cannabis commercial building uses approximately 21.25 kWh/year/sf, which would be equivalent to 701,250 kWh/year for a 33,000-square-foot building. Based on the energy consumption rates above, the proposed project's indoor cultivation and nursery activities would use 417% more energy than a typical non-cannabis commercial building of the same square footage. This amount of energy use would potentially be wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures.

Mitigation Measures ENG-1 and ENG-2 are recommended which would reduce the project's individual and cumulative impacts associated with wasteful and inefficient energy use to a less than significant level through the preparation and implementation of an Energy Conservation Plan which would identify measures to be incorporated into the project to reduce or offset project energy demand that exceeds the demand associated with a typical commercial building of comparable floor area. ENG-1 requires the applicant to implement one or more of the measures identified in the Energy Conservation Plan until the project's energy demand is reduced and/or offset to within 20% of the energy use of a standard commercial building of the same size (in this case, 841,500 kWh/year). This may be accomplished by enrollment in one of PG&E's renewable energy programs such as Solar Choice and Regional Renewable Choice. Under the Solar Choice Program, a customer may purchase electricity from a pool of solar generating projects within the PG&E service area. A customer may enroll by phone or by way of the internet. As of the date of this MND, there are a total of six dedicated solar generation facilities in this program with a combined generating capacity of 50.25 megawatts, plus one additional 1.5 MW facility under development.

Under the Regional Renewable Program a customer may purchase up to 100% of energy demand from a specific renewable energy provider within the PG&E service area. As of the date of this MND, there are five renewable energy providers within the PG&E service area. As with the Solar Choice Program, a customer may enroll by phone or by the internet.

The applicant may also choose to pursue other strategies identified in the Energy Conservation Plan such as the retrofit of existing structures with energy saving features, sourcing project energy from other renewable/sustainable energy sources, or other strategies or programs that effectively reduce or offset energy use and/or increase the project utilization of sustainable, GHG-free energy sources.

Therefore, upon implementation of identified mitigation measures, project impacts associated with energy use would be reduced to a *less than significant level and would be less than cumulatively considerable*.

*Fuel Use.* Ongoing operation of the project would result in fuel use associated with employee motor vehicle trips and deliveries. The project would employ up to 4 full time and 7 seasonal employees. All vehicles used by employees and deliveries during operation would be subject to applicable state and federal fuel economy standards and State-mandated smog inspections.

All vehicles used by employees and deliveries during operation would be subject to applicable state and federal fuel economy standards and State-mandated smog inspections. Based on adherence to applicable state and federal vehicle fuel regulations and the size and scope of proposed activities, project fuel use would not result in a potentially significant environmental impact and would not be wasteful, inefficient, or unnecessary.

Therefore, potential impacts associated with potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources and potential conflict with state or local plans regarding renewable energy or energy efficiency would be *less than significant with mitigation.*

*Conclusion*

The project would result in a potentially significant energy demand and inefficient energy use during long-term operations, which would be considered wasteful, inefficient and unnecessary. Potential impacts related to energy would be less than significant with implementation of mitigation measures ENG-1 and ENG-2.

*Mitigation*

Implement mitigation measures AQ-1 through AQ-3, plus the following:

**ENG-1** **Energy Reduction and Offset Requirements.** Prior to issuance of building permits for Phase II of the project, the applicant shall provide to the County Department of Planning and Building for review and approval an Energy Conservation Plan with measures that when implemented would reduce or offset the project's energy demand to within 20% of the energy use of a generic commercial building of the same size (square feet). The Energy Conservation Plan shall include the following:

a. A detailed breakdown of energy demand prepared by a certified energy analyst. The energy breakdown shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities, including, but not limited to, lighting, odor management, and climate control equipment. Such quantification shall be expressed in total kWh per year and non-electrical sources shall be converted to kWh per year.

b. A program for providing a reduction or offset of all energy demand that is 20% or more above a generic commercial building of the same size. In this case, the estimated reduction or offset would be at least: 3,630,000 kWhr/yr – 841,500 kWh/year = 2,788,500 kWhr/yr; and the amount of energy not otherwise reduced or offset must not exceed 841,500 kWhr/yr. Such a program (or programs) may include, but is not limited to, the following:

i. Evidence that the project will permanently source project energy demands from renewable energy sources (e.g., solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.

ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include the following:

- Participating in an annual energy audit.
- Upgrading and maintaining efficient heating/cooling/dehumidification systems.
- Implement energy efficient lighting, specifically LED over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
- Implementing automated lighting systems.
- Utilizing natural light when possible.
- Utilizing an efficient circulation system.
- Ensuring that energy use is below or in-line with industry benchmarks.
- Implementing phase-out plans for the replacement of inefficient equipment.
- Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.

iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source

shall also be included in the project description and may be subject to environmental review.]

iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

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

*Sources*

Provided in Exhibit A.

# Initial Study – Environmental Checklist

## VII. GEOLOGY AND SOILS

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

*Setting*

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was enacted to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the county and are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos.

The County Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the County. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code. The nearest potentially capable fault line is located approximately 6 miles to the southwest of the project site based on the County Land Use View mapping tool.

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and/or their occupants with potential hazards to life and property. The project site is not located within the LUO Geologic Study Area (GSA) combining designation. Based on the Safety Element, the project site is located in an area with low to moderate landslide risk potential and low to moderate liquefaction potential.

*Discussion*

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

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

The project site is not located within an Alquist-Priolo Fault Hazard Zone, and the nearest potentially capable fault line is located approximately 8 miles to the east of the project site based on the County Land Use View mapping tool. All proposed structures would follow the regulations set forth in the CBC and thereby would be compliant with applicable seismic standards. Therefore, there would be *no impact* associated with potential impacts related to the rupture of a known earthquake fault.

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

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Seismic groundshaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. The project would be required to comply with the CBC and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. The project does not include unique components that would be particularly sensitive to seismic ground shaking or result in an increased risk of injury or damage as a result of ground shaking. Implementation of the project would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant.*

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

Based on the Safety Element Liquefaction Hazards Map, the project site is located in an area with low to moderate potential for liquefaction. In addition, the project would be required to comply with CBC seismic requirements to address the site's potential for seismic-related ground failure including liquefaction; therefore, the potential impacts would be *less than significant.*

*(a-iv) Landslides?*

The portion of the project site where cannabis activities are proposed has relatively flat to gently rolling topography. Based on the Safety Element Landslide Hazards Map, proposed components are located in an area with a low potential for landslide risk. Therefore, the project would not result in significant adverse effects associated with landslides and impacts would be *less than significant.*

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

The project would result in approximately 5.51 acres of site disturbance and would require 4,428 cubic yards of cut and 3,650 cubic yards of fill. During site preparation and grading/leveling activities, there would be a potential for erosion to occur. A sedimentation and erosion control plan will be required which will be subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120. The purpose of this plan is to minimize potential impacts related to erosion, and may include specific requirements for erosion control materials, setbacks from creeks, and measures to prevent siltation. In addition, the project would be subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site erosion. Upon implementation of the required control measures, impacts related to soil erosion would be *less than significant*.

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

Based on the Safety Element Landslide Hazards Map, the project site is not located in an area with high landslide risk. Based on the Safety Element and U.S. Geological Survey (USGS) data, the project is not located in an area of historical or current land subsidence (USGS 2019) and is located in an area with low to moderate potential for liquefaction risk. Due to the distance to the nearest potentially active fault and topography of the project site, lateral spreading is not likely to occur on-site. The project would be required to comply with the CBC standards designed to significantly reduce potential risks associated with unstable earth conditions. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse would be *less than significant.*

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

The areas proposed for cannabis-related buildings are underlain by the following soil unit: Linne-Calado (9-30% slopes). This complex has a moderate shrink-swell potential (USDA 2020). All new construction will be required to comply with applicable CBC standards designed to reduce potential risks associated with expansive soils. Therefore, potential impacts associated with expansive soil would be *less than significant.*

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

Wastewater service for employees will be provided by a restroom located within an existing barn and connected to an existing septic leach field. In addition, the project will be conditioned to demonstrate compliance with County and RWQCB standards for wastewater disposal prior to occupancy. Compliance with state and county standards will ensure that the project would not adversely affect wastewater systems, change the quality of surface or groundwater, or violate waste discharge requirements.

Therefore, potential impacts associated with having soils incapable of adequately supporting the use of septic tanks would be *less than significant.*

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

The project site does not contain any unique rock outcroppings or other unique geologic features. The project site is underlain by the Monterey formation. This type of underlying geologic material is considered to have a moderate to high paleontological sensitivity (County of Monterey 2014, SWCA Environmental Consultants 2019). However, based on the limited amount of grading required and the location of cannabis activities on previously cultivated areas, the potential for impacts to paleontological resources is considered low.

Based on the project description, potential impacts to paleontological resources would be *less than significant.*

*Conclusion*

Potential impacts to geologic and paleontological resources and soils would be less than significant.

*Mitigation*

None are required.

*Sources*

Provided in 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 gasses (GHGs) are any gases that absorb infrared radiation in the atmosphere. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide ($CO_2$), methane ($CH_4$), nitrous oxide ($N_2O$), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement). Carbon dioxide ($CO_2$) is the most abundant GHG and is estimated to represent approximately 80–90% of the principal GHGs that are currently affecting the earth's climate. According to the California Air Resources Board (CARB), transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

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

Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extended the state's GHG reduction goals and require CARB to regulate sources of GHGs to meet the following goals:

- Reduce GHG emissions to 1990 levels by 2020;
- Reduce GHG emissions to 40% below 1990 levels by 2030;
- Reduce GHG emissions to 80% below 1990 levels by 2050.

The initial Scoping Plan was first approved by CARB on December 11, 2008, and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by CARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change

Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

When assessing the significance of potential impacts for CEQA compliance, an individual project's GHG emissions will generally not result in direct significant impacts 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. Accordingly, in March 2012, the SLOAPCD approved thresholds for GHG impacts that were incorporated into their 2012 CEQA Air Quality Handbook. The Handbook recommended applying a 1,150 $MTCO_2e$ per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a 'gap analysis' and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with the Global Warming Solutions Act (AB32) and the 2008 Climate Change Scoping Plan which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch") that determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the Handbook are AB 32 based, and project horizons are now beyond 2020 and the SLOAPCD no longer recommends the use of these thresholds for CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency:

- Consistency with a Qualified Climate Action Plan: CAPs conforming to CEQA Guidelines § 15183 and 15183.5 would be qualified and eligible for project streamlining under CEQA.

  The County of San Luis Obispo EnergyWise (EWP), adopted in 2011, serves as the County's GHG reduction strategy. The GHG-reducing policy provisions contained in the EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. Therefore, the EWP is not considered a qualified GHG reduction strategy for assessing the significance of GHG emissions generated by projects with a horizon year beyond 2020.

- No-net Increase: The 2017 Scoping Plan states that no-net increase in GHG emissions relative to baseline conditions "*is an appropriate overall objective for new development*" consistent with the Court's direction provided by the Newhall Ranch case which demonstrated that no-net GHG increase was feasible and defensible. Although a desirable goal, the application of this threshold may not be appropriate for a small project where it can be clearly shown that it will not generate significant GHG emissions (ie, di minimus: too trivial or minor to merit consideration).

- Lead Agency Adopted Defensible GHG CEQA Thresholds: Under this approach, a lead agency may establish SB 32-based local operational thresholds:

  - *Meeting Local GHG Emission Targets with Best Management Practices*

    On April 23, 2020, the Sacramento Metropolitan Air Quality Management District (SMAQMD) adopted Greenhouse Gas Thresholds for Sacramento County. This substantial evidenced based document sets SB 32-based local GHG emission targets for 2030 by evaluating the GHG inventory for local emission sectors relative to statewide sector inventories and the state's GHG reduction target of 40% below 1990 levels. Relative to business-as-usual, the document considered the commercial and residential sector emission reductions needed

from new development to help achieve the SB 32 goal. To help secure these reductions, best management practices were established for new development.

- *GHG Bright-line and Efficiency Thresholds*

  SB 32 based local bright-line and operational efficiency thresholds can be established by evaluating local emission sectors in a jurisdiction's GHG inventory relative to statewide sector inventories and the state's GHG reduction target of 40% below 1990 levels. This approach is found in earlier drafts of SMAQMD's SB 32 threshold work and the AEP Climate Change Committee may provide guidance on a similar approach.

As discussed above, SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030. According to the California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators published by the California Air Resources Board, emissions of GHG statewide in 2017 were 424 million $MMTCO_2e$, which was 7 million MTCO2e below the 2020 GHG target of 431 $MMTCO_2e$ established by AB 32. At the local level, an update of the County's EnergyWise Plan prepared in 2016 revealed that overall GHG emissions in San Luis Obispo County decreased by approximately seven percent between 2006 and 2013, or about one-half of the year 2020 target of reducing greenhouse gas emissions by 15% relative to the 2006 baseline[1]. Therefore, application of the 1,150 $MTCO_2e$ Bright Line Threshold in San Luis Obispo County, together with other local and State-wide efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB32 for the year 2020. It should be noted that the 1,150 $MTCO_2e$ per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 $MTCO_2e$ per year would result in impacts that are less than significant and less than cumulatively considerable impact and would be consistent with state and local GHG reduction goals.

Since SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030, the application of an interim "bright line" SB32-based working threshold that is 40 percent below the 1,150 $MMTCO_2e$ Bright Line threshold (1,150 x 0.6 = 690 $MMTCO_2e$) would be expected to produce comparable GHG reductions "in the spirit of" the targets established by SB32. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, emissions estimated to be less than 690 $MMTCO_2e$ per year GHG are considered *de minimus* (too trivial or minor to merit consideration), and will have a less than significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals.

Since SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030, the application of an interim "bright line" SB32-based working threshold that is 40 percent below the 1,150 $MMTCO_2e$ Bright Line threshold (1,150 x 0.6 = 690 $MMTCO_2e$) would be expected to produce comparable GHG reductions "in the spirit of" the targets established by SB32. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, emissions estimated to be less than 690 $MMTCO_2e$ per year GHG are considered *de minimus* (too trivial or minor to merit consideration), and will have a less than significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals.

[1] AB32 and SB32 require GHG emissions to be reduced to 1990 levels by the year 2020. The EnergyWise Plan assumes that the County's 1990 GHG emissions were about 15% below the levels identified in the 2006 baseline inventory.

*Discussion*

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

The California Energy Emissions Model (CalEEMod) was utilized to estimate the project's projected annual carbon dioxide equivalent emissions in metric tons (MTCO2e; Table 7). The estimated emissions were then compared with the interim threshold of 690 MMTCO2e per year to determine significance.

