



## (Revised) Negative Declaration & Notice Of Determination

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

**ENVIRONMENTAL DETERMINATION NO.** ED Number 19-141

**DATE:** December 28, 2020

**PROJECT/ENTITLEMENT:** 13350 River Road LLC (previously Dayspring Pretty) Conditional Use Permit; DRC2018-00036

**APPLICANT NAME:** 13350 River Road LLC

**Email:** helios@nhcdispensaries.com

**ADDRESS:** 7510 Los Osos Valley Road, Los Osos, California 93405

**CONTACT PERSON:** Helios Dayspring

**Telephone:** 805-459-6010

**PROPOSED USES/INTENT:** Hearing to consider a request by 13350 River Road LLC (previously Helios Dayspring) for a Conditional Use Permit (DRC2018-00036) to authorize cannabis operations with up to three acres of outdoor cultivation in hoop structures, up to 22,000 square feet of indoor mixed-light cultivation, up to 27,570 square feet of ancillary cannabis nursery, and operation of a non-storefront dispensary. The dispensary, as well as ancillary processing, curing, drying and trimming, and ancillary nursery will occupy a 4,740 square foot existing winery building. The project will include the construction of one greenhouse building with a total combined floor area of 45,000 square feet and the installation of 20, 5,000-gallon water storage tanks. In addition, a new 5,000 sq.ft. metal building will be constructed to be used for drying and processing and the placement; one seartrain container will be used for the storage of agricultural equipment. Outdoor cultivation and nursery activities will occur within a total of 63 hoop structures. The project includes a request for an ordinance modification to reduce the required number of parking spaces from 95 to 24. The project will result in approximately 13.4 acres of site disturbance on an approximately 63-acre parcel located at 13350 River Road, east of the community of San Miguel. The project is within the Agricultural land use category and the Salinas River Sub Planning Area of the North County Planning Area.

**LOCATION:** The project site is located at 13350 River Road, San Miguel in the Salinas River Sub Planning Area of the North County Planning Area.

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

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

**OTHER POTENTIAL PERMITTING AGENCIES:**

**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. 2019069095**

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

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

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

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

County of San Luis Obispo

**Signature****Project Manager Name****Date****Public Agency**



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

PLN-2039  
04/2019

**Project Title & No. 13350 River Road LLC (Previously Dayspring-Pretty) Conditional Use  
Permit ED19-141 DRC2018-00036**

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

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input type="checkbox"/> Agriculture & Forestry Resources	<input checked="" type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Hydrology & Water Quality	<input type="checkbox"/> Transportation
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use & Planning	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities & Service Systems
<input checked="" type="checkbox"/> Energy	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Wildfire
<input type="checkbox"/> Geology & Soils	<input type="checkbox"/> Population & Housing	<input checked="" type="checkbox"/> Mandatory Findings of Significance

**DETERMINATION: (To be completed by the Lead Agency)**

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

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

David Moran

Prepared by (Print)

Signature

12/14/2020

Date

Steve McMasters

Reviewed by (Print)

Signature

Principal Environmental  
Specialist

12/22/2020

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:** Hearing to consider a request by 13350 River Road LLC (**previously Dayspring Pretty**) for a Conditional Use Permit (DRC2018-00036) to authorize cannabis operations with up to three acres of outdoor cultivation in hoop structures, up to 22,000 square feet of indoor mixed-light cultivation, up to 27,570 square feet of ancillary cannabis nursery, and operation of a non-storefront dispensary. The dispensary, as well as ancillary processing, curing, drying and trimming, and ancillary nursery will occupy a 4,740 square foot existing winery building. The project will include the construction of one greenhouse building with a total combined floor area of 45,000 square feet and the installation of 20, 5,000-gallon water storage tanks. In addition, a new 5,000 sq.ft. metal building will be constructed to be used for drying and processing and the placement; one seartrain container will be used for the storage of agricultural equipment. Outdoor cultivation and nursery activities will occur within a total of 63 hoop structures. The project includes a request for an ordinance modification to reduce the required number of parking spaces from 95 to 24. The project will result in approximately 13.4 acres of site disturbance on an approximately 63-acre parcel located at 13350 River Road, east of the community of San Miguel. The project is within the Agricultural land use category and the Salinas River Sub Planning Area of the North County Planning Area.

The greenhouses will be 14 feet and 4 inches in height. The 20, 5,000-gallon water storage tanks will reach a maximum height of 6 feet 4 inches. The proposed 5,000 sq.ft. processing building will be 35 feet tall and will incorporate design features that resemble a barn.

With the exception of the one ordinance modification discussed below, the project would meet all the requirements of the County Land Use Ordinance (LUO), including:

- Required 1,000-foot setbacks from sensitive receptors for all operations,
- Required 300-foot setbacks from the property line for outdoor cultivation, and
- Required 100-foot setbacks from offsite residences for indoor cultivation.

The regional location of the project site is shown in Figure 1, and an aerial view is provided in Figure 2. Table 1 provides a summary of project components.



## Initial Study – Environmental Checklist

Table 1 – Project Components

Project Component	Structure Size	Count	Area (sf)	Canopy (sf)	Canopy (acres)
Outdoor Cultivation					
Hoop Houses – Mature/Flowering	100' x 24'	56	159,000	127,680	2.93
Hoop Houses – Ancillary Nursery	100' x 24'	7	20,400	16,320	0.38
Total			179,400	144,000	3.30
Indoor Cultivation					
Greenhouse – Mature/Flowering	45,000 sq.ft.	1	24,000	22,000	0.50
Greenhouse – Ancillary Nursery			21,000	11,250	0.25
Total			45,000	33,250	0.76
Indoor Processing, Ancillary Nursery and Dispensary					
Indoor Processing	New 5,000 sq.ft. processing building		5,000	n/a	n/a
Total			5,000	0	0
Indoor Drying/Curing/Ancillary Nursery	First floor of existing 4,750 sq.ft. former winery building		640	Max. 640 sq.ft.	Max. 0.01
Indoor Processing			1,080	n/a	n/a
Indoor Dispensary Operation			440	n/a	n/a
Indoor Storage			145	n/a	n/a
Indoor Bathroom			65	n/a	n/a
Indoor Processing	Upper floor of existing 4,750 sq.ft. former winery building		2,370	n/a	n/a
Total			4,740	640	0.01
Total:			234,140 (5.3 acres)	177,890	4.08

*Operations*

The project will require a total of 5 full time staff consisting of 4 laborers who will live in the home onsite and a manager, who will arrive at approximately 6:00 am and leave in the afternoon before 2:00 pm. Three times a year, in June, August and late October for harvest, 4 additional employees will be employed onsite for a total of 9. These harvest times are six days long where the cannabis is cut and hung inside each hoop house or in the existing processing building. Once dried, the onsite staff cut and trim the product.

*Processing*

The project proposes to construct a new, 5,000 sq.ft. metal building for processing activities for cannabis products grown on site. In addition, a 4,090 sq.ft. portion of an existing former winery building will be used for processing that would include drying, trimming and curing; no manufacturing or the use of processing machinery is proposed. ). A 640 sq.ft. portion of the ground floor processing area will be used cyclically for nursery then drying as the crops go through each grow cycle. The water use for this 640 sq. ft. of nursery space is included in the water estimate. This space will be equipped with an odor mitigation system.

## Initial Study – Environmental Checklist

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Once cannabis products are processed, they would be transported off-site for testing, distribution, and sale. The building is served by eight paved parking spaces, including one space that is American Disability Act (ADA) compliant; the former winery building also includes a restroom and a secure storage area.

### *Non-storefront Dispensary*

The project proposes to use a 440 sq.ft. portion of the existing winery building for a non-storefront dispensary. The dispensary would include a 145 sq.ft. secure storage area where cannabis products grown and processed on-site will be stored prior to delivery. The dispensary will receive orders over the phone and online and would make up to four delivery runs per day (8am, 11am, 2pm, and 6:30pm). Deliveries will occur via two drivers using two separate vehicles that will be kept onsite during non-delivery hours. Deliveries will be made to cities and counties within the State of California in which cannabis product deliveries are not prohibited. The applicant currently operates a dispensary in the City of Grover Beach with established employee safety protocols that will be applied to this operation.

### *Security*

Access to the site would be directly from River Road by way of a paved driveway that will be gated and locked. While no road improvements are necessary, the applicant will be required to remove existing walls and gates from the County right-of-way (Public Works, September 2018) for which an encroachment permit will be required.