**Table 7 – Existing and Projected Operational GHG Emissions**

| Project Component | Quantity | Emissions Rate (Annual $MTCO_2e$/sf) | | Estimated Projected Annual $CO_2$ Emissions (MT/year) Without Mitigation[2] |
|---|---|---|---|---|
| | | Construction[1] | Operation | |
| Existing GHG Emissions | | | | |
| Single family residence | 1 | n/a | 4.2 | 4.20 |
| Accessory Building | 1,500 sq.ft. | n/a | 10.35 | 10.35 |
| **Total:** | | | | **14.55** |
| Mixed-Light Cultivation Greenhouses (Indoor cultivation and nursery greenhouses) | 33,000 sq.ft. | 0.0022 | 0.036[3] | 1,260.00 |
| Outdoor Cultivation | 3 acres | -- | 0.0000199 | 2.60 |
| **Net Change (Increase)** | | | | **1,263.00** |

Sources: County of San Luis Obispo Department of Planning and Building, 2020, CalEEMOD version 2016.3.2

Notes:

1. Total construction related GHG emissions divided by the floor area of a typical indoor cannabis cultivation building (22,000 sq.ft.). Assumes 34 total construction days including site preparation, grading and building construction, 13 vehicle miles travelled per construction day for workers and 1,000 cubic yards of cut and fill.
2. CalEEMOD CalEEMOD version 2016.3.2
3. Total operational emissions based on an energy use factor of 110 kWhr/sq.ft./year and energy provided by Pacific Gas and Electric Co.

As shown in Table 7, unmitigated GHG emissions are estimated to be 1,263 MTCO2e. Table 8 provides an estimate of GHG emissions that accounts for the reduction/offset of estimated energy demand associated with mitigation measure ENG-1 in Section VI. Energy. This measure requires the project to reduce or offset estimated energy demand to within 20% of the demand associated with a typical commercial building of comparable floor area, which in this case is about 841,500 kWhr/year.

**Table 8 – Existing and Projected Operational GHG Emissions With Mitigation**

| Project Component | Quantity | Emissions Rate (Annual $MTCO_2e$/sf) | | Estimated Projected Annual $CO_2$ Emissions (MT/year) Without Mitigation[2] |
|---|---|---|---|---|
| | | Construction[1] | Operation | |
| **Baseline GHG Emissions** | | | | **14.55** |
| Mixed-Light Cultivation Greenhouses (Indoor cultivation and nursery greenhouses) | 33,000 sq.ft. | 0.0022 | 0.0116[3] | 455.40 |
| Outdoor Cultivation | 3 acres | -- | 0.0000199 | 2.60 |
| **Net Change (Increase)** | | | | **458.00** |

Sources: County of San Luis Obispo Department of Planning and Building, 2020, CalEEMOD version 2016.3.2

Notes:

1. Total construction related GHG emissions divided by the floor area of a typical indoor cannabis cultivation building (22,000 sq.ft.). Assumes 34 total construction days including site preparation, grading and building construction, 13 vehicle miles travelled per construction day for workers and 1,000 cubic yards of cut and fill.
1. CalEEMOD version 2016.3.2.
2. Total operational emissions based on an energy demand of 841,500 kWhr/year (See Section VI. Energy) and energy provided by Pacific Gas and Electric Co. Emission factor derived from CalEEMOD and includes emissions associated with energy use, vehicle miles traveled and water use.

As shown by Table 8, implementation of the energy reduction measures required by ENG-1 and ENG-2 will result in a corresponding reduction of project-related GHG emissions that are estimated to fall below the working threshold of 690 $MTCO_2e$. As discussed above, GHG emissions that are less than the 690 $MMTCO_2e$ per year interim threshold are considered *de minimus* (too trivial or minor to merit consideration), and will have a less than significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals. Therefore, potential impacts associated with GHG emissions would be *less than significant and less than cumulatively considerable with mitigation*.

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

Energy inefficiency contributes to higher GHG emissions which in turn may conflict with state and local plans for energy efficiency.

*2011 EnergyWise Plan (EWP)*. As discussed above, the County of San Luis Obispo EnergyWise plan (EWP), adopted in 2011, serves as the County's GHG reduction strategy. The GHG-reducing policy provisions contained in the EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. The policy provisions are divided into community-wide measures and measures aimed at reducing GHG emissions associated with County operations. The GHG reduction measures contained in the EWP are generally programmatic and intended to be implemented at the community level. Measure No. 7 of the EWP encourages energy efficient new development and provides incentives for new development to exceed Cal Green energy efficiency standards. The following is a summary of project consistency with the

relevant supporting actions identified in Measure No. 7 for promoting energy efficiency in new development.

| Supporting Action | Project Consistency |
|---|---|
| Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems. | Mitigation measure ENG-1 requires the project to incorporate strategies to reduce the wasteful, inefficient and unnecessary use of energy. |
| Encourage new projects to provide ample daylight within the structure through the use of lighting shelves, exterior fins, skylights, atriums, courtyards, or other features to enhance natural light penetration. | The greenhouse buildings associated with the project are designed to allow the use of natural sunlight for cultivation. |
| Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index (SRI) of 10 for high-slope roofs and 64 for low-slope roofs (CALGreen 5.1 Planning and Design). | |
| Minimize heat gain from surface parking lots. | Parking for proposed cannabis activities is not paved except for one parking space designed for ADA access. |
| Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities and in some of the communities north of the Cuesta Grade. | All roadways will contain an all-weather aggregate surface. |

*San Luis Obispo County 2019 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS).* The 2019 RTP, which was adopted by the SLOCOG Board in June 2019, includes the region's Sustainable Communities' Strategy and outlines how the region will meet or exceed its GHG reduction targets by creating more compact, walkable, bike-friendly, transit-oriented communities, preserving important habitat and agricultural areas, and promoting a variety of transportation demand management and system management tools and techniques to maximize the efficiency of the transportation network. The RTP and SCS provide guidance for the development and management of transportation systems county-wide to help achieve, among other objectives, GHG reduction goals. The RTP/SCS recommend strategies for community planning such as encouraging mixed-use, infill development that facilitate the use of modes of travel other than motor vehicles.

The project consists of a commercial enterprise located in a predominantly agricultural area. As discussed in Section III. Air Quality, the project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to 38 full-time regular employees and 30 seasonal employees. The project would likely draw from the local labor pool and would not require a significant number of employees and therefore would not significantly affect the local area's jobs/housing balance.

*California Air Resources Board (CARB) 2017 Scoping Plan*. Pursuant to AB 32, the California Air Resources Board (CARB or Board) prepared and adopted the initial Scoping Plan to "*identify and make recommendations on direct emissions reductions measures, alternative compliance mechanisms,*

*market-based compliance mechanisms, and potential monetary and non-monetary incentives*" in order to achieve the 2020 goal, and to achieve "*the maximum technologically feasible and cost-effective GHG emissions reductions*" by 2020 and maintain and continue reductions beyond 2020. AB 32 requires CARB to update the Scoping Plan at least every five years.

The 2017 Climate Change Scoping Plan recommends strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05. These strategies include the following:

- Implement SB350 which is aimed at Reduce GHG emissions in the electricity sector;
- 2030 Low Carbon Fuel Standard (LCFS) -- Transition to cleaner/less-polluting fuels that have a lower carbon footprint.
- 2030 Mobile Source Strategy (Cleaner Technology and Fuels [CTF] Scenario) -- Reduce GHGs and other pollutants from the transportation sector through transition to zero-emission and low-emission vehicles, cleaner transit systems and reduction of vehicle miles traveled.
- Implement 59VariousSB 1383 which is aimed at reducing Short-Lived Climate Pollutants to reduce highly potent GHGs.
- Implement the 2030.2030 California Sustainable Freight Action Plan aimed at improving freight efficiency, transition to zero emission technologies, and increase competitiveness of California's freight system.
- Implement the.2030 Post-2020 Cap-and-Trade Program which is aimed at reducing GHGs across the largest GHG emissions sources.

The strategies described in the 2017 Scoping Plan are programmatic and intended to be implemented state-wide and industry-wide. They are therefore not applicable at the level of an individual project. However, as discussed in Section XVII. Transportation, the project is not expected to generate a significant increase in construction-related or operational traffic trips or Vehicle Miles Traveled (VMT) which is consistent with Scoping Plan strategies for reducing vehicle miles traveled. Overall, the project is consistent with adopted plans and policies aimed at reducing GHG emissions. Impacts associated with a potential conflict with adopted GHG reduction plans is *considered less than significant* and *less than cumulatively considerable with mitigation*.

*Conclusion*

With mitigation, potential impacts related to GHG emissions would be *less than significant and less than cumulatively considerable* and consistent with plans adopted to reduce GHG emissions.

*Mitigation*

Implement measures ENG-1 and ENG-2.

*Sources*

Provided in 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? | ☐ | ☐ | ☒ | ☐ |

# Initial Study – Environmental Checklist

*Setting*

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The project would not be located in an area of known hazardous material contamination and is not on a site listed on the Cortese List (State Water Resources Control Board [SWRCB] 2015; California Department of Toxic Substance Control [DTSC] 2019).

The County has adopted general emergency plans for multiple potential natural disasters, including the Local Hazard Mitigation Plan, County Emergency Operations Plan, Earthquake Plan, Dam and Levee Failure Plan, Hazardous Materials Response Plan, County Recovery Plan, and the Tsunami Response Plan.

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County of San Luis Obispo General Plan provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high fire hazard severity zones. The project would be located within the State Responsibility Area in a Very High fire hazard severity zone. Based on CAL FIRE's referral response letter, it would take approximately 15-20 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

The project would be not located within an Airport Review Area and there are no active public or private landing strips within the immediate project vicinity.

*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. 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 organic pesticides that are not expected to be acutely hazardous. In accordance with

LUO Section 22.40.050.C.3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan which are included in the project description at the beginning of this Initial Study. In addition, all approved cannabis cultivation operations employing the use of pesticides must obtain the appropriate pesticide use permitting from the Department of Agriculture / Weights and Measures. Accordingly, pesticide and fertilizer usage will be conducted according to the County of San Luis Obispo Department of Agriculture by obtaining an Operator Identification Number and complying with all application, reporting, and use requirements. Fertilizers and pesticides will be stored in separate, locked seatrain storage containers within the securely fenced area.

The project would be required to comply with all applicable CAL FIRE requirements as detailed in the referral response letter of May 30, 2020, (Dell Wells, Fire Captain), including, but not limited to, preparation of a fire safety plan. Compliance with the Uniform Fire Code and the recommendations of CalFIRE will ensure that potential impacts associated with hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials would be *less than significant.*

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

Oils, gasoline, lubricants, fuels, and other potentially hazardous substances would be used and temporarily stored onsite during construction activities. A spill or leak of these materials under accident conditions during construction activities could create a potentially significant hazard to the surrounding environment. Mitigation measures HAZ-1 and HAZ-2 have been recommended to reduce potential impacts associated with upset or accident conditions during project construction.

Proposed outdoor and indoor cultivation activities would include the use, and storage of pesticides and fertilizers on-site. These materials are not considered highly toxic or hazardous, but could result in a hazard if upset or spilled under accident conditions. Storage, refilling, use, and dispensing procedures of these materials would be required to be conducted in accordance with the California Fire Code and the project Storage and Hazard Response Plan during operation, and would therefore not have the potential to create a significant hazard through upset or accident conditions.

Therefore, potential impacts associated with hazards to the public or the environment through reasonably foreseeable upset or accident conditions 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?*

The closest school facility is located approximately 15 miles east of the project site. The project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

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

Based on the California DTSC's Envirostor and SWRCB's GeoTracker, the proposed project site is not listed on or located in close proximity to a site listed on the Cortese List, which is a list of hazardous materials sites compiled pursuant to CGC Section 65962.5; therefore, *no impacts would occur*.

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

The nearest airstrip in proximity to the project site is the Paso Robles Airport located approximately 15 miles east of the site. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impacts would occur.*

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

The project does not require any road closures and would be required to be designed to accommodate emergency vehicle access. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, impacts would be *less than significant.*

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

The project is located in a Very High Fire Hazard Severity Zone. The project will be conditioned to implement building and site improvements in accordance with the Fire Code, as detailed in the referral response letter, including, but not limited to implementation of a fire safety plan. Therefore, potential impacts associated with exposure of people or structures to significant risk involving wildland fires would be *less than significant.*

*Conclusion*

The project includes the use of potentially hazardous materials during construction and operation. Mitigation measures have been identified below to reduce potential impacts associated with routine transport, use, and disposal of these materials, as well as potential hazards associated with upset and accident conditions and wildland fire risk. Upon implementation of measures HAZ-1 and HAZ-2, potential impacts associated with hazards and hazardous materials would be *less than significant with mitigation.*

*Mitigation*

**HAZ-1** **Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all 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 to avoid potential leaks or spills.

**HAZ-2** **Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

*Sources*

Provided in Exhibit A.

# Initial Study – Environmental Checklist

## X. HYDROLOGY AND WATER QUALITY

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

*Setting*

The RWQCB's Water Quality Control Plan for the Central Coast Basin (Basin Plan; RWQCB 2017) describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Basin Plan outlines the beneficial uses of streams, lakes, and other water bodies for humans and other life. There are 24 categories of beneficial uses, including, but not limited to, municipal water supply, water contact recreation, non-water contact recreation, and cold freshwater habitat. Water quality objectives are then established to protect the beneficial uses of those water resources. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

Cannabis cultivators that plan to divert surface water need a water right to irrigate cannabis. The SWRCB Cannabis Policy requires cannabis cultivators to forbear (or cease) from diverting surface water during the dry season, which starts April 1 and ends October 31 of each calendar year. This means that water must be diverted during the wet season and stored for use during the dry season. Water is required to be stored off-stream. The Cannabis Small Irrigation Use Registration (SIUR) is a streamlined option to obtain a small appropriative water right (less than 6.6 acre-feet per year) to divert and store surface water to irrigate commercial cannabis crops.

The LUO identifies types of development activities that are required to prepare a drainage plan, including any project that would, for example, change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent. Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing. The LUO also dictates that an erosion and sedimentation control plan is required year-round for all construction and grading permit projects and site disturbance activities of one-half acre or more in geologically unstable areas, on slopes steeper than 30 percent, on highly erodible soils, or within 100 feet of any watercourse.

Per the County's Stormwater Program, the County Department of Public Works is responsible for ensuring that new construction sites implement Best Management Practices (BMPs) during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB's Construction General Permit. The Construction General Permit requires the preparation of a SWPPP to minimize on-site sedimentation and erosion. There are several types of projects that are exempt from preparing a SWPPP, including routine maintenance to existing developments, emergency construction activities, and projects exempted by the SWRCB or RWQCB. Projects that disturb less than 1 acre must implement all required elements within the site's erosion and sediment control plan as required by the LUO.

For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The Safety Element of the County of San Luis Obispo General Plan establishes policies to reduce flood hazards and reduce flood damage, including, but not limited to, prohibition of development in areas of high flood hazard potential, discouragement of single-road access into remote areas that could be closed during floods, and review of plans for construction in low-lying areas.

*Discussion*

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

The project will involve 4,428 cubic yards of cut and 3,650 cubic yards of fill over an area of about 5.51 acres. Accordingly, a sedimentation and erosion control plan will be required subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120. The purpose of the

plan is to minimize potential impacts related to erosion, and may include requirements for specific erosion control materials, setbacks from creeks, and measures to prevent siltation. In addition, the project is located outside of a stormwater management area (MS4) and proposes a disturbance area greater than 1.0 acre, therefore, the project will be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) by a qualified SWPPP developer in order to demonstrate compliance with the Federal Clean Water Act which prohibits certain discharges of stormwater containing pollutants.

All potentially hazardous materials proposed to be used onsite would be stored, refilled, and dispensed on-site in full compliance with applicable County Department of Environmental Health standards. All pesticides would be registered and regulated by federal and state government codes, with the County Agricultural Commissioner being the primary local regulator. By maintaining a minimum setback from the nearest creek or water feature, and compliance with existing County and state water quality, sedimentation, and erosion control standards, the project would not result in a violation of any water quality standards, discharge into surface waters, or otherwise alter surface water quality; therefore, impacts would be *less than significant.*

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

Based on the Water Demand Analysis prepared for the project (Table 9), the project would result in approximately 4.44 acre-feet of water demand per year.

**Table 9 -- Project Estimated Water Demand – 1375 Klau Mine Road**

| Use | Quantity | Demand Factor | Gross Demand In Gallons per Year | Gross Demand In Acre-Feet Per Year |
|---|---|---|---|---|
| Outdoor Cultivation | 130,680 sq.ft. | 0.03 gal/sq.ft./day x 180 days | 705,672 | 2.17 |
| Indoor Cultivation | 22,000 sq.ft. | 0.1 gal/sf/day x 760 days | 594,000 | 1.82 |
| Indoor Nursery | 5,500 sq.ft. | 0.1 gal/sf/day x 270 days | 148,500 | 0.46 |
| **Total:** | | | | **4.44** |

Source: Wallace Group, July 13, 2020

An existing on-site groundwater well will be used to supply water for cannabis crop irrigation for 1375 Klau Mine Road. Based on a well pump test dated January 11, 2018, the well produces 16.4 gpm. The static water level was determined to be approximately 103 feet below ground surface. Therefore, at 16.4 gpm, the well can produce 26.4 AFY and can produce enough water to serve the proposed Project located at 1375 Klau Mine Road.

The project is not located with a groundwater basin designated by Bulletin 118 of the Department of Water Resources and has not been assigned a Level of Severity by the Resource Management System (RMS). Under the RMS, a groundwater basin that has not been assigned a Level of Severity is not in a state of overdraft and is presumed to be capable of meeting water demand over at least the next 15 years. The project site is not subject to a water use offset requirement.

As discussed in the Baseline Conditions, the project site was used for the outdoor cultivation of industrial hemp beginning in 2016; all hemp-related cultivation activities were removed in May of 2020. The hemp operation was conducted on the subject parcel as well as the adjacent parcel to the

west (1385 Klau Mine Road) and covered total of about 6 acres employing two full time workers. Assuming 2.0 acre-feet (AF) of water demand per acre (Cadiz Inc., 2019) the hemp operations consumed about 12 AFY, or about 6 AFY per parcel. Therefore, the change in water demand from industrial hemp to cannabis cultivation will result in a net decrease of water demand associated with the project site. Therefore, impacts related to available surface or ground water would be *less than significant.*

Water saving practices will include the use of drip and micro-sprinkler irrigation emitters. Wi-Fi connected water moisture sensors will be used to determine optimal irrigation timing. Water used for cannabis irrigation will be metered and water demand will be recorded daily and monitored closely to ensure the system is operating efficiently and without leaks or line breaks.

In addition, water use is required to be metered and these data will be provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity (4.44 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount. In addition, the project will be conditioned to apply Best Management Practices for water conservation to maintain water use at or below the water analysis projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

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

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

*(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?*

The project would result in approximately 5.51 acres of site disturbance and will require 4,428 cubic yards of cut and 3,650 cubic yards of fill. A sedimentation and erosion control plan must be prepared to minimize the potential for soil erosion, which would be subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120 to minimize potential impacts related to erosion, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation.

The project would be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a SWPPP that incorporates BMPs during construction. Water quality protection measures would include protection of stockpiles, protection of slopes, protection of all disturbed areas, protection of access roads, and perimeter containment measures. Therefore, potential impacts associated with erosion and siltation from substantial alteration of the existing on-site drainage pattern would be *less than significant.*

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

The project would result in an increase in impervious surface area on the project property as a result of the installation of hoop structures with plastic covers, construction of 33,000-square-feet of greenhouse floor space and associated flatwork.

The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. The preliminary grading, drainage, and erosion control plan prepared for the project also identifies measures such as hydroseeding of all disturbed surfaces and installation of fiber rolls throughout the site to slow runoff and capture sediment. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in flooding on- or off-site would be *less than significant.*

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

The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in exceedance of the capacity of existing or planned drainage systems or provide substantial additional sources of polluted runoff would be *less than significant.*

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

Based on the Safety Element Flood Hazard Map, the project site is not located within a 100-year flood zone. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Therefore, *no impacts would occur.*

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

Based on the Safety Element Flood Hazard Map, the project site is not located within a 100-year flood zone (County of San Luis Obispo 2013). Based on the San Luis Obispo County Tsunami Inundation Maps, the project site is not located in an area with potential for inundation by a tsunami (CDOC 2019). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, the project site has no potential to release pollutants due to project inundation and *no impacts would occur.*

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

The project is not located within a groundwater basin designated by the Department of Water Resources. Therefore a groundwater management plan has not been prepared for the basin. As discussed in the setting, the project is required to comply with relevant permitting of the RWQCB. Therefore, potential impacts associated with conflict or obstruction of a water quality control plan or sustainable groundwater management plan would be *less than significant.*

# Initial Study – Environmental Checklist

*Conclusion*

Compliance with existing regulations and/or required plans would adequately reduce potential impacts associated with hydrology and water quality to be less than significant.

*Mitigation*

None are required.

*Sources*

Provided in 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 LUO was established to guide and manage the future growth in the county in accordance with the County of San Luis Obispo General Plan; regulate land use in a manner that will encourage and support orderly development and beneficial use of lands; minimize adverse effects on the public resulting from inappropriate creation, location, use, or design of buildings or land uses; and protect and enhance significant natural, historic, archeological, and scenic resources within the county. The LUO is the primary tool used by the County to carry out the goals, objectives, and policies of the General Plan.

The Land Use Element (LUE) of the County of San Luis Obispo General Plan provides policies and standards for the management of growth and development in each unincorporated community and rural areas of the county and serves as a reference point and guide for future land use planning studies throughout the county. The LUE identifies strategic growth principles to define and focus the County's proactive planning approach and balance environmental, economic, and social equity concerns. Each strategic growth principle correlates with a set of policies and implementation strategies that define how land will be used and resources protected. The LUE also defines each of the 14 land use designations and identifies standards for land uses based on the designation they are located within. The project parcel and surrounding properties are all within the Agriculture land use designation. The project site is currently developed with a single family residence and shop building.

The inland LUE also contains the area plans of each of the four inland planning areas: Carrizo, North County, San Luis Obispo, and South County. The area plans establish policies and programs for land use, circulation, public facilities, services, and resources that apply "areawide," in rural areas, and in unincorporated urban areas within each planning area. Part three of the LUE contains each of the 13 inland community and village plans, which contain goals, policies, programs, and related background information for the County's unincorporated inland urban and village areas. The project site is located within the Adelaide Sub Planning Area of the North County Planning Area.

The project site is subject to the Energy Extractive Area combining designation which denotes area subject to specific planning area standards relating to mining. In this case, the combining designation refers to several intermittently operated mercury mines and prospects along Klau Mine Road. Mercury exploration and mining activities must be carefully regulated to minimize physical landscape scarring and creek pollution that may

result from mineralized waters leaching from mine tailings and mill ponds. The project site does not contain any mercury mines and no mining is proposed.

The project site is located north of (and outside of) the area designated as a Sensitive Resource Area based on the botanical resources associated with Cypress Mountain.

*Discussion*

*(a) Physically divide an established community?*

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of development within the project vicinity and would not create, close, or impede any existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community and *impacts would be less than significant.*

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

The project would be consistent with the property's land use designation and the guidelines and policies for development within the applicable area plan, inland LUO, and the COSE. The project was found to be consistent with standards and policies set forth in the County of San Luis Obispo General Plan, the North County Area Plan, the SLOAPCD Clean Air Plan, and other land use policies for this area. The project would be required to be consistent with standards set forth by County Fire/CAL FIRE and the County Public Works Department.

The project would be required to implement measures to mitigate potential impacts associated with aesthetic resources, air quality, biological resources, energy, and hazards and hazardous materials; therefore, with mitigation, the project would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating environmental effects and impacts would be *less than significant with mitigation.*

*Conclusion*

The project would be consistent with local and regional land use designations, plans, and policies and would not divide an established community. Potential impacts related to land use and planning would be *less than significant with mitigation* measures associated with aesthetic resources, air quality, biological resources, energy, and hazards and hazardous materials.

*Mitigation*

Implement mitigation measures AES-1, AQ-1 through AQ-4, BIO-1 through BIO-11, ENG-1 through ENG-2, , HAZ-1 through HAZ-2.

*Sources*

Provided in 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*

The California Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Geologist classify land into mineral resource zones (MRZ) according to the known or inferred mineral potential of the land (California PRC Sections 2710–2796).

The three MRZs used in the SMARA classification-designation process in the San Luis Obispo-Santa Barbara Production-Consumption Region are defined below (California Geological Survey [CGS] 2015):

- **MRZ-1:** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.
- **MRZ-2:** Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. This zone shall be applied to known mineral deposits or where well-developed lines of reasoning, based upon economic-geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.
- **MRZ-3:** Areas containing known or inferred aggregate resources of undetermined significance.

The LUO provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The EX combining designation is used to identify areas of the county where:

1. Mineral or petroleum extraction occurs or is proposed to occur;
2. The state geologist has designated a mineral resource area of statewide or regional significance pursuant to California PRC Sections 2710 et seq. (SMARA); and
3. Major public utility electric generation facilities exist or are proposed.

The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the County LUE from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production.

*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?*

Based on the California Geological Survey (CGS) Information Warehouse for Mineral Land Classification, the project site is not located within an area that has been evaluated for mineral resources. However, the project site is subject to the Energy Extractive Area combining designation. In this case, the combining designation refers to several intermittently operated mercury mines and prospects along Klau Mine Road. The former Klau/Buena Vista Mine is located about five miles to the west of the project site (CGS 2015). Mercury mining and ore processing operations took place at the mines between 1868 and 1970; the site has been the subject of an ongoing remediation process as a result of mercury contamination in the soils. Mercury exploration and mining activities must be carefully regulated to minimize physical landscape scarring and creek pollution that may result from mineralized waters leaching from mine tailings and mill ponds.

The project site does not contain any mercury mines and no mining is proposed; the proposed cannabis activities would not preclude such mining on the project site. Therefore, there would be *no impact* associated with the availability of a known mineral resource.

*(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?*

As discussed above, the project site is subject to the Energy Extractive Area combining designation. However, the project site does not contain any mercury mines or other mineral resources and no mining is proposed; the proposed cannabis activities would not preclude such mining on the project site. Therefore, there would be *no impact* associated with the loss of availability of a locally-important mineral resource.

*Conclusion*

No impacts to mineral resources would occur and no mitigation measures are necessary.

*Mitigation*

None necessary.

*Sources*

Provided in Exhibit A.

# Initial Study – Environmental Checklist

## XIII. NOISE

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

*Setting*

The Noise Element of the County of San Luis Obispo General Plan provides a policy framework for addressing potential noise impacts in the planning process. The purpose of the Noise Element is to minimize future noise conflicts. The Noise Element identifies the major noise sources in the county (highways and freeways, primary arterial roadways and major local streets, railroad operations, aircraft and airport operations, local industrial facilities, and other stationary sources) and includes goals, policies, and implementation programs to reduce future noise impacts. Among the most significant polices of the Noise Element are numerical noise standards that limit noise exposure within noise-sensitive land uses and performance standards for new commercial and industrial uses that might adversely impact noise-sensitive land uses.

Noise sensitive uses that have been identified by the County include the following:

- Residential development, except temporary dwellings
- Schools (preschool to secondary, college and university, and specialized education and training)
- Health care services (e.g., hospitals, clinics, etc.)
- Nursing and personal care
- Churches
- Public assembly and entertainment
- Libraries and museums
- Hotels and motels

- Bed and breakfast facilities
- Outdoor sports and recreation
- Offices

All sound levels referred to in the Noise Element are expressed in A-weighted decibels (dBA). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear.

The LUO establishes acceptable standards for exterior and interior noise levels and describe how noise shall be measured. Exterior noise level standards are applicable when a land use affected by noise is one of the sensitive uses listed in the Noise Element. Exterior noise levels are measured from the property line of the affected noise-sensitive land use.

**Table 10 -- Maximum allowable exterior noise level standards[1]**

| Sound Levels | Daytime 7 a.m. to 10 p.m. | Nighttime [2] |
|---|---|---|
| Hourly Equivalent Sound Level ($L_{eq}$, dB) | 50 | 45 |
| Maximum level, dB | 70 | 65 |

[1] When the receiving noise-sensitive land use is outdoor sports and recreation, the noise level standards are increased by 10 db.

[2] Applies only to uses that operate or are occupied during nighttime hours.

The existing ambient noise environment is characterized by marginal traffic on Klau Mine Road and connecting roadways, as well as agricultural equipment from surrounding properties. The nearest existing noise-sensitive land use is a rural residence located approximately 1,000 feet southwest of the project site and about 1,500 feet from the area of disturbance.