An existing six-foot high fence is located along the property lines fronting River Road and Mission Lane. The cannabis cultivation areas would be enclosed within a 6-foot tall secure chain-link fence with privacy slats along with an 11 foot tall polyethylene wind screen and vegetative screening for wind break and privacy (Figure 9). Locked gates and motion detection lights (downward facing to reduce light pollution) will be installed for secure access. Lighting associated with the greenhouses would be shielded with blackout screening to prevent views from offsite.

### *Odor Management*

Odor associated with outdoor cultivation will be managed with the use of setbacks and barriers (hoop house materials and screened fencing) and by conducting processing activities within enclosed buildings. Each of the proposed outdoor cultivation areas will be located a minimum of 300 feet from all property lines. All structures utilized for indoor cannabis cultivation and processing will be equipped with sufficient ventilation controls (e.g. carbon scrubbers) and an odor neutralizing spray to eliminate nuisance odor emissions from being detected offsite. The proposed nursery operation is not anticipated to create any odor issues.

### *Water Management*

Based on the Water Demand Analysis prepared for the project, project cultivation irrigation activities would result in approximately 6.44 acre-feet of water demand per year, including 1.64 acre-feet per year (AFY) for the proposed odor control systems. Domestic water use for 10 full-time employees has been estimated to result in about 0.1 acre-foot per year.

The project is located in the Paso Robles Groundwater Basin which is designated at Level of Severity III by the County's Resource Management System. However, the site is not located within an Area of Severe Decline. As such, the project will be required to offset the projected water use at a 1:1 ratio in compliance with the Countywide Water Conservation Program (CWWCP).

The project water demand would be served by an existing groundwater well. A total of 11 10,000-gallon

## Initial Study – Environmental Checklist

water tanks would be installed on the property for seasonal storage of irrigation water.

### *Waste Management*

All green waste consisting of dead and/or stripped-of-flower plants and soil will be composted onsite and reused. The compost area will be located in the northeast corner of the cultivation fenced area. Two commercial sized dumpsters will be located east of the existing residence for disposal of agricultural production materials and extraneous trash. This location is not visible from offsite due to intervening buildings and vegetation.

The existing on-site septic system would serve the project. Portable restrooms would also be located in the cultivation area. A permanent restroom facility is included within the existing former winery building which is served by an existing on-site septic system. Employees working within the proposed non-storefront dispensary would utilize the existing permanent restroom facilities.

### *Pesticides and 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. Products used onsite will be stored in two existing 320 sq. ft. seartrain containers within secondary containment in small containers within spill containment bins in the cultivation and nursery environments. Materials will consist of the following:

Pesticides			Fertilizers
Product	Type	Active Ingredient	
Azadirect	Liquid	Azadirachtin	Seaweed extract Mammoyh p Azos Mykos Potassium nitrate Calcium nitrate Magnesium nitrate Potassium thiosulfate Ammonium phosphate Mono potassium phosphate An20 Ammonium sulphate Magnesium sulphate Iran chelate 13% Magnesium chelate 13% Zinc chelate 14% Copper chelate 14%
Cueva	Liquid	Copper Octanoate	
Dipel DF	Powder	Bacillus thuringiensis, subsp. kurstaki	
DoubleNickel LC	Liquid	Bacillus amyloliquefaciens strain D747	
Kaligreen	Powder	Potassium bicarbonate	
M-Pede	Liquid	Potassium salts of fatty acids	
Mycotrol ESO	Liquid	Beauveria bassiana Strain GHA	
Oximate 2.0	Liquid	Hydrogen dioxide/Peroxyacetic acid	
Oxigreen	Liquid	Peroxyacetic acid/Hydrogen peroxide	
Pest Out	Liquid	Cottonseed, clove garlic oil	
Regalia	Liquid	Reynoutria sachalinensis	
Trilogy	Liquid	Clarified hydrophobic extract of neem oil	
Xentari	Powder	Bacillus thuringiensis, subsp. aizawai	

**Ordinance Modification.** The project includes a modification from the parking provisions set forth in Section 22.18.050.C.1 of the County LUO. The type of commercial agricultural use that best matches the proposed cannabis cultivation 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 and indoor operations is 47,370 square feet which, with the application of this parking standard, would require the applicant to

## Initial Study – Environmental Checklist

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provide 95 parking spaces. The project proposes a total of 24 parking spaces including one space designed to meet Americans With Disabilities standards. Up to ten employees may be on site at various times during the day. Therefore, 24 spaces are sufficient to meet the peak parking demand of the project.

**Baseline Conditions.** Existing development includes a single-family residence, agricultural accessory structures, a vineyard, and a 4,740 sq.ft. winery building that includes a second-floor vacation rental and a first-floor restroom. In order to comply with LUO Section 20.40.040.Q, Use of a Residence, the project will be conditioned to convert the existing vacation rental (2<sup>nd</sup> floor of winery building) to a non-residential use.

An existing paved parking area with eight spaces is located next to the winery building and would be used to serve cannabis activities.

The residential, agricultural and winery activities of the project site have historically been served by one existing well. Vineyards have not been cultivated since at least 2013, based on historic aerial photographs. A four-hour pump test performed in February 2018 indicates the existing well provides ample water to serve the proposed cannabis uses.

There has been no cannabis cultivation previously on the project site.

### Background

A draft mitigated negative declaration (DMND) was prepared for this project and circulated for public review in July of 2019. Following the public review period, the Planning Commission conducted a public hearing on September 26, 2019 and voted to adopt the MND and approve the project subject to findings and conditions. The approval was subsequently appealed to the Board of Supervisors. Additionally, the applicant has updated the project name to 13350 River Road LLC.

The appeal raises a number of issues relating to the project's water supply and water usage, odor control, noise and light pollution, security, and the adequacy of environmental review. Accordingly, the MND has been revised to address these issues as follows:

- Section X. Hydrology and Water Quality has been revised to include an expanded discussion of project water supply and demand. Two additional mitigation measures are recommended to clarify project compliance with the water use offset required by LUO Section 22.40.050 D.
- Section XIII. Noise has been revised to include a quantification of potential noise levels associated with stationary noise sources associated with the project.

Although not specifically identified by the appeal, the following sections have been revised with additional analysis and/or recommended mitigations measures:

- The project description has changed as follows:
  - The number of hoop structures has been reduced from 75 to 63.
  - There will be no outdoor drying or curing. Instead all processing will take place within the existing former winery building and a new, 5,000 square foot metal building.
  - There will be a total of 20, 5,000 gallon water storage tanks instead of 11, 10,000 gallon tanks.
  - There will be one additional seatrain storage container added to the site to augment two existing containers to be used for pesticide and fertilizer storage. One additional 100 sq.ft. shed will be added for security and irrigation controls.
  - There will be no ancillary nursery within the existing former winery building.

## Initial Study – Environmental Checklist

- Section VI. Energy, includes a quantification of potential energy demand and greenhouse gas emissions associated with the project as well as recommended mitigation measures to ensure project energy demand will not be wasteful, unnecessary or inefficient.
- Section VII. Greenhouse Gas Emissions, compares project emissions with a working threshold established by the County to ensure consistency with relevant local and statewide GHG reduction plans.

On October 6, 2020, the Board of Supervisors amended the cannabis application requirements set forth in LUO Section 22.40.040.A.2 to require applicants proposing indoor cultivation and indoor nursery projects to submit a detailed inventory of energy demand prepared by a Certified Energy Analyst along with an energy conservation plan that sets forth specific steps to be taken to minimize energy demand and GHG emissions. It should be noted that these requirements were enacted after the Planning Commission's action of September 26, 2019 to adopt the MND and approve the project. The revised analysis provided in Section VI recommends mitigation measure ENG-1 which requires the energy conservation plan to be prepared and implemented prior to establishment of the use.

Similarly, the analysis of impacts associated with greenhouse gas emissions provided in Section VII includes an estimate of project-related GHG emissions using generation factors derived from the CalEEMOD computer model which is an accepted methodology employed by the Air Pollution Control District. The conclusions regarding the significance of impacts associated with GHG emissions assume implementation of recommended mitigation measure ENG-1 prior to establishment of the use.

Therefore, with implementation of mitigation measure ENG-1, the Planning Department has determined that the application requirements enacted by the Board in October, 2020 have been satisfied.

- The discussion of cumulative impacts provided in Section XXI. Mandatory Findings of Significance has been expanded and quantified.

As required by Section 15073.5 of the State CEQA Guidelines, the revised MND is being recirculated because new feasible mitigation measures have been identified for energy, greenhouse gas emissions and water supply.