*Discussion*

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

Construction Impacts. The County LUO noise standards are subject to a range of exceptions, including noise sources associated with construction, provided such activities do not take place before 7 a.m. or after 9 p.m. on weekdays, or before 8 a.m. or after 5 p.m. on Saturday or Sunday. Noise associated with agricultural land uses (as listed in Section 22.06.030), traffic on public roadways, railroad line operations, and aircraft in flight are also exempt.

Project construction would result in a temporary increase in noise levels associated with construction activities, equipment, and vehicle trips. Construction noise would be variable, temporary, and limited in nature and duration. The County LUO requires that construction activities be conducted during daytime hours to be able to utilize County construction noise exception standards and that construction equipment be equipped with appropriate mufflers recommended by the manufacturer. Compliance with these standards would ensure short-term construction noise would be less than significant.

Operational Impacts. The project proposes the use of an HVAC and odor management systems that would be permanent sources of stationary noise. Noise associated with the use of wall- or roof-mounted HVAC and odor mitigation equipment associated with the proposed greenhouse would be expected to generate noise levels of approximately 56-70 dBA at distance of 5 feet from the source.

All noise generating equipment will be located entirely within buildings located in the center portion of the project site. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance (OSHA Technical Manual, Section III, Chapter 5). As proposed, the greenhouse building will be located at least 120 feet from the nearest property line (to the west), which would result in HVAC noise generation of approximately 42 dBA. Therefore, operational noise will be below County standards and impacts would be *less than significant*.

Based on the limited nature of construction activities, and the consistency of the proposed use with existing and surrounding uses, impacts associated with the generation of a substantial temporary or permanent increase in ambient noise levels would be *less than significant.*

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

The project does not propose pile driving, or other high impact activities that would generate substantial groundborne noise or groundborne vibration during construction. Construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited in duration and are not likely to be perceptible from adjacent areas. The project does not propose a use that would generate long-term operational groundborne noise or vibration. Therefore, impacts related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels would be *less than significant.*

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

The nearest airstrip in proximity to the project site is Paso Robles Airport located approximately 18 miles to the northeast. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impact would occur*.

*Conclusion*

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per LUO standards. Operational noise levels will be less than the standards set forth in the LUO and are considered less than significant. No other potentially significant impacts were identified, and no mitigation measures are necessary.

*Mitigation*

None are required.

*Sources*

Provided in 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*

The Housing Element of the County of San Luis Obispo General Plan recognizes the difficulty for residents to find suitable and affordable housing within San Luis Obispo County. The Housing Element includes an analysis of vacant and underutilized land located in urban areas that is suitable for residential development and considers zoning provisions and development standards to encourage development of these areas. Consistent with state housing element laws, these areas are categorized into potential sites for very low- and low-income households, moderate-income households, and above moderate-income households.

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

The project site is currently developed with a single-family residence, which would not be impacted by implementation of the project.

### *Discussion*

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

The project proposes cannabis activities within a rural area and would employ up to 4 full-time employees and up to 7 additional seasonal employees during harvest times. Workers would likely be sourced from the local labor pool and would not require new or additional housing as a result of the proposed project. Therefore, the project would not generate a substantial number of new employment opportunities that would encourage population growth in the area. The project does not include the extension or establishment of roads, utilities, or other infrastructure that would induce development and population growth in new areas. In addition, the project would be subject to inclusionary housing fees to offset any potential increased need for housing in the area.

Therefore, the project would not directly or indirectly induce substantial growth and impacts would be *less than significant.*

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

One existing single family dwelling will remain on the project site and will likely be occupied by employees. The project would not displace existing housing or necessitate the construction of replacement housing elsewhere; therefore, *no impacts* would occur.

*Conclusion*

No significant impacts to population and housing would occur and no mitigation measures are necessary.

*Mitigation*

None necessary.

*Sources*

Provided in Exhibit A.

## 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*

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the project would be served by CAL FIRE station #33, located approximately 10 miles north of the project site in the community of Heritage Ranch. Based on the referral response letter received from CAL FIRE regarding the proposed project, emergency personnel would be able to reach the site within 15 - 20 minutes of receiving a call.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North Station in Templeton, and the South Station in Oceano. The project would be served by the County Sheriff's Office, and the nearest sheriff station is located approximately 10 miles east of the project site, in the community of Templeton.

San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The project site is located within the Paso Robles Joint Unified School District.

Within the County's unincorporated areas, there are currently 23 parks, three golf courses, four trails/staging areas, and eight Special Areas that include natural areas, coastal access, and historic facilities currently operated and maintained by the County.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public services. A public facility fee program (i.e., development impact fee program) has been adopted to address impacts related to public facilities (county) and schools (CGC Section 65995 et seq.). The fee amounts are assessed annually by the County based on the type of proposed development and the development's proportional impact and are collected at the time of building permit issuance. Public facility fees are used as needed to finance the construction of and/or improvements to public facilities required to the serve new development, including fire protection, law enforcement, schools, parks, and roads.

*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 would be designed to comply with all fire safety rules and regulations, including the California Fire Code and California PRC, which include improvements to the existing access road to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and potential installation of a water storage tank for fire protection (if fire sprinklers are required). The County Fire Department/CAL FIRE has provided a referral response letter for the project that details required items to be completed prior to final inspection/operation of the project. Based on the limited amount of development proposed, the project would not create a significant new demand for fire services. In addition, the project would be subject to public facility fees to offset the increased cumulative demand on fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is discussed in Section XX, Wildfire. Additional information regarding fire related hazard impacts is discussed in Section IX, Hazards and Hazardous Materials.

*Police protection?*

The applicant has prepared a security plan subject to the review and approval of the County Sheriff's Department. The Security Plan lays out infrastructure and operational guidelines to prevent and deter any foreseeable security breaches, crimes and/or statute violations. 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 County Sheriff's Office. In addition, the project would be subject to public facility fees to offset the project's cumulative contribution to demand on law enforcement services. Therefore, impacts related to police services would be *less than significant.*

*Schools?*

As discussed in Section XIV, Population/Housing, the project would not induce population growth and would not result in the need for additional school services or facilities. However, the project would be subject to school impact fees, pursuant to California Education Code Section 17620, to

help fund construction or reconstruction of school facilities. Therefore, impacts would be *less than significant*.

*Parks?*

As discussed in Section XIV, Population and Housing, the project would not induce a substantial increase in population growth and would not result in the need for additional parks or recreational services or facilities to serve new populations; therefore, potential impacts would be *less than significant.*

*Other public facilities?*

As discussed above, the proposed project would be subject to applicable fees to offset negligible increased demands on public facilities; therefore, impacts related to other public facilities would be *less than significant.*

*Conclusion*

The project does not propose development that would substantially increase demands on public services and would not induce population growth that would substantially increase demands on public services. The project would be subject to payment of development impact fees to reduce the project's negligible contribution to increased demands on public services and facilities. Therefore, potential impacts related to public services would be less than significant and no mitigation measures are necessary.

*Mitigation*

None are necessary.

*Sources*

Provided in Exhibit A.

# Initial Study – Environmental Checklist

## XVI. RECREATION

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

*Setting*

The Parks and Recreation Element (Recreation Element) of the County of San Luis Obispo General Plan establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing parks and recreation facilities and the development of new parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the county.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public parks and recreational facilities. Public facility fees are collected upon construction of new residential units and currently provide funding for new community-serving recreation facilities. Quimby Fees are collected when new residential lots are created and can be used to expand, acquire, rehabilitate, or develop community-serving parks. Finally, a discretionary permit issued by the County may condition a project to provide land, amenities, or facilities consistent with the Recreation Element.

The County Bikeways Plan identifies and prioritizes bikeway facilities throughout the unincorporated area of the county, including bikeways, parking, connections with public transportation, educational programs, and funding. The Bikeways Plan is updated every 5 years and was last updated in 2016. The plan identifies goals, policies, and procedures geared towards realizing significant bicycle use as a key component of the transportation options for San Luis Obispo County residents. The plan also includes descriptions of bikeway design and improvement standards, an inventory of the current bicycle circulation network, and a list of current and future bikeway projects within the county.

*Discussion*

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

The project proposes cannabis activities within a rural area and would employ up to 4 full-time employee and up to 7 additional seasonal employees during harvest times. Workers would likely be sourced from the local labor pool and would not result in increased demand on existing or planned recreational facilities in the county.

The County Trails Plan identifies a potential trail corridor along Klau Mine Road to connect San Miguel with Cypress Mountain. The County Parks Department will determine whether dedication of a trail easement will be required as a condition of project approval. Construction of a trail would be subject to separate, project-specific environmental review.

The project is not proposed in a location that would affect any existing park, recreational facility, coastal access, and/or natural area. The project would not result in substantial growth within the area and would not substantially increase demand on any proximate existing neighborhood or regional park or other recreational facilities. Payment of standard development impact fees would ensure any incremental increase in use of existing parks and recreational facilities would be reduced to *less than significant.*

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

The project does not include the construction of new recreational facilities and would not result in a substantial increase in demand or use of parks and recreational facilities. Implementation of the project would not require the construction or expansion of recreational facilities. As discussed above, construction of a trail would be subject to separate, project-specific environmental review. Therefore, impacts would be *less than significant.*

*Conclusion*

The project would not result in the significant increase in use, construction, or expansion of parks or recreational facilities. Therefore, potential impacts related to recreation would be less than significant and no mitigation measures are necessary.

*Mitigation*

None necessary.

*Sources*

Provided in Exhibit A.

## XVII. TRANSPORTATION

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

*Setting*

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

The County has established Level of Service (LOS) "C" or better for rural roadways. The project site currently is undeveloped and generates a very low volume of traffic. The project site takes access from Klau Mine Road a rural collector that provides the primary vehicular access to ranches, orchards and vineyards in the area. Traffic counts taken on Klau Mine Road in 2017 south of Adelaida Road revealed an afternoon peak hour volume of 10 and 56 average daily trips. No privately maintained roads are used to access the project site. Access from Klau Mine Road is via a 16 foot wide, 0.5-mile all-weather roadway that will be widened to 24-foot width per CalFIRE standards, i.e., 20-foot travel way with 2' shoulders on each side. A project referral package was sent to the County Public Works Department and no traffic-related concerns were identified.

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

for transportation analysis under CEQA (as detailed in Section 15064.3[b]). Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts must be implemented statewide. Also in December, 2018, the Office of Planning and Research (OPR) published a Technical Advisory On the Evaluation of Transportation Impacts In CEQA to assist local governments in implementing the new VMT requirements. The 2018 Technical Advisory states that a development project that generates less than 110 average daily trips (ADT) will not have a project-specific or cumulatively considerable impact with respect to vehicle miles travelled.

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

*Discussion*

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

The project does not propose the substantial temporary or long-term alteration of any proximate transportation facilities. Based on trip generation rates applied by the Department of Public Works, the project is estimated to generate a total of 9 average daily trips on a typical weekday (1 PM peak hour trip) and a total of 29 total average daily trips temporarily during the harvest, including deliveries and employee trips. Therefore, 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.

Marginal increases in traffic can be accommodated by existing local streets and the project would not result in any long-term changes in traffic or circulation or reduce the Level of Service below LOS "C". The project does not propose uses that would interfere or conflict with applicable policies related to circulation, transit, roadway, bicycle, or pedestrian systems or facilities. The project would be consistent with the County Framework for Planning (Inland) and consistent with the projected level of growth and development identified in the 2019 RTP. Therefore, potential impacts would be *less than significant*.

No significant traffic impacts were identified, and no mitigation measures above what are already required by existing regulations are necessary.

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

The County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. Section 15064.3(b) states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project's VMT qualitatively. However, the project is not expected to generate a significant increase in construction-related or operational traffic trips or VMT because:

- According to the application materials the proposed project is estimated to generate a total of 29 average daily trips during peak operations which would fall below the threshold provided in the 2018 Technical Advisory which states that a development project that

generates less than 110 average daily trips (ADT) will not have a project-specific or cumulatively considerable impact with respect to vehicle miles travelled.

- The project would be subject to standard development impact fees to offset the relative impacts on surrounding roadways.

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

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

The project would not change roadway design and does not include geometric design features that would create new hazards or an incompatible use. No potential traffic hazards were identified by the Public Works Department in their referral response. Therefore, impacts would be *less than significant*.

*(d) Result in inadequate emergency access?*

The project would not result in road closures during short-term construction activities or long-term operations. Individual access to adjacent properties would be maintained during construction activities and throughout the project area. Project implementation would not affect long-term access through the project area and sufficient alternative access exists to accommodate regional trips. Therefore, the project would not adversely affect existing emergency access and impacts would be *less than significant*.

*Conclusion*

The project would not alter existing transportation facilities or result in the generation of substantial additional trips or vehicle miles traveled. Payment of standard development fees and compliance with existing regulations would ensure potential impacts were reduced to less than significant.

*Mitigation*

None are required.

*Sources*

Provided in 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*

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

1. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
   a. Included or determined to be eligible for inclusion in the CRHR; or
   b. Included in a local register of historical resources as defined in subdivision (k) of California PRC Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth California PRC Section 5024.1(c).

In applying these criteria, the lead agency must consider the significance of the resource to a California Native American Tribe.

Recognizing that tribes have expertise with regard to their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe regarding the potential for adverse impacts to tribal cultural resources that may result from a project. Consultation may include discussing the type of environmental review necessary, the presence and/or significance of tribal cultural resources, the level of significance of a project's impacts on the tribal cultural resources, and available project alternatives and mitigation measures recommended by the tribe to avoid or lessen potential impacts on tribal cultural resources.

In accordance with AB 52 Cultural Resources requirements, outreach to four Native American tribes has been conducted: Salinan Tribe of Monterey and San Luis Obispo Counties, Xolon Salinan, tiṭyu tiṭyu yak tiłhini Northern Chumash, and Northern Chumash Tribal Council.

*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)?*

The County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52. Based on the findings of the Phase I cultural resources assessment prepared for the project site (as discussed in Section V. Cultural Resources) and consultation with native tribes, the project site does not contain any known tribal cultural resources as defined in Public Resources Code section 21074.

Potential impacts associated with the inadvertent discovery of tribal cultural resources are subject to LUO 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. Therefore, impacts related to a substantial adverse change in the significance of tribal cultural resources would be *less than significant.*

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

As discussed in Section V. Cultural Resources, the Phase I survey of the project site identified no prehistoric or historic cultural materials located within the parcels located at 1375 and 1385 Klau Mine Road. The project site is located in an area characterized with low to moderate archaeological sensitivity, the landforms have been altered during previous agricultural practices and maintenance, and grading. The general region is known to be under agricultural use since the 1800s. Therefore, the potential for intact archaeological deposits existing on the property is low. Compliance with existing

standards and regulations (LUO 22.10.040), would reduce potential impacts to the resources set forth in subdivision (c) of Public Resources Code Section 5024.1 to *less than significant*.

*Conclusion*

Cultural resources are not known or expected to occur within or adjacent to the area proposed for cannabis activities. In the event unanticipated sensitive resources are discovered during project activities, adherence with LUO standards and State Health and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to tribal cultural resources would be *less than significant.*

*Mitigation*

None are required.

*Sources*

Refer to Exhibit A.

# Initial Study – Environmental Checklist

## XIX. UTILITIES AND SERVICE SYSTEMS

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

*Setting*

The County Department of Public Works provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater "will serve" letters. The Department of Public Works currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, the San Luis Obispo County Club, and Santa Margarita. Other unincorporated areas in the county rely on wells and individual wastewater systems. Regulatory standards and design criteria for on-site wastewater treatment systems are provided by the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (California OWTS Policy).

Per the County's Stormwater Program, the Department of Public Works is responsible for ensuring that new construction sites implement BMPs during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain

coverage under the SWRCB's Construction General Permit. PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county. The project would be served by an existing well for water and an existing septic system and leach field for wastewater disposal. The project's energy needs would be provided by PG&E.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo; Chicago Grade Landfill, located near the community of Templeton; and Paso Robles Landfill, located east of the city of Paso Robles. The project's solid waste needs would be served by Mid-State Solid Waste and Recycling and the Chicago Grade Landfill.

*Discussion*

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

The project would not result in a substantial increase in the demand for water, wastewater, or stormwater collection, treatment, or disposal facilities. The project, with incorporation of the recommended mitigation measures, would not result in a substantial increase in energy demand, natural gas, or telecommunications; no new or expanded facilities would be required. No significant utility relocations are proposed. Therefore, impacts would be *less than significant*.

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

As discussed in Section X, Hydrology and Water Quality, the project cultivation irrigation activities would result in approximately 4.44 acre-feet of water demand per year. The project is not located within a designated groundwater basin and the basin is not in a state of overdraft; a water use offset is not required.

An existing groundwater well will be used to supply water for cannabis crop irrigation. Based on a well pump test, the well produces 16.4 gpm. The static water level was determined to be approximately 103 feet below ground surface. At 16.4 gpm, the well can produce 26.4 AFY and therefore has sufficient capacity to provide water for the proposed project.

Therefore, impacts related to water supplies would be *less than significant.*

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

The project would be served by an individual on-site wastewater system and would not be connected to a community wastewater service provider. Therefore, *no impacts would occur.*

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

The nearest landfill to the site is the Chicago Grade Landfill, located approximately 20 miles to the southeast. 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. Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. Local landfills have adequate permit capacity to serve the project and the project does not propose to generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts would be *less than significant*.

## Initial Study – Environmental Checklist

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

The project would not result in a substantial increase in waste generation during project construction or operation. Construction waste disposal would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Therefore, potential impacts would be *less than significant.*

*Conclusion*

The project would not result in significant increased demands on wastewater or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. Therefore, potential impacts to utilities and service systems would be *less than significant with mitigation.*

*Mitigation*

None are required.

*Sources*

Provided in 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*

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. Fire Hazard Severity Zones (FHSZ) are defined by CALFIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project would be located within the State Responsibility Area and a "Very High" fire hazard severity zone, and, based on CAL FIRE's referral response letter, it would take approximately 15 - 20 minutes to respond to a call regarding fire or life safety.

The County Emergency Operations Plan (EOP) addresses several overall policy and coordination functions related to emergency management. The EOP includes the following components:

- Identifies the departments and agencies designated to perform response and recovery activities and specifies tasks they must accomplish;

- Outlines the integration of assistance that is available to local jurisdictions during disaster situations that generate emergency response and recovery needs beyond what the local jurisdiction can satisfy;
- Specifies the direction, control, and communications procedures and systems that will be relied upon to alert, notify, recall, and dispatch emergency response personnel; alert the public; protect residents and property; and request aid/support from other jurisdictions and/or the federal government;
- Identifies key continuity of government operations; and
- Describes the overall logistical support process for planned operations.

Topography influences wildland fire to such an extent that slope conditions can often become a critical wildland fire factor. Conditions such as speed and direction of dominant wind patterns, the length and steepness of slopes, direction of exposure, and/or overall ruggedness of terrain influence the potential intensity and behavior of wildland fires and/or the rates at which they may spread (Barros et al. 2013).

The Safety Element of the County of San Luis Obispo General Plan establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 states that new development should be carefully located, with special attention given to fuel management in higher fire risk areas, and that new development in fire hazard areas should be configured to minimize the potential for added danger. Implementation strategies for this policy include identifying high risk areas, developing and implementing mitigation efforts to reduce the threat of fire, requiring fire resistant material be used for building construction in fire hazard areas, and encouraging applicants applying for subdivisions in fire hazard areas to cluster development to allow for a wildfire protection zone.

The California Fire Code provides minimum standards for many aspects of fire prevention and suppression activities. These standards include provisions for emergency vehicle access, water supply, fire protection systems, and the use of fire resistant building materials.

The County EOP outlines the emergency measures that are essential for protecting public health and safety. These measures include, but are not limited to, public alert and notifications, emergency public information, and protective actions. The EOP also addresses policy and coordination related to emergency management.

*Discussion*

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

The project does not require any road closures and would be designed to accommodate emergency vehicle access through the widening of the existing access road to CalFIRE standards. Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project. There are adequate alternative routes available to accommodate any rerouted trips through the project area for the short-term construction period.

Based on the County's Land Use View tool and Dam and Levee Failure Plan, the project is not located within an area that would be inundated in the event of failure of the Lake Nacimiento or Lake San Antonio Dams. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, no impacts related to emergency plans would occur.

Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Potential impacts would be *less than significant.*

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

The site is located within a State Responsibility Area and, based on the County's fire response time map, it would take approximately 15-20 minutes to respond to a call regarding fire or life safety. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes improvements to Klau Mine Road and the existing all-weather access road as needed to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and installation of water storage tanks for fire protection. The County Fire Department/California Department of Forestry and Fire Protection (CAL FIRE) prepared a Fire Safety Plan letter for the project, and the applicant will be required to comply with the requirements of the plan for the life of the project.

The cannabis activities would be located on relatively level slopes. Winds in the area vary from 6-8 miles per hour and primarily come from the north (October-April) and west (April-October). As described in Section 6, Geology and Soils, the potential for landslides in the project area is low to moderate, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows in the nearby existing channels.

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

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

The project will be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes improvements to the existing access road/driveway to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and installation of water storage tanks for fire protection. These infrastructure improvements would reduce fire risk. Therefore, potential impacts would be *less than significant.*

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

The cannabis activities would be located on fairly level slopes. Winds in the area vary from 6-8 miles per hour and primarily come from the north (October-April) and west (April-October). As described in Section 6, Geology and Soils, the potential for landslides in the project area is low to moderate, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows in the nearby existing channels. The project does not include any design elements that would 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. Therefore, impacts would be *less than significant*.

*Conclusion*

The project would not expose people or structures to new or exacerbated wildfire risks and would not require the development of new or expanded infrastructure or maintenance to reduce wildfire risks. Therefore, potential impacts associated with wildfire would be less than significant.

## Initial Study – Environmental Checklist

*Mitigation*

None are necessary.

*Sources*

Provided in Exhibit A.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

*Discussion*

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

As discussed in each resource section above, upon implementation of identified mitigation measures, the proposed project would not result in significant impacts to biological or cultural resources and would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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. Therefore, impacts would be *less than significant with mitigation.*

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

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." Section 15355 of the State CEQA Guidelines further states that individual effects can be various changes related to a single project or the change involved in a number of other closely related past, present, and reasonably foreseeable future projects. The State CEQA Guidelines state that the discussion of cumulative impacts should reflect the severity of the impacts as well as the likelihood of their occurrence. However, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Furthermore, the discussion should remain practical and reasonable in considering other projects and related cumulatively considerable impacts.

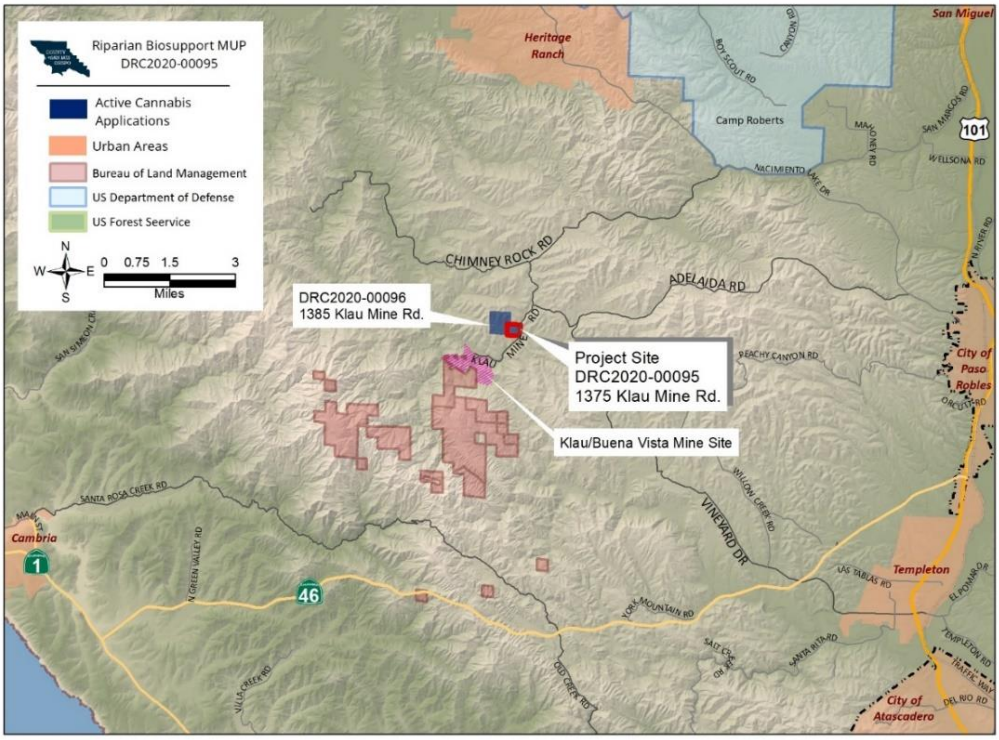
Existing and Reasonably Foreseeable Cannabis Facilities

According to the applications received to date by the County, there is one additional cannabis project within a ten-mile radius of the project site that is considered reasonably foreseeable for the purposes of assessing cumulative impacts. That nearby cannabis project (DRC2020-00096) is located at 1385 Klau Mine Road which is located directly west of 1375 Klau Mine Road (DRC2020-00095), the Project site (see Figures 1-4 and Figure 13). As noted in Table 11, proposed cannabis activities at 1385 Klau Mine Road (DRC2020-00096) are similar to those proposed at 1375 Klau Mine Road (DRC2020-00095). The project proposed at 1385 Klau Mine Road is a Minor Use Permit to establish: 3.75 acres gross of outdoor cannabis cultivation, 27,500 sf gross of indoor cultivation, 2,700 sf gross of ancillary nursery, 2,000 sf gross of ancillary transport, and about 0.82 acres of associated uses such as water tanks, composting area, interior roadway improvements, etc. Access to 1385 Klau Mine Road would be from Klau Mine Road through 1375 Klau Mine Road (see Figure 3). The operation at 1385 Klau Mine Road (DRC2020-00096) will typically require a total of four full-time employees who will arrive at approximately 7 am and leave at approximately 8 pm, 7 days a week. Outdoor cannabis cultivation would have up to two harvests per year, occurring in June/July and October/November. Indoor cultivation would have between 5 and 12 harvests per year. During harvests, there would be up to 7 additional seasonal employees, and the hours of operation would expand to 6 am to 8 pm, 7 days / week. At most there will be 11 employees total during harvest at 1385 Klau Mine Road. Carpool measures will also be implemented. Wastewater service for employees will be provided by a new restroom and proposed new septic system and leach field. The project application materials for 1385 Klau Mine Road include a water management plan which indicates that cannabis activities will result in a total water demand of 4.21 acre-feet per year. Water will be provided by an existing well. Table 11 provides a summary of the cumulative development associated with DRC2020-00095 (1375 Klau Mine Road) and DRC2020-00096 (1385 Klau Mine Road).

**Table 11 – Project Components 1375 Klau Mine Road (DRC2020-00095) and 1385 Klau Mine Road (DRC2020-00096)**

| Project Cannabis Components | DRC2020-00095 1375 Klau Mine Road | | DRC2020-00096 1385 Klau Mine Road | | Both Projects Total Gross | |
|---|---|---|---|---|---|---|
| | Gross Square Feet | Gross Acres | Gross Square Feet | Gross Acres | Gross Square Feet | Gross Acres |
| Outdoor Cultivation | 163,350 | 3.75 | 163,350 | 3.75 | 326,700 | 7.50 |
| Mixed-Light Indoor Cultivation | 27,500 | 0.63 | 27,500 | 0.63 | 55,000 | 1.26 |
| Indoor Ancillary Nursery | 5,500 | 0.13 | 2,700 | 0.06 | 8,200 | 0.19 |
| Ancillary Transport | 3,600 | 0.08 | 2,000 | 0.05 | 5,600 | 0.13 |
| Other Site Improvements (parking, water tanks, roadway, etc.) | 40,155 | 0.92 | 35,665 | 0.82 | 75,820 | 1.74 |
| *Total Site Disturbance:* | *240,105* | *5.51* | *231,215* | *5.31* | *471,320* | *10.82* |
| **Other Project Components** | **DRC2020-00095 1375 Klau Mine Road** | | **DRC2020-00096 1385 Klau Mine Road** | | **Both Projects Total Gross** | |
| Cannabis Canopy *(Outdoor & Indoor Cultivation, & Ancillary Nursery)* | 157,680 sf (3.62 acres) | | 154,880 sf (3.56 acres) | | 312,560 sf 7.18 acres | |
| Employees | 4 fulltime employee Up to 7 seasonal (Maximum 11 total) | | 4 fulltime employee Up to 7 seasonal (Maximum 11 total) | | 8 fulltime employee Up to 14 seasonal (Maximum 22 total) | |
| Estimated Water Demand | 4.44 AFY | | 4.21 AFY | | 8.65 AFY | |
| Average Daily Motor Vehicle Trips | 20 during peak operations | | 20 during peak operations | | 40 during peak operations | |
| Estimated Unmitigated Energy Demand for Indoor Cultivation & Nursery | 3,630,000 kWhr/year | | 3,322,000 kWhr/year | | 6,952,000 kWhr/Year | |
| Estimated Unmitigated GHG Emissions | 1,263 MT/year CO2e | | 1,156 MT/year CO2e | | 2,419 MT/year CO2e | |

**Figure 13 -- Reasonably Foreseeable Future Development Scenario Map**




Aesthetics

The analysis provided in Section I, Aesthetic and Visual Resources, provides an overview of the visual setting and concludes that potential project-specific impacts would be less than significant with mitigation identified to eliminate off-site nighttime light overspill. When considered with other reasonably foreseeable cannabis projects in the vicinity the project's contribution to cumulative impacts to visual resources are considered *less than cumulatively considerable* because:

- The areas where cannabis activities are proposed on the project site and on the adjacent project site are not visible from any public vantage points.
- The cannabis cultivation operation proposed at 1385 Klau Mine Road is subject to a discretionary permit and project-specific environmental review which will identify potentially significant project-specific environmental effects. If the project has the potential to adversely impact visual resources, it will be required to implement visual screening and/or other measures to mitigate those impacts.
- All cannabis cultivation projects are subject to standard County mitigation measures to eliminate off-site nighttime light overspill.