**ASSESSOR PARCEL NUMBER(S):** 027-271-041

**Latitude:** 37.75083 degrees N **Longitude:** 120.67942 degrees W **SUPERVISORIAL DISTRICT #** 1

### 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)



## Initial Study – Environmental Checklist

Safety Plan Approval and Final Inspection	California Department of Forestry (CalFire)
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A more detailed discussion of other agency approvals and licensing requirements is provided in Exhibit B of this Initial Study.

### B. Existing Setting

**Plan Area:** North County      **Sub:** Salinas River      **Comm:** Rural

**Land Use Category:** Agriculture

**Combining Designation:** None

**Parcel Size:** 62.94 acres

**Topography:** Nearly level to steeply sloping

**Vegetation:** Agriculture

**Existing Uses:** Agricultural uses    accessory structures

#### Surrounding Land Use Categories and Uses:

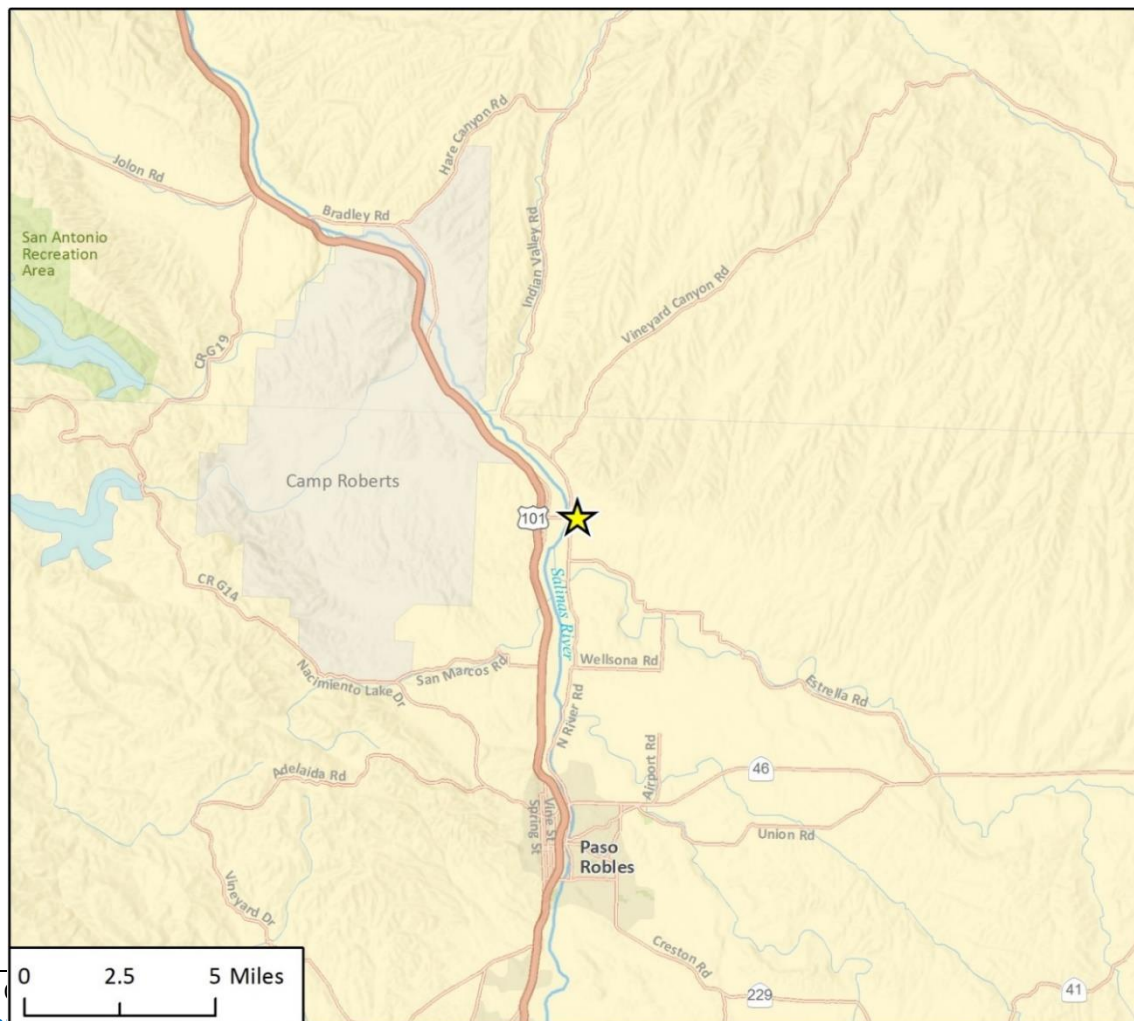
**North:** Agriculture; agricultural uses

**East:** Agriculture; agricultural uses

**South:** Residential Suburban; agricultural uses

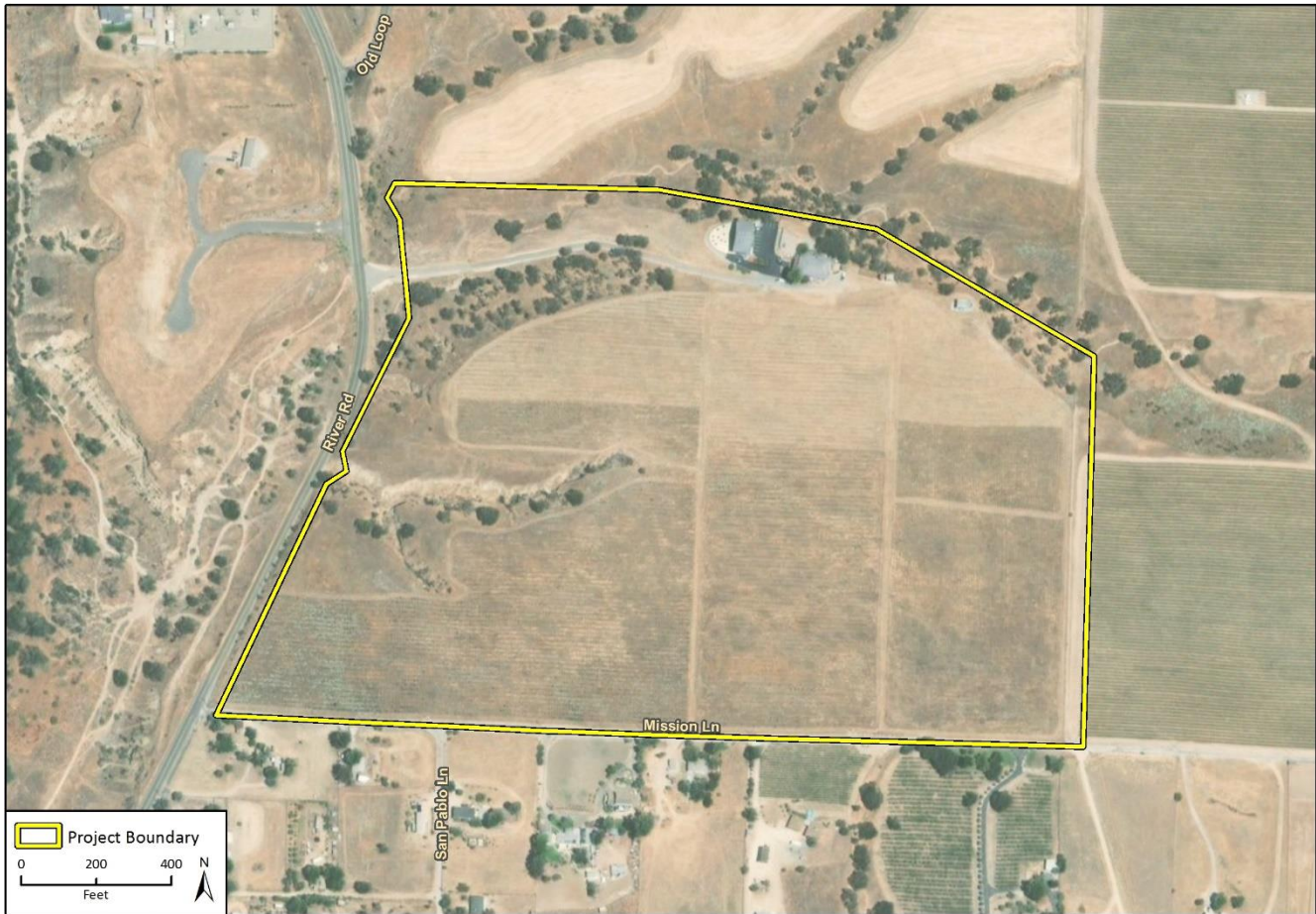
**West:** Residential Suburban;