Agriculture and Forestry Resources

The analysis provided in Section II, Agriculture and Forestry Resources, indicates that the project would not result in the permanent conversion of Prime Farmland, based on the FMMP, and no potential impacts to forest land or timberland would occur. The project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract.

The reasonably foreseeable cannabis activities proposed for the project at 1385 Klau Mine Road (DRC2020-00096) are located on the Linne-Calodo complex with 9 to 30% slopes. This soil complex is classified as *Grazing* by the FMMP and is therefore, not Prime Farmland. Therefore, when considered with the potential impacts of other reasonably foreseeable projects in the area, the contribution of the project's potential impacts to agriculture and forestry resources is considered *less than cumulatively considerable*.

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related emissions would have the potential to exceed SLOAPCD thresholds of significance for construction emissions, resulting in a potentially cumulatively considerable contribution to the county's non-attainment status under state air quality standards for ozone and fugitive dust. With implementation of recommended mitigation measures AQ-1 through AQ-5, project construction, operational, and cumulative impacts would be less than significant. Table 5 in Section III. provides an estimate of the combined construction related emissions associated with the subject project and the project proposed for 1385 Klau Mine Road (DRC2020-00096). As shown in Table 5, the cumulative and project-specific emissions will exceed APCD thresholds for construction activities. This project will be subject to project-specific environmental review and will be subject to comparable mitigation measures to reduce construction related emissions to a less-than-significant level.

The analysis provided in Section III, Air Quality, concludes that the project's potential other emissions (such as those leading to odor) would be less than significant based on the distance of proposed odor-emitting uses from the project property lines and proposed odor control technology to be implemented within proposed structures. All surrounding proposed cannabis development projects would be required to comply with County LUO ordinance cannabis odor control requirements, including preparation of an odor control plan, minimum setback distances, and installation of sufficient ventilation controls to prevent odors from being detected off-site.

Therefore, based on the mitigation measures identified to reduce potential project impacts and compliance with the odor control requirements for all proposed cannabis cultivation projects, the contribution of the project's potential impacts to air quality are considered *less than cumulatively considerable*.

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project would have a less-than-significant impact upon implementation of the identified avoidance and mitigation measures for special-status wildlife species and their habitats and mitigation for the loss of oak trees. With implementation of measures BIO-1 through BIO-11, potential impacts to biological resources would be less than significant.

The analysis provided in Section IV. is supported by a BRA prepared for the subject property and the adjoining parcel to the west (1385 Klau Mine Road) where DRC2020-00096 is proposed. Therefore, the analysis and recommended mitigation measures address the cumulative impact of the proposed project and the reasonably foreseeable project to the west.

With implementation of the recommended mitigation measures impacts associated with the project when combined with the impacts associated the reasonably foreseeable project at 1385 Klau Mine Road would be *less than cumulatively considerable*.

Cultural Resources

The analysis provided in Section V. Cultural Resources, the Phase I cultural resources survey prepared for 1375 and 1385 Klau Mine Road concludes that project development on either site would not result in significant impacts to cultural resources.

Accordingly, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with cultural resources would be *less than cumulatively considerable.*

Energy

Cannabis cultivation operations typically use an insignificant amount of natural gas. Accordingly, this assessment of cumulative energy impacts is based on electricity use. The analysis provided in Section VI, Energy, states that the indoor cultivation and nursery activities could result in an annual energy demand of 3,630,000 kWh per year. In addition, the project proposed at 1385 Klau Mine Road would result in about the same amount of energy demand from indoor cultivation and nursery activities. Table 12 provides a summary of total electricity demand associated with development of both projects compared with the total estimated electricity demand for San Luis Obispo County in 2018.

**Table 12 -- Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects**

| Project | Total Electricity Demand from Proposed Cannabis Cultivation[1] (Kilowatt-Hours/Year) | Total Electricity Demand (Gigawatt Hours/Year) | Electricity Consumption in San Luis Obispo County in 2018[2] (Gigawatt Hours) | Total Demand in San Luis Obispo County with Proposed Cannabis Cultivation (Gigawatt Hours/Year) | Percent Increase Over 2018 Electricity Demand |
|---|---|---|---|---|---|
| DRC2020-00095<br>1375 Klau Mine Road | 3,630,000 | 3.63 | | | |
| DRC2020-00096<br>1385 Klau Mine Road | 3,322,000 | 3.32 | | | |
| **Total** | **6,952,000** | **6.95** | **1,765.9** | **1,772** | **0.34%** |

[1]Source: CalEEMOD 2016 v.3.2.

[2]Source: California Energy Commission 2019.

Table 12 indicates that electricity demand in San Luis Obispo County could increase by as much as 0.34% if both cultivation projects are developed as proposed.

The project's contribution to the overall increased demand for electricity would have the potential to result in potentially cumulatively considerable environmental impacts the wasteful, inefficient and unnecessary use of energy. Mitigation measures ENG-1 and ENG-2 require the applicant to prepare and implement an Energy Conservation Plan to identify strategies to reduce or offset for cannabis-

related electricity demand. In addition, all proposed cannabis cultivation projects within the county would be subject to discretionary review by County staff. Indoor and mixed-light cultivation projects, such as the project proposed on the adjacent parcel at 1385 Klau Mine Road, that are determined to have the potential to result in potentially significant impacts from their proposed energy use would be required to implement comparable mitigation measures to reduce their energy demand and use sources that result in less GHG emissions.

Based upon implementation of identified mitigation measures and discretionary review of other cultivation projects within the county, the project's environmental impacts associated with energy use would be *less than cumulatively considerable*.

Geology and Soils

As discussed in Section VII. Geology and Soils, the project is not located within an Alquist-Priolo Fault Hazard Zone and would be required to comply with the CBC and other applicable standards to ensure the effects of ground instability or a potential seismic event would be minimized through compliance with current engineering practices and techniques. Based on the volume and depth of proposed earthwork and potential sensitivity of the underlying geologic formation, the project's potential impacts to previously unknown paleontological resources would be less than significant.

The reasonably foreseeable project located at 1385 Klau Mine Road will be subject to discretionary review and will be evaluated for potentially significant environmental effects, including potential impacts associated with geology and soils, geologic hazards and other geologic resources, including paleontological resources. If this review determines the project will have potentially significant impacts associated with geology and soils it will be required to implement mitigation measures to reduce these risks.

Based on implementation of identified mitigation measures and discretionary review of other cannabis cultivation projects within the county, cumulative impacts associated with geology and soils would be *less than cumulatively considerable*.

Greenhouse Gas Emissions

As discussed in Section VIII, Greenhouse Gas Emissions, the project is estimated to generate approximately 458 metric tons of $CO_2$ emissions per year after implementation of the energy reduction measures recommended by ENG-1 and ENG-2. Accordingly, the project will not exceed the working GHG threshold of 690 metric tons of $CO_2$ emissions per year and will not have a project specific or cumulatively considerable adverse impact as mitigated because the project will be consistent with the cumulative greenhouse gas reduction strategies identified by AB32, SB32 and the County's EnergyWise Plan.

Based on implementation of identified mitigation measures and consistency with State and local strategies for GHG reduction, cumulative impacts associated with GHG emissions would be *less than cumulatively considerable*.

Hazards and Hazardous Materials

As discussed in Section IX. Hazards and Hazardous Materials, the project may include the use of potentially hazardous materials which could result in potential hazards through routine transport, use, and disposal as well as under upset or accident conditions. Mitigation measures HAZ-1 and HAZ-2 have been identified to reduce potential impacts by restricting the location of equipment maintenance, refueling and other potentially hazardous activities, and identifying the appropriate response protocol for immediate cleanup of any spills.

Probable future development of cannabis cultivation facilities within the vicinity of the project site would be subject to discretionary review and therefore would be evaluated for potentially significant environmental impacts, including impacts associated with hazards and hazardous materials. Impacts associated with hazards and hazardous materials from other cannabis projects in the project vicinity would likely require mitigation similar to the project, which may include, but would not be limited to, implementation of hazardous material spill response plans, staging and refueling location limitations, and vegetation management. Based on the project-specific mitigation measures identified above, and the discretionary environmental review of probable future cannabis projects within the vicinity, project impacts associated with hazards and hazardous materials would be *less than cumulatively considerable*.

Hydrology and Water Quality

As discussed in Section X. Hydrology and Water Quality, compliance with existing regulations and/or required plans would adequately reduce potential impacts associated with hydrology and water quality to be less than significant. Water demand associated with the project site and the project proposed on the adjacent parcel at 1385 Klau Mine Road would be about 8.65 acre-feet per year. The cumulative demand associated with both projects is considered less than cumulatively considerable because:

- Neither project site is located within an over drafted groundwater basin.
- The net increase in water demand associated with both parcels would be less than 8.65 AFY because both parcels were used for the cultivation of industrial hemp until May of 2020.
- All proposed cannabis cultivation projects located in the county are subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation.
- All potentially hazardous materials (e.g., pesticides, fertilizers, etc.) proposed to be utilized for these projects would be required to comply with the applicable storage, refilling, and dispensing County Department of Environmental Health standards.
- All cannabis cultivation projects within the county would also be required to comply with applicable riparian, wetland, and other waterway setbacks established by the Regional Water Quality Control Board.

Therefore, based on recommended mitigation measures and compliance with existing policies and programs, project's individual impacts associated with hydrology and water quality would be *less than cumulatively considerable with mitigation.*

Noise

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

Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential noise impacts is considered *less than cumulatively considerable*.

Population and Housing

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

The cannabis cultivation activities proposed for 1375 and 1385 Klau Mine are expected to employ as many as 20 total employees during peak operations. The 2050 employment forecast does not account for employment in the cannabis industry because of the formerly illegal status of the industry. However, the small increase in projected population is not expected to result in a substantial increased demand for housing throughout the county. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered *less than cumulatively considerable*.

Public Services

The project and surrounding reasonably foreseeable future development would be subject to adopted public facility (County) and school (CGC Section 65995 et seq.) fee programs to offset impacts to public services. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential public services impacts would be less than cumulatively considerable.

Transportation

As discussed in Section XVII, Transportation, the project would not result in a conflict with a plan or policy addressing the circulation system, or increase hazards due to a geometric design feature. Total trip generation associated with the project site and the project proposed on the adjacent parcel at 1385 Klau Mine Road would be about 58 trips per day during peak operations which would be short term and temporary and would not reduce the level of service of Klau Mine Road. Surrounding reasonably foreseeable future cannabis cultivation projects would be subject to discretionary review and potential impacts associated with these thresholds would be analyzed and required to be reduced on a case-by-case basis. Therefore, the project's potential impacts associated with these thresholds would be less than cumulatively considerable.

County Fire/CAL FIRE requirements will be enforced as conditions of approval.

The County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. State CEQA Guidelines Section 15064.3(b) states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project's VMT qualitatively.

The most recent estimate of total VMT for the county is from 2013, at which time total VMT per day was estimated to be 7,862,000 VMT. Assuming a 1% annual growth in VMT during the intervening 6 years, the current daily total is estimated to be around 8,333,720 VMT. Accordingly, the VMT associated with proposed cannabis cultivation projects throughout the county is estimated to result in a very marginal increase in the total county VMT. The marginal increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections. According to the analysis provided in Section XVII, Transportation, the project is expected to result in a net decrease in vehicle miles travelled (VMT) when compared with the previous winery use. Moreover, each new project will be required to mitigate the project-specific impacts to the transportation network. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to serve the project and the payment of applicable road improvement fees. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to roadway impacts would be *less than cumulatively considerable*.

Other Impact Issue Areas

Based on the project's less-than-significant impacts and the discretionary review of all surrounding reasonably foreseeable future cannabis cultivation projects, the project's potential impacts associated with the following issue areas would be less than cumulatively considerable:

- Land Use Planning;
- Mineral Resources;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

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

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. In addition, implementation of mitigation measures AQ-1 through AQ-5, HAZ-1 and HAZ-2, and identified in the resource sections above would reduce potential adverse effects on human beings to less than significant; therefore, impacts would be *less than significant with mitigation.*

*Conclusion*

Potential impacts would be less than significant upon implementation of mitigation measures identified in the resource sections above.

*Sources*

Provided in 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 | **In File**** |
| ☒ | County Environmental Health Services | **In File**** |
| ☒ | County Agricultural Commissioner's Office | **In File**** |
| ☐ | County Airport Manager | **Not Applicable** |
| ☐ | Airport Land Use Commission | **Not Applicable** |
| ☒ | Air Pollution Control District | **In File**** |
| ☒ | County Sheriff's Department | **None** |
| ☒ | Regional Water Quality Control Board | **In File**** |
| ☐ | CA Coastal Commission | **Not Applicable** |
| ☒ | CA Department of Fish and Wildlife | **In File**** |
| ☒ | CA Department of Forestry (Cal Fire) | **In File**** |
| ☐ | CA Department of Transportation | **Not Applicable** |
| ☐ | Community Services District | **Not Applicable** |
| ☐ | Other _____ | **In File**** |
| ☒ | Other AB 52 Tribes | **In File**** |

** "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 Department of Planning and Building.

- ☒ 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/Adelaida Sub Area
- ☐ 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

# Initial Study – Environmental Checklist

The project application materials are incorporated by reference in their entirety and available for review at the Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo. In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

**Project-Specific Studies**

Kevin Merk Associates, LLC, 1375 Klau Mine Road Biological Resources Assessment, July 2020

Wallace Group, Water Use Evaluation for Proposed Cannabis Cultivation on APN: 014-331-064 (Parcel B). July 13, 2020, with well test

Wallace Group, Water Use Evaluation for Proposed Cannabis Cultivation on APN: 014-331-064 (Parcel A), July 13, 2020, with well test

Central Coast Archaeological Research Consultants, letter of July 13, 2020

Central Coast Archaeological Research Consultants, Cultural Resources Survey 1375 Klau Mine Road, February 2020

**Comments From Other Agencies**

Agriculture Department, letter of September 23, 2020

Assessor, e-mail of April 8, 2019

Building Division, email of October 9, 2020

CalFIRE, letter of May 30, 2020

County Environmental Health Department, letter of April 23, 2019

Department of Public Works, letter of April 26, 2021

Regional Water Quality Control Board, letter of November 16, 2020

US Fish and Wildlife Service letter of May 7, 2019

Native tribes e-mail of October 8, 2020 from Mona Tucker and e-mail of October 7, 2020 from Fred Collins of the NCTC

County Parks Department, letter of October 6, 2020

**Other County References**

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California Department of Toxic Substances Control (DTSC). 2019. EnviroStor. Available at <https://www.envirostor.dtsc.ca.gov/public/>

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_____. 2018. County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form.