**Figure 1. Project Vicinity Map**



## Initial Study – Environmental Checklist

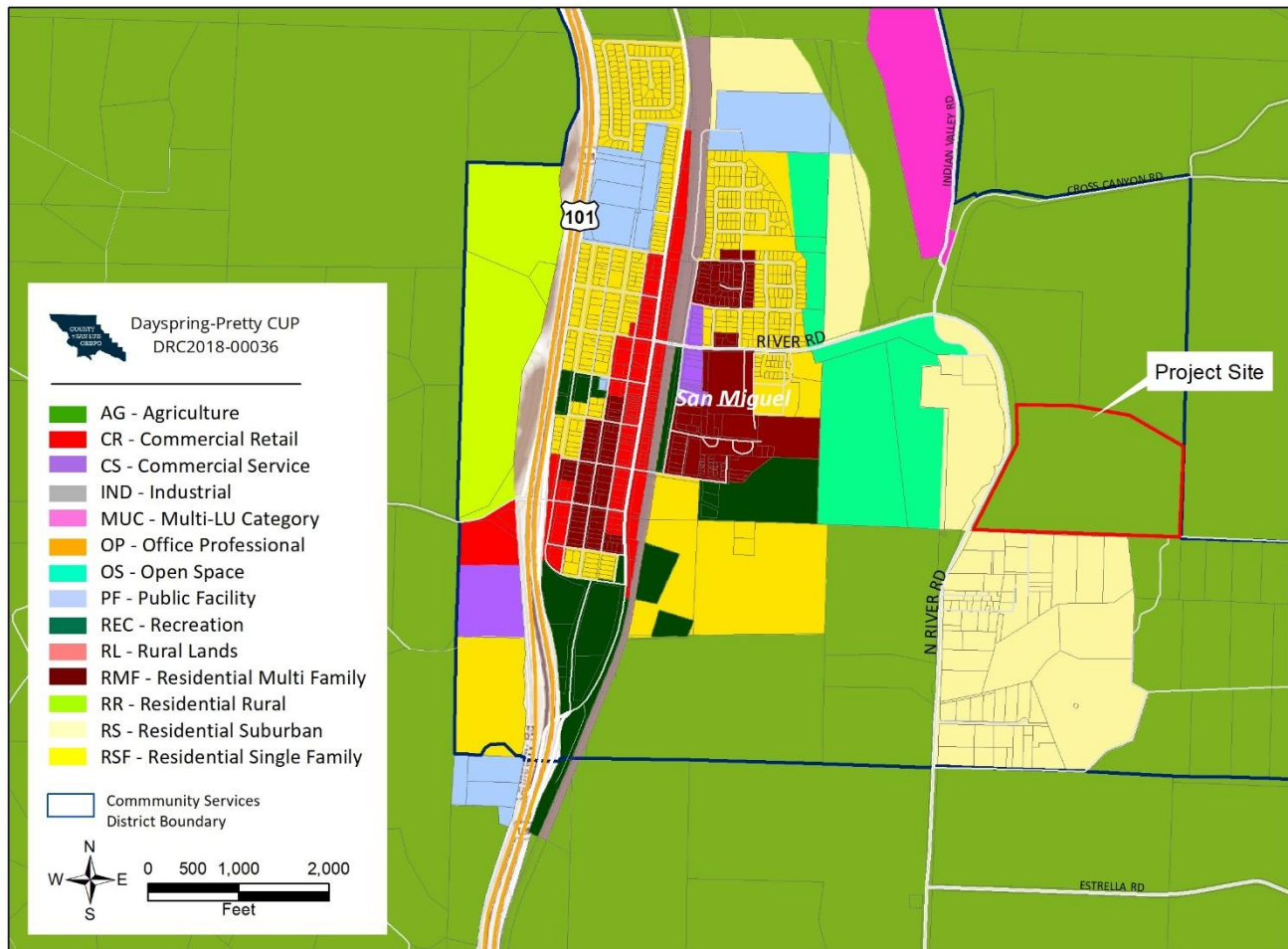
Figure 2. Aerial View of the Project Site





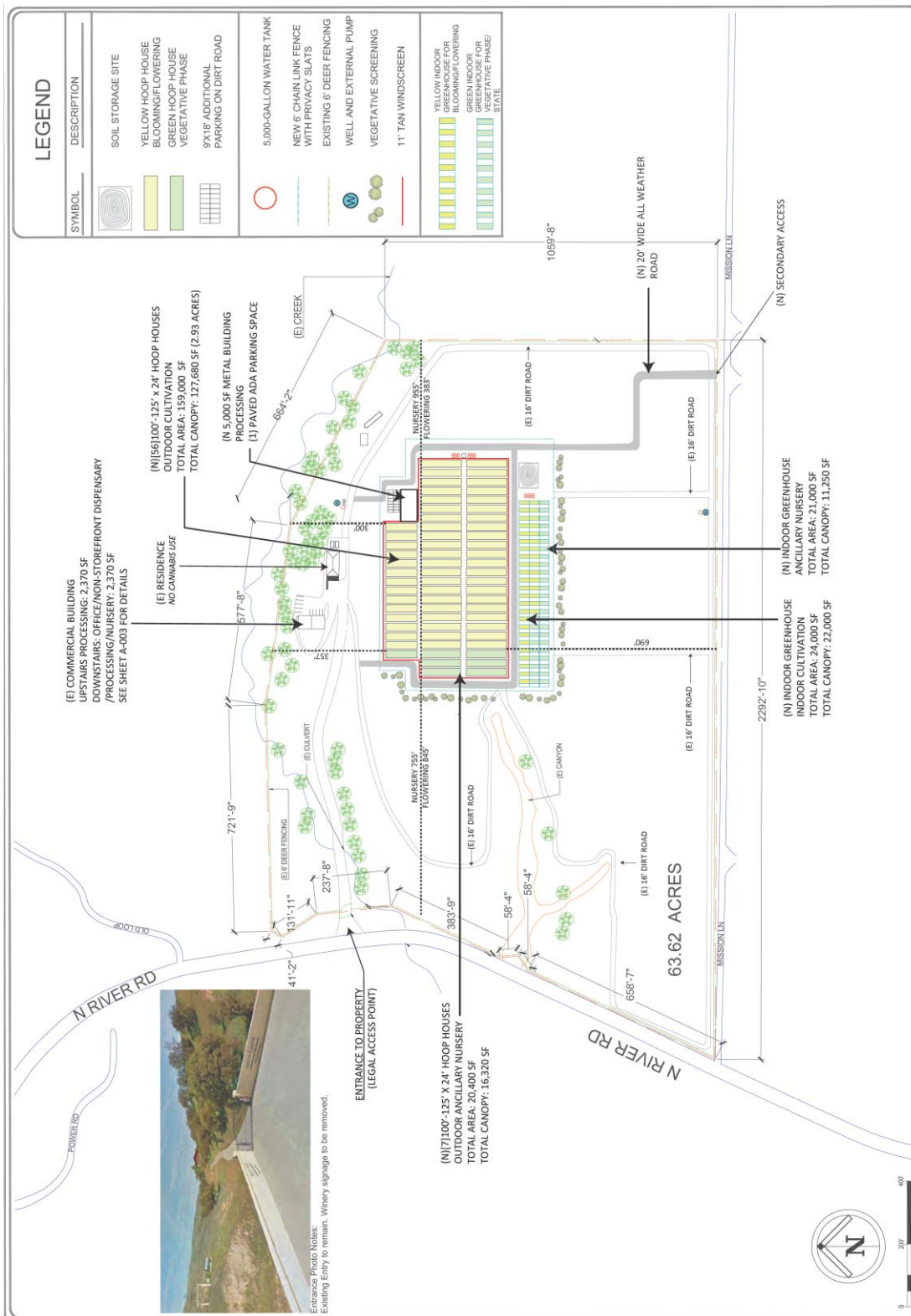
## Initial Study – Environmental Checklist

Figure 3 – Land Use Categories



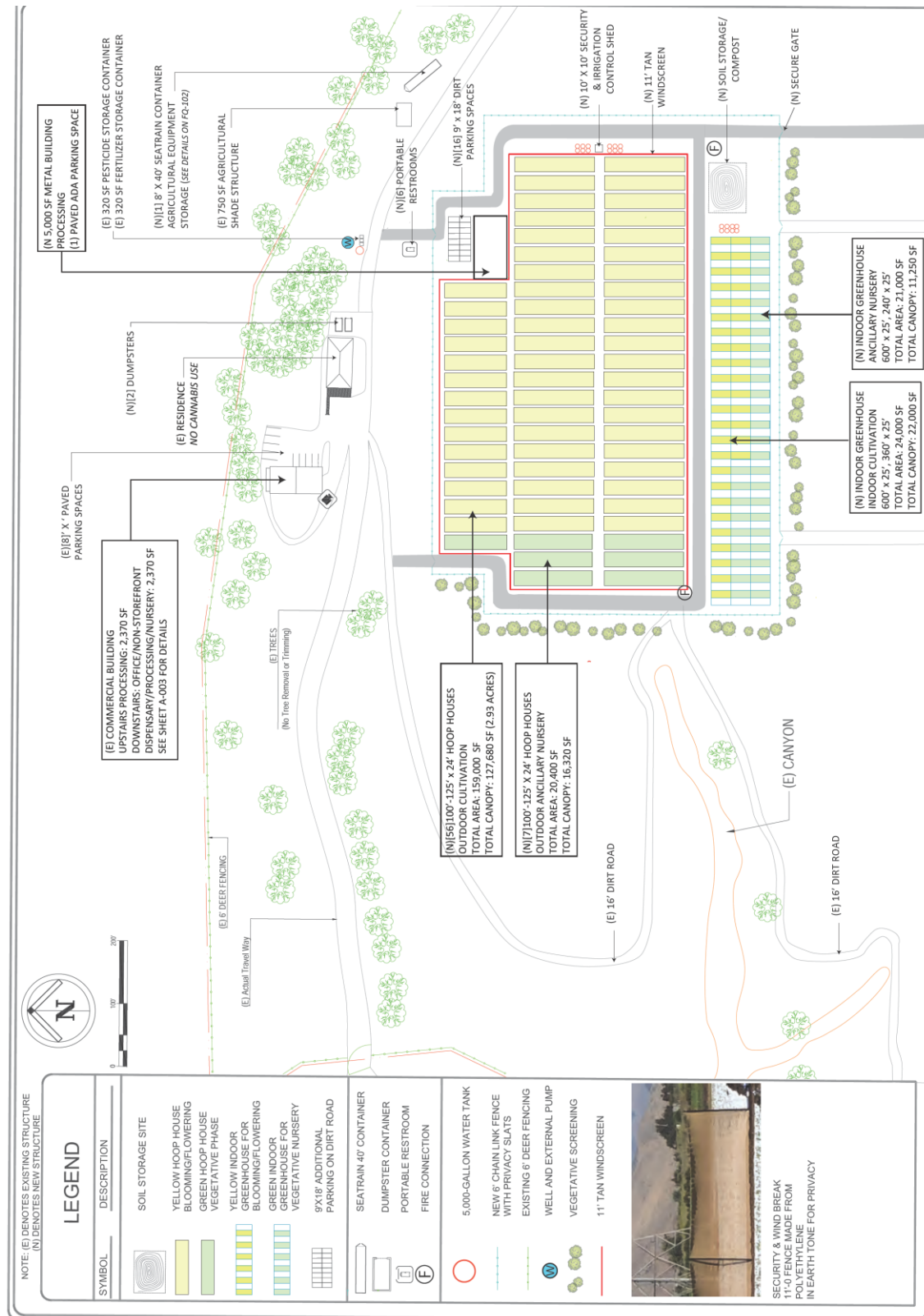
## Initial Study – Environmental Checklist

### Figure 4. Overall Site Plan



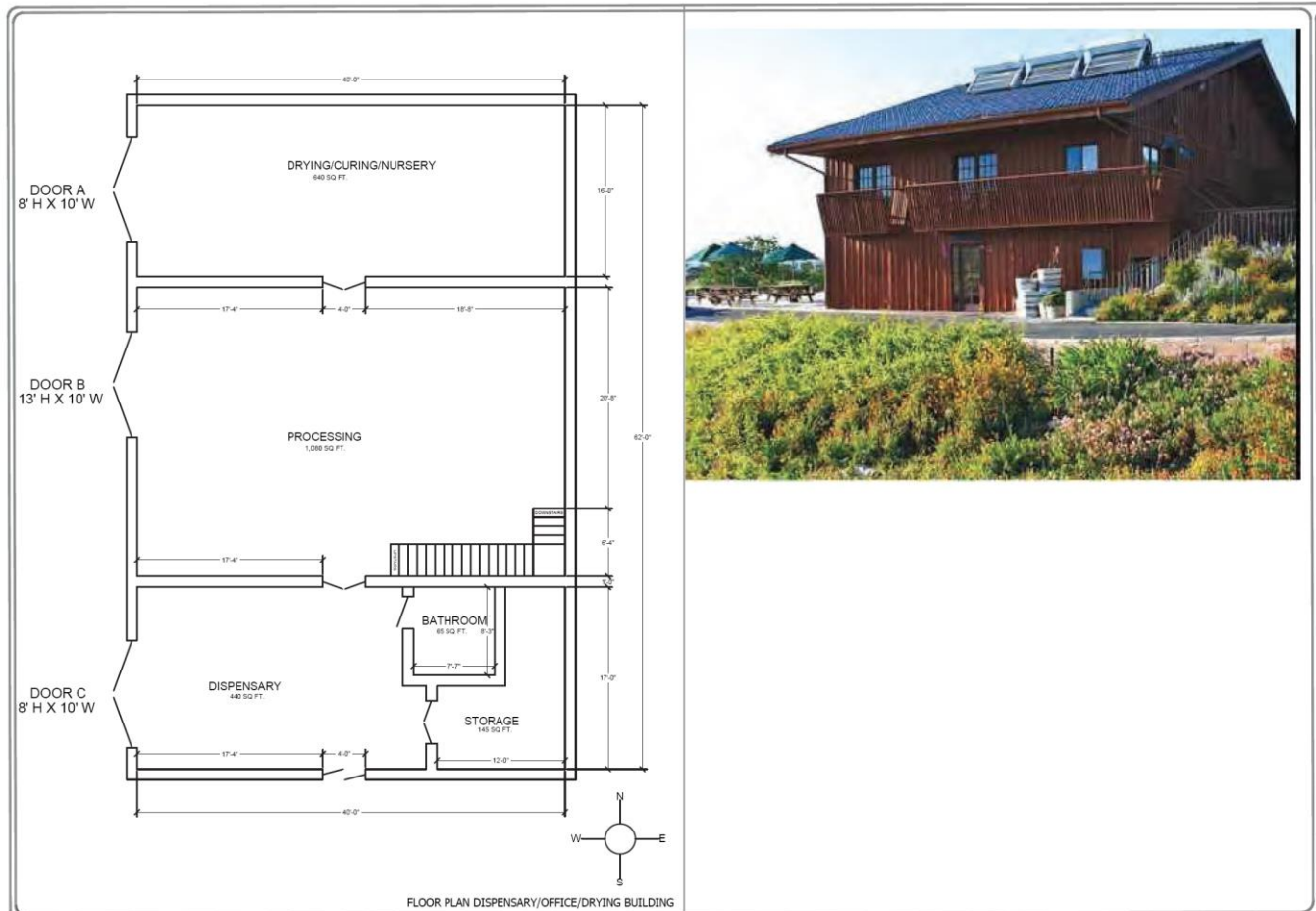
## Initial Study – Environmental Checklist