County of San Luis Obispo Staff. 2019. California Emissions Estimator Model (CalEEMod) Results.

Diblee, Thomas W., Jr. 2004. Geologic Map of the Creston & Shedd Canyon Quadrangles, San Luis Obispo County, California. National Geologic Map Database. Available at: <https://ngmdb.usgs.gov/Prodesc/proddesc_71748.htm>.

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

Occupational Health and Safety Administration Technical Manual, Section III, Chapter 5 part II.B.6.

Pacific Gas and Electric (PG&E). 2019. Delivering Low-Emission Energy. Available at: <https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page>.

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State Water Resources Control Board (SWRCB). 2015. GeoTracker. Available at <http://geotracker.waterboards.ca.gov/>

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CALFED Bay-Delta Program. 2000. *Water Use Efficiency Program Plan*. Final Programmatic EIS/EIR Technical Appendix.

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**Exhibit B - Mitigation Summary Table**

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

*Aesthetic and Visual Resources*

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

a. 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; and

b. Any exterior 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. All exterior lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions.

*Air Quality*

**AQ-1** **Construction Equipment Emissions Controls.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Maintain all construction equipment in proper tune according to manufacturer's specifications;
2. Fuel all off-road and portable diesel powered equipment with CARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
3. Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
4. Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
5. 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;
6. All on and off-road diesel equipment shall not idle for more than 5 minutes.
7. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
8. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
9. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
10. Electrify equipment when feasible;

11. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
12. Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

**AQ-2** **Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment.** During all site disturbance and construction activities of all project phases:

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
2. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
3. Use of alternative fueled equipment is recommended whenever possible; and,
4. Signs that specify the no idling requirements must be posted and enforced at the construction site.

**AQ-3** **Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

**AQ-4** **Prior to the onset of ground disturbing activities**, the applicant shall prepare a geologic investigation of the project site by a qualified professional to determine if Naturally Occurring Asbestos (NOA) is present within the area of disturbance, including the access roadway. If the investigation determines that NOA is not present, an exemption request shall be filed with the San Luis Obispo Air Pollution Control District (APCD). If NOA is found at the site, the applicant shall comply with all relevant requirements outlined in the California Air Resources Board Air Toxics Control Measure (ATCM) for Construction. This may include, but is not limited to, development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

**AQ-5 Operational fugitive dust impacts**. For the life of the project, implement one of the following:

a. Limit the number of round trips using the access roadway from Klau Mine Road to three or fewer per day.

b. For the life of the project, maintain the unpaved road with a dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402). To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

*Biological Resources*

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

**BIO-2 Site Maintenance and General Operations** - The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.

- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.

- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).

- Ground disturbance, including excavation, maintenance, and staging of equipment and vehicles within 60 feet of small mammal burrows shall be avoided.

- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- Any temporary construction lighting shall avoid nighttime illumination of suitable habitat features (i.e. drainages, riparian corridor, sensitive species habitat). Temporary construction lighting shall be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages.

Federal and State Waters and Wetlands.

- If construction occurs during or immediately following rain, temporary site stabilization methods will be used to prevent inadvertent erosion and sedimentation into adjacent aquatic habitat. An erosion and sediment control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into the aquatic habitats during construction. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e. non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard BMPs. BMPs shall be installed and maintained for the duration of construction or until the site has been stabilized.
- If project design changes resulting in drainage crossings or other direct impacts to mapped aquatic resources, all applicable agency permits with jurisdiction over the project area (i.e. CDFW, RWQCB, and/or Corps) should be obtained, as needed, prior to construction. All additional mitigation measures required by these agencies would be implemented as necessary throughout the project.

**BIO-3** **Pre-construction survey for Special-status Reptiles and Amphibians**. A qualified biologist shall conduct a pre-construction survey for special-status reptile and amphibian species including, but not limited to, western pond turtle, California legless lizard, lesser slender salamander, Blainville's horned lizard, and California newt, immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 100 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal including tree removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, construction activities that may result in the take of species shall cease and they will be allowed to leave on their own or, following authorization by the USFWS, will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring shall be repeated. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species. (See also mitigation measure BIO-11).

**BIO-4** **Pre-construction surveys for Crotch Bumblebee (CBB).** The following actions shall be undertaken to avoid and minimize potential impacts to CBB:

a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB within suitable habitat (i.e. small mammal burrows, thatched/bunched grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.)) on the project site. Survey(s) shall be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.

b. CBB Take Avoidance - If the survey(s) establish the presence of CBB within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the Department of Panning and Building in consultation with CDFW. The Management Plan shall include at least the following:

    i. Avoidance measures to include a minimum 50-feet no-disturbance buffer to avoid take and potentially significant impacts.

    ii. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department of Planning and Building, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).

c. In the event CBB is denied listing under the CESA, this measure shall not be required.

**BIO-5** **Bat Roost Avoidance**. A qualified biologist shall conduct a survey before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. If no active roosts are found, no further action shall be required. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing surveys.

If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost shall be fully avoided and not removed or otherwise impacted by project activities during the maternity season. A minimum 100-foot ESA avoidance buffer shall be demarcated by highly visible orange construction fencing around active maternity roosts. No construction equipment, vehicles, or personnel shall enter the ESA without clear permission from the qualified biologist. ESA fencing shall be maintained in good condition for the duration of the maternity season. The roost shall be removed only after the maternity season has ended, and shall be removed under the direction of a qualified biologist.

If active non-maternity bat roosts (e.g., day roosts, hibernacula) are found in trees scheduled to be removed, the individuals shall be safely evicted (e.g., through installation of one-way doors) under the direction of a qualified bat biologist in consultation with the CDFW. In situations requiring one-way doors, a minimum of one week shall pass after doors are installed to allow all bats to leave the roost. Temperatures need to be sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in coastal California. Eviction shall be scheduled to allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.

**BIO-6** **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

**BIO-7** **Site Restoration Following End of Operations**. Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

**BIO-8** **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-9** **Native Trees** (**Oaks) – Minimizing Impacts**. At the time of building permit application and during construction, 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) that are at least four (4) inches in diameter at breast height (DBH); Each tree shall be identified to species, assigned a unique number, and DBH measured for each trunk or major (>3 inch) branch that split below approximately 4.5 feet. An aluminum tag imprinted with the identifying number shall affixed to the north side of the tree at approximately four (4) feet above the ground. The locations of each tree should be recorded using a Geographic Positioning System with submeter accuracy or located by a licensed surveyor.

b. 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".

c. 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.

d. 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. Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.

e. 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.

f. Within two weeks prior to the initiation of work to improve the access road, protective fencing shall be installed as specified in the project grading plans. The applicant shall employ the services of a certified arborist to trim trees as necessary for clearance. The arborist shall work with the project engineer and grading contractor to provide information on how to avoid and minimize impacts of fill and/or grading within the critical root zone of oak trees.

g. Protective fencing shall also be placed delineating the drip line for oak and pine trees adjacent to the proposed water tank area. All grading for the water tank pad and the construction access route to the pad should remain out of this area, or Mitigation Measure BIO-10 shall be employed.

**BIO-10 Mitigation for Potential Impacts to Native Trees**. For any work including grading or placement of fill within the dripline of oak trees, compensatory mitigation shall be employed at the ratio of 2:1 (i.e., two oak trees to be planted for every oak tree impacted). Trees that may be affected by the project shall be identified using the tree inventory described in Mitigation Measure BIO-9. An appropriate mitigation site shall be determined in close proximity to the impacted trees. An Oak Tree Mitigation Plan shall be prepared and implemented by a qualified biologist. The plan shall follow current County guidelines and shall provide the methods and techniques to be used in the field to mitigate impacted trees. Should any oak tree require removal a 4:1 ratio (i.e., 4 trees planted for every tree removed) would be required. Replacement trees shall be the same species impacted and planted in open space areas that will not be affected by future development. Mitigation trees can also be installed adjacent to existing trees. All replacement trees shall be maintained and monitored for a minimum of seven (7) years to ensure successful establishment. If replacement trees die or do not successfully establish, then additional trees will be installed and monitored accordingly to meet this requirement. An as-built planting plan shall be prepared that is used to track the replacement trees, and annual reports prepared by a qualified individual and submitted to the County by December 31st of each year following planting. It may also be possible to pay an in-lieu mitigation fee for trees impacted or removed. Working with the County, the applicant may pay an estimated fee of $485 for each tree impacted and $970 for each tree removed.

**BIO-11 California Red-legged Frog**. The following measures shall be implemented to mitigate potential impacts to CRLF:

a. Site preparation, including vegetation clearance, soil disturbance, and grading shall not occur: (a) during the typical rainy season (November 1 to April 1), (b) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), (c) during an actual or predicted rain event of 0.25-inches or greater or within 24 hours after an actual rain event, and (d) near isolated pools.

b. If remaining construction activities (such as wall construction or interior work) are proposed during the rainy season, **prior to obtaining a building permit or continuing construction**, the applicant shall prepare a Management Plan prepared by a qualified professional. The project's Management Plan is subject to the review and approval of the United States Fish & Wildlife Service (USFWS) and San Luis Obispo County Planning & Building Department **prior to any continuation of construction or building**.

c. The Management Plan shall address items including, but not limited to: (a) monitoring that will occur during construction related activities (e.g., monitoring duration, time, frequency), (b) procedures if a California Red Legged Frog (CRLF) or other sensitive species is encountered during construction related activities, (c) pre-construction worker training, (d) the construction schedule proposed to minimize impacts to sensitive species (i.e, completing construction activities closest to potential CRLF habitat first), and (e) the filing of a post-construction report "lessons learned" on the effectiveness of the required measures.

d. Construction activities conducted during the wet season shall not occur: (a) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), or (b) during an actual or predicted rain event of 0.25-inches or greater, or within 24 hours after an actual rain event. All construction materials and equipment will be staged in previously disturbed areas. The applicant will complete construction activities closest to potential CRLF habitat (Drainage G as shown on Figure 12) first, followed by activities that are further from the potential habitat.

*Energy*

**ENG-1 Energy Reduction and Offset Requirements.** Prior to issuance of building permits for Phase II of the project, the applicant shall provide to the County Department of Planning and Building for review and approval an Energy Conservation Plan with measures that when implemented would reduce or offset the project's energy demand to within 20% of the energy use of a generic commercial building of the same size (square feet). The Energy Conservation Plan shall include the following:

a. A detailed breakdown of energy demand prepared by a certified energy analyst. The energy breakdown shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities, including, but not limited to, lighting, odor management, and climate control equipment. Such quantification shall be expressed in total kWh per year and non-electrical sources shall be converted to kWh per year.

b. A program for providing a reduction or offset of all energy demand that is 20% or more above a generic commercial building of the same size. In this case, the estimated reduction or offset would be at least: 3,630,000 kWhr/yr – 841,500 kWh/year = 2,788,500 kWhr/yr; and the amount of energy not otherwise reduced or offset must not exceed 841,500 kWhr/yr. Such a program (or programs) may include, but is not limited to, the following:

i. Evidence that the project will permanently source project energy demands from renewable energy sources (e.g., solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.

ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include the following:

- Participating in an annual energy audit.
- Upgrading and maintaining efficient heating/cooling/dehumidification systems.
- Implement energy efficient lighting, specifically LED over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
- Implementing automated lighting systems.
- Utilizing natural light when possible.
- Utilizing an efficient circulation system.
- Ensuring that energy use is below or in-line with industry benchmarks.
- Implementing phase-out plans for the replacement of inefficient equipment.
- Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.

iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]

iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

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

*Hazards and Hazardous Materials*

**HAZ-1** **Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all 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 to avoid potential leaks or spills.

## Initial Study – Environmental Checklist

**HAZ-2** **Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

## Appendix A

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

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

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

*Section 8102 – Annual State License Application Requirements*

(p) For all cultivator license types except Processor, evidence of enrollment in an order or waiver of waste discharge requirements with the State Water Resources Control Board or the appropriate Regional Water Quality Control Board. Acceptable documentation for evidence of enrollment can be a Notice of Applicability letter. Acceptable documentation for a Processor that enrollment is not necessary can be a Notice of Non-Applicability;

(q) Evidence that the applicant has conducted a hazardous materials record search of the EnviroStor database for the proposed premises. If hazardous sites were encountered, the applicant shall provide documentation of protocols implemented to protect employee health and safety;

(s) For indoor and mixed-light license types, the application shall identify all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation;

(v) Identification of all of the following applicable water sources used for cultivation activities and the applicable supplemental information for each source pursuant to section 8107;

(w) A copy of any final lake or streambed alteration agreement issued by the California Department of Fish and Wildlife, pursuant to sections 1602 or 1617 of the Fish and Game Code, or written verification from the California Department of Fish and Wildlife that a lake and streambed alteration agreement is not required;

(dd) If applicable, the applicant shall provide evidence that the proposed premises is not located in whole or in part in a watershed or other geographic area that the State Water Resources Control Board or the Department of Fish and Wildlife has determined to be significantly adversely impacted by cannabis cultivation pursuant to section 8216.

*Section 8106 – Cultivation Plan Requirements*

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

(3) A pest management plan.

*Section 8108 -- Cannabis Waste Management Plans*

*Section 8216 – License Issuance in an Impacted Watershed*

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

*Section 8304 – General Environmental Protection Measures*

(a) Compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife;

(b) Compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code;

(c) All outdoor lighting used for security purposes shall be shielded and downward facing;

(d) Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered;

(e) Requirements for generators pursuant to section 8306 of this chapter;

(f) Compliance with pesticide laws and regulations pursuant to section 8307 of this chapter;

(g) Mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

*Section 8305 – Renewable Energy Requirements*

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

*Section 8306 -- Generator Requirements*

*Section 8307 – Pesticide Use Requirements*

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

*Section 8308 – Cannabis Waste Management*

Bureau of Cannabis Control

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

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

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

California Department of Fish and Wildlife (CDFW)

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

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

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

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

**DATE: April 30, 2021**

# DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM FOR RIPARIAN BIOSUPPORT MINOR USE PERMIT (DRC2020-00095) 1375 KLAU MINE ROAD

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

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

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

## AESTHETICS & VISUAL RESOURCES

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

a. 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; and

b. Any exterior 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. All exterior lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions.

**Monitoring:** Light pollution prevention plan shall be submitted for review and approval by the County Department of Planning and Building at the time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.

## AIR QUALITY

**AQ-1** **Construction Equipment Emissions Controls.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Maintain all construction equipment in proper tune according to manufacturer’s specifications;

2. Fuel all off-road and portable diesel powered equipment with CARB certified

motor vehicle diesel fuel (non-taxed version suitable for use off-road);

3. Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
4. Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
5. 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;
6. All on and off-road diesel equipment shall not idle for more than 5 minutes.
7. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
8. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
9. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
10. Electrify equipment when feasible;
11. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
12. Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

**Monitoring:** Required during construction. Grading plans shall be checked for the incorporation of required measures prior to the issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

**AQ-2 Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment.** During all site disturbance and construction activities of all project phases:

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
2. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
3. Use of alternative fueled equipment is recommended whenever possible; and,
4. Signs that specify the no idling requirements must be posted and enforced at the construction site.

**Monitoring:** Required during construction. Grading plans shall be checked for the incorporation of required measures prior to the issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

**AQ-3** **Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

**Monitoring:** Required during construction. Grading plans shall be checked for the incorporation of required measures prior to the issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

**AQ-4** **Prior to the onset of ground disturbing activities**, the applicant shall prepare a geologic investigation of the project site by a qualified professional to determine if Naturally Occurring Asbestos (NOA) is present within the area of disturbance, including the access roadway. If the investigation determines that NOA is <u>not</u> present, an exemption request shall be filed with the San Luis Obispo Air Pollution Control District (APCD). If NOA is found at the site, the applicant shall comply with all relevant requirements outlined in the California Air Resources Board Air Toxics Control Measure (ATCM) for Construction. This may include, but is not limited to, development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

**Monitoring:** Required during construction. A geologic investigation shall be prepared by a qualified professional and submitted for review to the County Department of Planning and Building and APCD prior to the issuance of construction permits. Compliance will be verified by the County Department of Planning and Building prior to the issuance of construction permits.

**AQ-5** **Operational fugitive dust impacts**. For the life of the project, implement one of the following:

a. Limit the number of round trips using the access roadway from Klau Mine Road to three or fewer per day.

b. For the life of the project, maintain the unpaved road with a dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402). To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

**Monitoring:** Grading plans shall be checked for the incorporation of required measures prior to the issuance of construction permits. Compliance will be verified during construction and quarterly by the County Department of Planning and Building.

**BIOLOGICAL RESOURCES**

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

**Monitoring:** Evidence that environmental awareness training has been completed shall be provided to the County Department of Planning and Building prior to construction. Sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be submitted to, and kept by, the County Department of Planning and Building.

**BIO-2 Site Maintenance and General Operations** - **The following measures are required to minimize impacts during active construction and ongoing operations**. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts

and yellow rope) and/or flagging. No work or travel shall occur outside these limits.

- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.

- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).

- Ground disturbance, including excavation, maintenance, and staging of equipment and vehicles within 60 feet of small mammal burrows shall be avoided.

- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.

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

- Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

- Any temporary construction lighting shall avoid nighttime illumination of suitable habitat features (i.e. drainages, riparian corridor, sensitive species habitat). Temporary construction lighting shall be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages.

Federal and State Waters and Wetlands.

- If construction occurs during or immediately following rain, temporary site stabilization methods will be used to prevent inadvertent erosion and sedimentation into adjacent aquatic habitat. An erosion and sediment control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into the aquatic habitats during construction. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e. non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard BMPs. BMPs shall be installed and maintained for the duration of construction or until the site has been stabilized.

- If project design changes resulting in drainage crossings or other direct impacts to mapped aquatic resources, all applicable agency permits with jurisdiction over the project area (i.e. CDFW, RWQCB, and/or Corps) should be obtained, as needed, prior to construction. All additional mitigation measures required by these agencies would be implemented as necessary throughout the project.

**Monitoring:** Construction/ grading plans shall be checked for the incorporation of required measures prior to the issuance of construction permits. Compliance will be verified during construction and quarterly by the County Department of Planning and Building.

**BIO-3 Pre-construction survey for Special-status Reptiles and Amphibians**. A qualified biologist shall conduct a pre-construction survey for special-status reptile and amphibian species including, but not limited to, western pond turtle, California legless lizard, lesser slender salamander, Blainville's horned lizard, and California newt, immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 100 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal including tree removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, construction activities that may result in the take of species shall cease and they will be allowed to leave on their own or, following authorization by the USFWS, will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring shall be repeated. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species. (See also mitigation measure BIO-11).

**Monitoring:** Evidence that preconstruction surveys for special-status reptiles and amphibians have been undertaken within the timeframes prescribed for each species shall be provided to the Department of Planning Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

**BIO-4 Pre-construction surveys for Crotch Bumblebee (CBB).** The following actions shall be undertaken to avoid and minimize potential impacts to CBB:

a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB within suitable habitat (i.e. small mammal burrows, thatched/bunched grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.)) on the project site. Survey(s) shall be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.

b. CBB Take Avoidance - If the survey(s) establish the presence of CBB within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the Department of Panning and Building in consultation with CDFW. The Management Plan shall include at least the following:

   i. Avoidance measures to include a minimum 50-feet no-disturbance buffer to avoid take and potentially significant impacts.

   ii. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the

Department of Planning and Building, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).

c. In the event CBB is denied listing under the CESA, this measure shall not be required.

**Monitoring:** Evidence that preconstruction surveys for CBB have been undertaken within the timeframe prescribed shall be provided to the Department of Planning Building. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

**BIO-5 Bat Roost Avoidance**. A qualified biologist shall conduct a survey before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. If no active roosts are found, no further action shall be required. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing surveys.

If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost shall be fully avoided and not removed or otherwise impacted by project activities during the maternity season. A minimum 100-foot ESA avoidance buffer shall be demarcated by highly visible orange construction fencing around active maternity roosts. No construction equipment, vehicles, or personnel shall enter the ESA without clear permission from the qualified biologist. ESA fencing shall be maintained in good condition for the duration of the maternity season. The roost shall be removed only after the maternity season has ended, and shall be removed under the direction of a qualified biologist.

If active non-maternity bat roosts (e.g., day roosts, hibernacula) are found in trees scheduled to be removed, the individuals shall be safely evicted (e.g., through installation of one-way doors) under the direction of a qualified bat biologist in consultation with the CDFW. In situations requiring one-way doors, a minimum of one week shall pass after doors are installed to allow all bats to leave the roost. Temperatures need to be sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in coastal California. Eviction shall be scheduled to allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.

**Monitoring:** Evidence that preconstruction surveys to avoid bat roosts have been undertaken within the timeframes prescribed for each species shall be provided to the Department of Planning Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

**BIO-6 Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are

located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

**Monitoring:** Evidence that preconstruction surveys for sensitive and nesting birds have been undertaken within the timeframe prescribed shall be provided to the Department of Planning Building. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

**BIO-7 Site Restoration Following End of Operations**. Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

**Monitoring:** No later than one month following revocation of a use permit or abandonment of a licensed cultivation or nursery site the project site shall be inspected by the County Department of Planning and Building to ensure all materials, equipment and improvements devoted to cannabis has been removed. Plans and description of the continued use of any non-cannabis related materials or equipment on the site, and any required restoration plan that will re-establish the previous natural conditions of the site shall be provided to the County Department of Planning and Building and approved within two weeks of the revocation or abandonment of such cannabis project. Compliance shall be monitored by the County Department of Planning and Building.

**BIO-8 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-9 Native Trees** (**Oaks) – Minimizing Impacts**. At the time of building permit application and during construction, 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) that are at least four (4) inches in diameter at breast height (DBH); Each tree shall be identified to species, assigned a unique number, and DBH measured for each trunk or major (>3 inch) branch that split below approximately 4.5 feet. An aluminum tag imprinted with the identifying number shall affixed to the north side of the tree at approximately four (4) feet above the ground. The locations of each tree should be recorded using a Geographic Positioning System with submeter accuracy or located by a licensed surveyor.

b. 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".

c. 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.

d. 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. Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.

e. 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.

f. Within two weeks prior to the initiation of work to improve the access road, protective fencing shall be installed as specified in the project grading plans. The applicant shall employ the services of a certified arborist to trim trees as necessary for clearance. The arborist shall work with the project engineer and grading contractor to provide information on how to avoid and minimize impacts of fill and/or grading within the critical root zone of oak trees.

g. Protective fencing shall also be placed delineating the drip line for oak and pine trees adjacent to the proposed water tank area. All grading for the water tank pad and the construction access route to the pad should remain out of this area, or Mitigation Measure BIO-10 shall be employed.

**Monitoring:** An inventory of native oak trees and the location of native trees within 25 feet of construction activities shall be provided to the Department of Planning and Building prior to grading permit issuance. Trees shall be marked as required and verified prior to construction by the Department of Planning and Building. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work. Trimming and other activities affecting native oak trees shall be monitored during construction by the Department of Planning and Building.

**BIO-10 Mitigation for Potential Impacts to Native Trees**. For any work including grading or placement of fill within the dripline of oak trees, compensatory mitigation shall be

employed at the ratio of 2:1 (i.e., two oak trees to be planted for every oak tree impacted). Trees that may be affected by the project shall be identified using the tree inventory described in Mitigation Measure BIO-9. An appropriate mitigation site shall be determined in close proximity to the impacted trees. An Oak Tree Mitigation Plan shall be prepared and implemented by a qualified biologist. The plan shall follow current County guidelines and shall provide the methods and techniques to be used in the field to mitigate impacted trees. Should any oak tree require removal a 4:1 ratio (i.e., 4 trees planted for every tree removed) would be required. Replacement trees shall be the same species impacted and planted in open space areas that will not be affected by future development. Mitigation trees can also be installed adjacent to existing trees. All replacement trees shall be maintained and monitored for a minimum of seven (7) years to ensure successful establishment. If replacement trees die or do not successfully establish, then additional trees will be installed and monitored accordingly to meet this requirement. An as-built planting plan shall be prepared that is used to track the replacement trees, and annual reports prepared by a qualified individual and submitted to the County by December 31st of each year following planting. It may also be possible to pay an in-lieu mitigation fee for trees impacted or removed. Working with the County, the applicant may pay an estimated fee of $485 for each tree impacted and $970 for each tree removed.

**Monitoring:** The Oak Tree Mitigation Plan incorporating the required elements shall be provided to the Department of Planning and Building and approved prior to building permit issuance.

**BIO-11 California Red-legged Frog**. The following measures shall be implemented to mitigate potential impacts to CRLF:

a. Site preparation, including vegetation clearance, soil disturbance, and grading shall not occur: (a) during the typical rainy season (November 1 to April 1), (b) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), (c) during an actual or predicted rain event of 0.25-inches or greater or within 24 hours after an actual rain event, and (d) near isolated pools.

b. If remaining construction activities (such as wall construction or interior work) are proposed during the rainy season, **prior to obtaining a building permit or continuing construction**, the applicant shall prepare a Management Plan prepared by a qualified professional. The project's Management Plan is subject to the review and approval of the United States Fish & Wildlife Service (USFWS) and San Luis Obispo County Planning & Building Department **prior to any continuation of construction or building**.

c. The Management Plan shall address items including, but not limited to: (a) monitoring that will occur during construction related activities (e.g., monitoring duration, time, frequency), (b) procedures if a California Red Legged Frog (CRLF) or other sensitive species is encountered during construction related activities, (c) pre-construction worker training, (d) the construction schedule proposed to minimize impacts to sensitive species (i.e, completing construction activities closest to potential CRLF habitat first), and (e) the filing of a post-construction report "lessons learned" on the effectiveness of the required measures.

d. Construction activities conducted during the wet season shall not occur: (a) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), or (b) during an actual or predicted rain event of 0.25-inches or greater, or within 24 hours after an actual rain event. All construction materials and equipment will be staged in previously disturbed areas. The applicant will complete construction activities closest to potential CRLF habitat (Drainage G as shown on Figure 12) first, followed by activities that are further from the potential habitat.

**Monitoring:** Evidence that preconstruction surveys for CRLF avoidance have been undertaken within the timeframes prescribed for each species shall be provided to the Department of Planning Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

## ENERGY/GREENHOUSE GAS EMISSIONS

**ENG-1 Prior to issuance of building permits,** the applicant shall provide to the Department of Planning and Building for review and approval, an Energy Conservation Plan with a package of measures that, when implemented, would reduce or offset the project's energy demand to within 20% of the demand associated with a generic commercial building of the same size. The Energy Conservation Plan shall include the following:

a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.

b. A program for providing a reduction or offset of all energy demand that is 20% or more above a generic commercial building of the same size. In this case, the estimated reduction or offset would be at least: 3,630,000 kWhr/yr – 841,500 kWh/year = 2,788,500 kWhr/yr; and the amount of energy not otherwise reduced or offset must not exceed 841,500 kWhr/yr. Such a program (or programs) may include, but is not limited to, the following:

i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.

ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:

- Participating in an annual energy audit.
- Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.

- Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
- Implementing automated lighting systems.
- Utilizing natural light when possible.
- Utilizing an efficient circulation system.
- Ensuring that energy use is below or in-line with industry benchmarks.
- Implementing phase-out plans for the replacement of inefficient equipment.
- Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.

iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]

iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

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

**Monitoring:** Energy Conservation Plan shall be submitted and approved by the Department of Planning and Building. Compliance will be verified by the County Department of Planning and Building.

**Hazards and Hazardous Materials**

**HAZ-1** **Equipment Maintenance and Refueling. During all construction activities**, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all 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 to avoid potential leaks or spills.

**HAZ-2** **Spill Response Protocol. During all construction activities**, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

**Monitoring:** Required during all construction activities. Implementation and compliance will be verified by the County Department of Planning and Building.

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

| Signature of Applicant | Name (Print) | Date |
|---|---|---|
| [signature] | D.C. Kirk Azevedo, D.C. | 5/4/21 |