### Figure 5. Site Plan Details



## Initial Study – Environmental Checklist

Figure 6. Existing Winery Building





## Initial Study – Environmental Checklist

Figure 7. Greenhouse Buildings

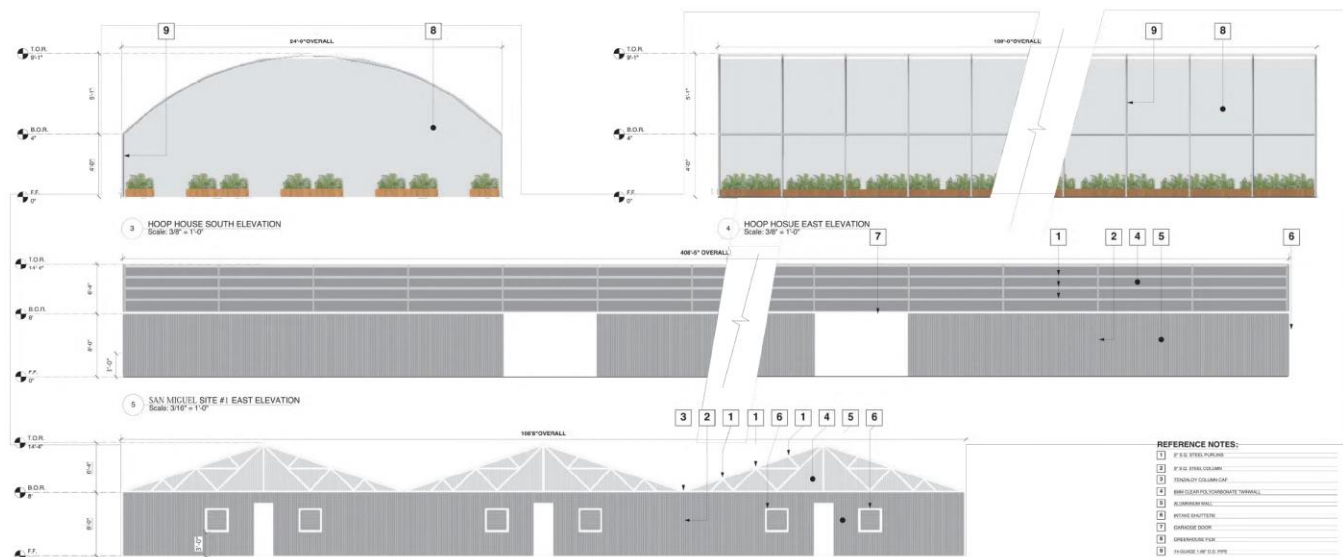
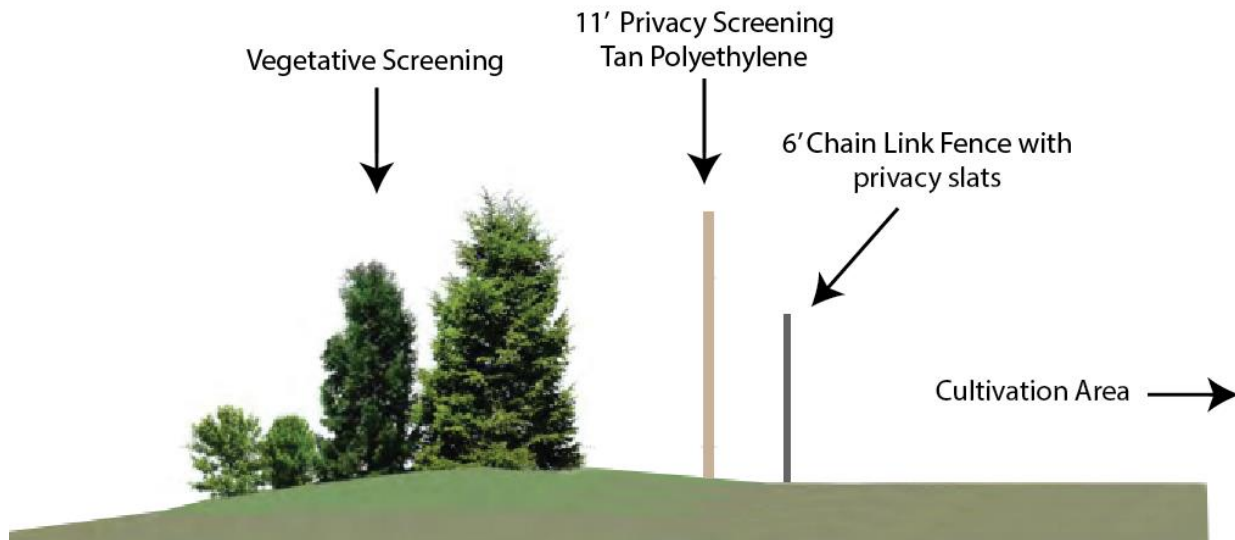


Figure 8. Processing Building



## Initial Study – Environmental Checklist

Figure 9. Screening/Landscaping Details



## Initial Study – Environmental Checklist

### C. Environmental Analysis

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

#### I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Setting

The project site is located on a 63-acre parcel located east of the community of San Miguel in a semi-rural area of the county where the predominant land use is agriculture (vineyards) and large-lot residential on parcels ranging in size from five acres to over 100 acres. The visual quality of the area is relatively high. The project site fronts River Road, a rural collector that follows the Salinas River corridor and provides the primary vehicular access to ranches and vineyards in the area. Views from River Road are expansive as the roadway dips and turns parallel to the River. Traffic counts taken on River Road in 2017 revealed an afternoon peak hour volume of 420 in the vicinity of the project site and 4,471 average daily trips. Views of the project site from River Road are largely obscured by the topography along the road right-of-way (Figure 10).

The project site is relatively level and has historically been currently used for the cultivation of irrigated vineyards. Access is provided from an existing driveway from North River Road. The property is fenced with six-foot high deer fencing along North River Road to the west and Mission Lane to the south.



## Initial Study – Environmental Checklist

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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. In addition, Section 22.30.310 of the LUO requires that greenhouses are screened at least 50 percent from public roads.

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Figure 10. Views of the Project Site from River Road and Mission Lane



### 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 semi-rural area accessed by a driveway off of North River 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). Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and *no impacts would occur*.

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

The project is located in a rural, non-urbanized area. Public views of this property from the primary public vantage, River Road, are very limited due to the intervening topography. Therefore, neither North River Road nor the project site currently experience a substantial number of public viewers.

Establishment of the proposed cannabis facilities will change the visual and aesthetic character of the project site to include a 45,000 sq.ft. greenhouse, hoop structures, a 5,000 sq.ft. metal cannabis processing building, searain storage container, as well as security and privacy fencing. The project is not expected to substantially degrade the existing visual character or quality of public views because:

- The perimeter of all cannabis use areas will be fenced with 6-foot high chain link security fencing with opaque slats with an 11 foot tall tan polyethylene wind screen outside the security fence followed by landscaping (Figure 9). As such, in compliance with LUO Section 22.30.310, the greenhouses and processing building would be more than 50% screened from any public roads.
- The outdoor cultivation area will be enclosed in hoop structures surrounded by perimeter fencing and located in the center portion of the project site, set back from public views along River Road and Mission Lane. Accordingly, in compliance with LUO Section 22.40.050 D. 6, cannabis plants associated with cultivation will not be easily visible from offsite.
- The proposed 5,000 sq.ft. processing building will be designed to incorporate agrarian architectural elements (Figure 8).
- Greenhouse buildings of the size and scale proposed are a common feature on agricultural parcels throughout the county.

Therefore, impacts would be *less than significant*.

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

Due to the remote nature of the project and relative distance to the nearest urbanized area, the project is located in an area with moderate existing levels of light pollution (Darksitefinder.com 2019). The project does not propose any new exterior lighting. Security cameras will be motion activated and would detect in the near infrared (non-visible) spectrum.

The project 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 inside and will be equipped with black-out curtains to be deployed at night to prevent light from escaping. 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 and clarifies when the blackout system is to be engaged when the grow lights are on.

## Initial Study – Environmental Checklist

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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. 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.

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### II. AGRICULTURE AND FORESTRY RESOURCES

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

#### Setting

The 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. Agricultural land is rated 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,

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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. Based on the FMMP, soils at the project site are within the Grazing Land designation (CDOC 2016).

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 Table 2:

102. Arbuckle-Positas complex, 50-75% slopes (20.3 acres). This complex is very deep, well drained, and is most commonly found on terraces and toeslopes. This unit has high potential for runoff and moderate potential for wind erosion. This soil has medium surface runoff, moderate erodibility, and high shrink-swell potential. The major uses include cultivated crops, rangeland, and urban land. Management considerations include paying attention to the low strength and shrink-swell factor. The very slow absorption of effluent in septic tank absorption fields severely limits these soils for use as septic tank absorption fields. This soil unit is not designated as Prime Farmland in the COSE Table SL-2 – Important Agricultural Soils of San Luis Obispo County.

106. Arbuckle-San Ysidro complex, 2 to 9 percent slopes (42.6 acres). This complex is very deep, well drained, has very slow to moderately slow permeability, medium surface runoff potential, moderate erodibility, and high shrink swell potential. The major uses include cultivated crops, rangeland, and urban land. Management considerations include paying special attention to sheet and rill erosion when cultivated and shrink-swell and low strength when building. The slow absorption of effluent in septic tank absorption fields can be overcome by increasing the size of the absorption area. This soil unit is designated as Prime Farmland and Farmland of Statewide Importance in the COSE Table SL-2 – Important Agricultural Soils of San Luis Obispo County.

**Table 2 – County Farmland Classifications and Acreages of Soils On-Site**

Soil	COES Classification	Acres
Arbuckle-San Ysidro Complex (2-9% slope)	Prime Farmland Farmland of Statewide Importance	42.6 acres
Arbuckle-Positas Complex (50-75% slope)	Not Classified	20.3 acres
Total:		62.9 acres

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



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

FMMP Classification	Acres
Unique Farmland	32.48
Grazing	14.80
Farmland of Local Potential	13.70
Other	1.49
Urban and Built Up	0.43
Total:	62.90

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 or adjacent to a 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. There are no stands of oak woodland on the project site.

- (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 on the project site are classified as Unique Farmland and Farmland of Local Potential by the FMMP. 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). The County COSE designates one of the soil units onsite (Arbuckle-San Ysidro Complex, 2-9% slope) as being Prime Farmland based only upon a rating of 80 to 100 or an "Excellent" rating in the California Storie Index.

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). Although one of the soils in the area of disturbance meets the physical and chemical criteria for Prime Farmland, 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, the project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP to non-agricultural use, and impacts would be *less than significant*.



## Initial Study – Environmental Checklist

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

The subject property is located within the Agriculture land use designation and cannabis cultivation activities including the proposed cultivation, nursery and processing activities are allowed uses within this land use designation (LUO Section 22.06.030). The project site is not currently under a Williamson Act contract; however, the adjacent property to the east is contracted. Cannabis activities will be set back a minimum of 300 feet from the east property line; outdoor cultivation and nursery areas will be fenced and enclosed in hoop structures. Therefore, 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; *no impacts would occur*.

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

The project site contains scattered oak trees along the two ephemeral drainages that cross the site. Project construction activities and improvements to the access road and irrigation system will not require compaction or other impacts within the critical root zone of any oak trees. Based on current project plans, no tree removal would be required. Based on the limited nature of impacts to oak trees and the relatively small number of trees with the potential to be impacted, potential impacts to individual oak trees would not result in the loss or conversion of forest land and impacts would be *less than significant*.

(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 active agricultural operations including row crops (vineyards), dry farming, and grazing. Surrounding agricultural uses would 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 threshold b) above, cannabis cultivation activities are allowed uses within the property's Agriculture land use designation (LUO Section 22.06.030, 22.40.070). Based on the lack 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*.

### 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.

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### *Mitigation*

None necessary.

### *Sources*

Provided in Exhibit A.

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### III. AIR QUALITY

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

#### Setting

##### *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 state standards for ozone and particulate matter 10 micrometers or less in diameter (PM<sub>10</sub>).

The CAP presents a detailed description of the sources and pollutants that impact the jurisdiction's attainment of 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<sub>10</sub> 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<sub>x</sub>) as well as fugitive dust emissions (PM<sub>10</sub>).

##### *SLOAPCD Criteria Pollutant Thresholds*

The SLOAPCD has developed and updated their CEQA Air Quality Handbook (most recently updated with a November 2017 Clarification Memorandum) to help local agencies evaluate project-specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result. This handbook includes established thresholds for both short-term construction emissions and long-term operational emissions. The APCD Handbook 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<sub>10</sub>).

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The nearest sensitive receptors to the site are single-family residences located approximately 735 feet south of the proposed hoopouses.

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. A project consisting of 54 single family residences generating 529 average daily motor vehicle trips would be expected to exceed the threshold for greenhouse gas emissions.

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

The prevailing winds in the project vicinity are from the north and west (onshore) during the daylight hours and are slightly offshore at night. The nearest offsite residences are upwind to the west.

### *Sensitive Receptors*

Sensitive receptors are people that have 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 an on-site single family residence and an off-site single family residence located approximately 880 feet south of the project site.

### *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 not located in an area identified as having potential for soils containing NOA.

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### *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 5 full-time regular employees and 4 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; because the project would employ up to a maximum of 9 employees, this program would generally not be applicable to the project. 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.

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

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

The County is currently designated as non-attainment for ozone and PM<sub>10</sub> 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<sub>x</sub>) as well as fugitive dust emissions (PM<sub>10</sub>).

### Construction Emissions

As proposed, the project will result in approximately 13.4 acres (583,704 sq.ft.) of ground disturbance but would be moving less than 1,200 cubic yards of material per day. This will result in the creation of construction dust, as well as short-term construction vehicle emissions. Based on the

## Initial Study – Environmental Checklist

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SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), construction related emissions would exceed APCD thresholds.

Mitigation measures AQ-1, AQ-2 and AQ-3 have been identified to reduce project construction emissions of fugitive dust (PM<sub>10</sub>) and diesel particulates through minimization of disturbance area where possible, use of water trucks or sprinkler systems, regular watering of dirt stockpiles, and other measures and reduce operational emissions of PM<sub>10</sub> through maintenance of the unpaved access road project-related vehicles would utilize to access the site.

Upon implementation of measures AQ-1, AQ-2 and AQ-3, the project's ROG and NO<sub>x</sub>, DPM, and PM<sub>10</sub> emissions would be reduced to below the SLOAPCD's daily and quarterly emissions thresholds.

### Operation-Related Emissions

According to the trip generation analysis prepared by Orosz Engineering Group, Inc. (2018), the proposed project is estimated to reduce traffic generated by the project site by a total of two (2) PM peak hour trips on a typical weekday, when compared with the previous winery use. As discussed above, a project that generates less than 99 average daily motor vehicle trips will likely generate emissions that fall below the threshold of significance for ozone precursors.

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

Potential project impacts associated with a cumulatively considerable net increase in criteria air pollutants for which the region is currently non-attainment would be *less than significant with mitigation*.

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

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity to exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The nearest sensitive receptors to the site are single-family residences located approximately 730 feet south of the proposed hoopouses. 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<sub>10</sub>) 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; therefore, due to the proximity of sensitive receptors near the new facility, this impact is considered potentially significant. As discussed above, the project would require ground disturbance within 1,000 feet of a sensitive receptor and standard diesel fuel idling and dust control mitigation has been identified to reduce fugitive DPM and PM<sub>10</sub> emissions during construction activities. Implementation of mitigation measures AQ-1, AQ-2 and AQ-3 would effectively reduce the concentrations of pollutant emissions in proximity to sensitive receptors; therefore, potential impacts would be *less than significant with mitigation*.

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

The project site is not located in an area identified as containing NOA by the SLOAPCD. 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 outdoor cannabis cultivation and nursery, as well as the processing and storage of cannabis grown on-site. These activities often produce potentially objectionable odors during the flowering, harvest, processing, , and storage phases of the proposed operations and 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.

The precise adverse health effects of cannabis odors, if any, is 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 laws air quality laws.

The Project incorporates the following features to address odors:

- All proposed outdoor cultivation and nursery areas, including open air areas and within hoop structures, will be located at least 300 feet from all property lines as required by LUO 22.40.50.D.3.
- 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



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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.

- The existing winery building and the proposed 5,000 sq.ft. processing building to be used for drying, curing, trimming, storage are located a minimum of 50 feet from the front property line and a minimum of 30 feet from the rear and side property lines, in accordance with LUO 22.40.060, 22.40.065, and 22.40.070. The nearest off-site residence from the former winery building is about 1,200 feet to the west; the nearest residence to the proposed processing building is about 1,700 feet. The buildings will be fitted with ventilation controls to ensure odors associated with processing do not leave the project site.

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<sub>10</sub> 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;

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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 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

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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.

### *Sources*

Provided in Exhibit A.

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### IV. BIOLOGICAL RESOURCES

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

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### Setting

The project site is located on a 62.3-acre parcel (property) located on River Road, approximately 1 mile east of the community of San Miguel. Topography within the project property and surrounding region generally consists of gently rolling to steeply rolling hills supporting grassland, shrubland, and scattered oak woodland vegetation.

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.

A Biological Resources Assessment (BRA) dated July 2018, was prepared by SWCA Environmental Consultants (SWCA) for the proposed project. The study examined the entirety of the approximately 63-acre parcel. SWCA Biologist Ben Wagner conducted a reconnaissance-level field survey on May 8, 2018, within the blooming period for special-status plant species known to occur in the area. The purpose of the field survey was to characterize the existing conditions on and adjacent to the project site and identify those biological resources that could be impacted by future development on the project site. During the survey, SWCA inventoried botanical resources on the project site using dichotomous keys as necessary (Baldwin et al. 2012). The survey effort was conducted by foot, and plant and wildlife species observed were documented. Wildlife species were documented based on visual observation, auditory cues (i.e., calls and songs), and indirect signs (e.g., tracks, scat, skeletal remains, burrows, etc.). No protocol-level surveys for special-status species were performed as part of this study. A full floristic inventory of the property was not completed. Lists of plant and wildlife species observed onsite are included in Appendix C of the BRA.

As shown in Figure 11, habitat types on site include: 1) Agriculture (vineyard), 2) Oak woodland dominated by blue oak trees, 3) California annual grassland, and 4) Landscaped/Developed. An unnamed drainage runs along the northern edge of the property, within blue oak woodland habitat. Areas on the western and northern edge of the property have steep slopes and are dominated by blue oak woodland habitat. The eastern portion of the property contains fallow agriculture and is disked, while the western portion contains fallow agriculture and grape vines.

Based on the literature review for this project, a total of 28 special-status plant species have been documented in the Paso Robles 7.5-minute topographic quadrangle and the surrounding eight quadrangles.

Based on field observations and a California Natural Diversity Database (CNDDB) search (July 2018), the following special status animal species were identified as having some potential to occur on site based on the presence of suitable habitat:

- Burrowing Owl (*Athene cunicularia*)
- California legless lizard (*Anniella pulchra*)
- San Joaquin Whipsnake (*Masticophis flagellum ruddocki*)
- Coast Horned Lizard (*Phrynosoma blainvillii*)
- Golden Eagle (*Aquila chrysaetos*)



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- Ferruginous Hawk (*Athene cunicularia*)
- California Horned Lark (*Eremophila alpestris actia*)
- Prairie Falcon (*Falco mexicanus*)
- Pallid Bat (*Antroxous pallidus*)
- Townsend's Big-Eared Bat (*Corynorhinus townsendii*)
- Hoary Bat (*Lasiurus cinereus*)
- Monterey Dusky-Footed Woodrat (*Neotoma macrotis Luciana*)
- Salinas Pocket Mouse (*Perognathus inornatus psammophilus*)
- American Badger (*Taxidea taxus*)
- San Joaquin Kit Fox (*Vulpes macrotis mutica*)
- Other nesting birds

No special status wildlife species were detected on the project site during the site observations (SWCA 2018). Based on an analysis of known ecological requirements for the 29 special status wildlife species reported or known from the region and habitat conditions that were observed in the project area, nine species have moderate potential to occur, six species have low potential to occur, and the remaining fourteen species have no potential to occur.

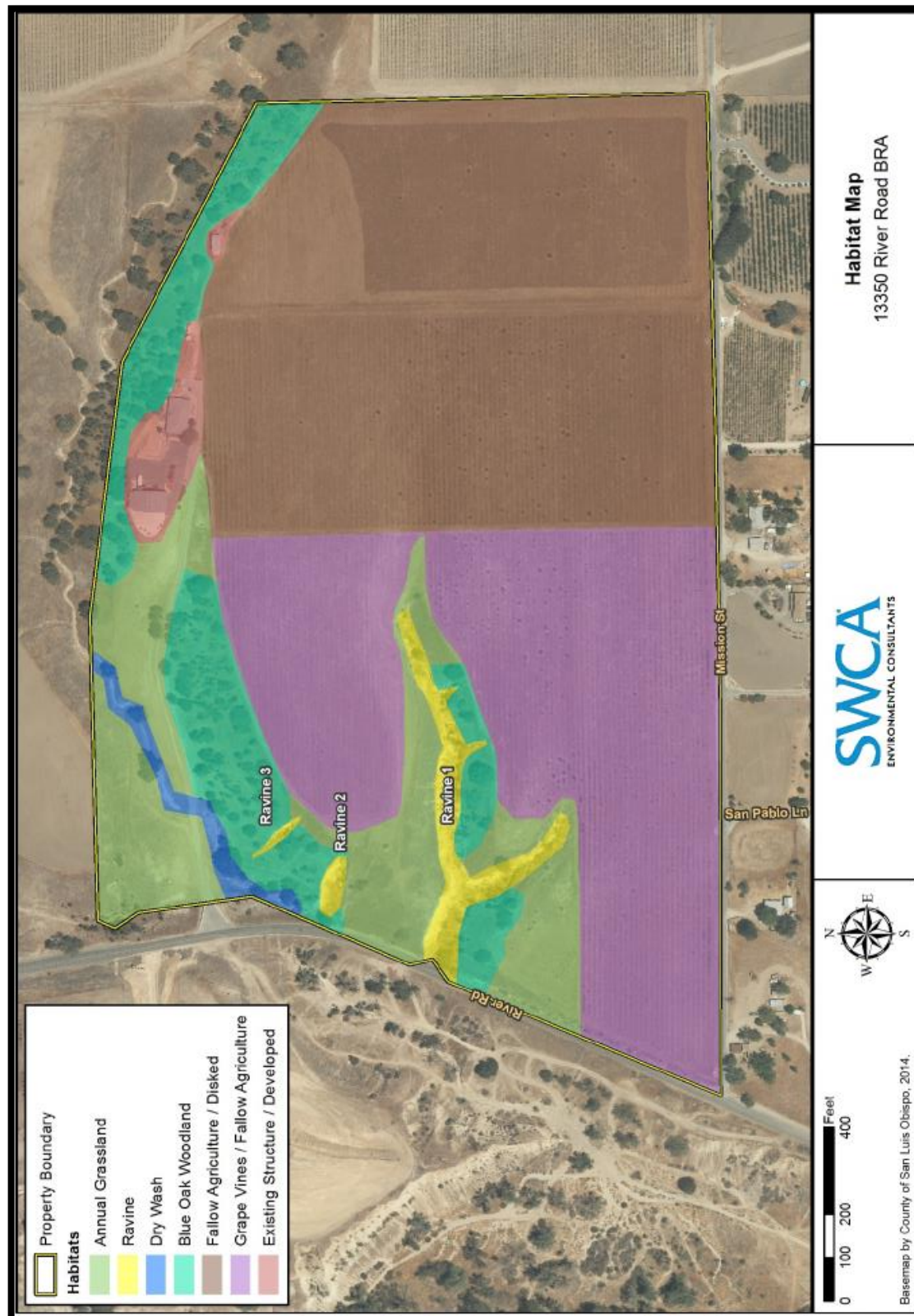
The project site is located in one of the areas designated as habitat for the San Joaquin kit fox (*Vulpes macrotis*), which is a federal and State listed species. The County has established procedures for the mitigation of potential impacts to San Joaquin kit fox in these designated areas. If the site is less than 40 acres in size, the pre-determined standard mitigation ratio for the project area is applied. The standard mitigation ratio is based on the results of previous kit fox habitat evaluations and determines the amount of mitigation acreage based on the total area of disturbance from project activities.

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

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

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Figure 11. Habitats of the Project Site



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### Discussion

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

#### Special-Status Plants

The list of special status plants provided in the BRA is considered regional. Accordingly, SWCA evaluated the listed species to identify which special-status plant species have the potential to occur within the BSA. This analysis compared the known habitat requirements of those 28 species to the BSA's existing conditions, elevation, and soils. The evaluation also took into consideration which species occur within 5 miles of the BSA. It was determined that no special-status plant species have potential to occur within the BSA based on the existing conditions observed.

The project would not result in direct permanent or temporary impacts to any native or other important vegetation since the entirety of the operation will be located within the vineyard and fallow agriculture.

#### Special Status Wildlife

SWCA determined that the following special-status animal species have potential to occur within the BSA: California legless lizard, San Joaquin whipsnake, coast horned lizard, roosting bats (i.e., pallid bat, Townsend's big-eared bat, and hoary bat), Monterey dusky-footed woodrat, Salinas pocket mouse, American badger, San Joaquin kit fox, golden eagle, burrowing owl, ferruginous hawk, California horned lark, prairie falcon, and nesting birds.

There is suitable roosting habitat available for bat species on the property, but it is limited to trees and existing buildings. Alteration of any existing buildings (e.g. expansion of the existing winery building) could potentially impact roosting bat species. As such, mitigation measures are required to avoid and minimize this impact (see BIO-2).

Suitable foraging and nesting habitat is present for migratory birds throughout the property. Although none of these species were identified during the reconnaissance-level survey, the potential for some of these species to occur cannot be completely ruled out due to the movement of these species. If migratory birds are present at the time of ground disturbing and construction activities, they may be disturbed by project activities. Mitigation measures are required to avoid or minimize this impact (see BIO-3). In addition, according to the BRA, Burrowing Owl are known to overwinter in San Luis Obispo County. Fallow agricultural land within the study area could potentially provide overwintering habitat for this species. Therefore Burrowing Owl may appear on site. Preconstruction surveys and avoidance buffers (if necessary) are required to ensure there are no significant impacts (see BIO-3 and BIO-3.a).

Due to the soils and vegetation on site, the California legless lizard (*Anniella pulchra*), San Joaquin whipsnake (*Masticophis flagellum ruddocki*), and coast horned lizard (*Phrynosoma blainvillii*) have potential to occur. Ground disturbing activities could potentially impact these species. Thus, preconstruction surveys and avoidance measures are required (BIO-5). Such measures are also recommended for American Badger and San Joaquin kit fox (see BIO-9 and BIO-7).

The BRA also assesses the suitability of habitat on the project site for Crotch's bumblebee (*Bombus crotchii*, CBB) and concludes that suitable habitat is not present to support this species. Limited records of CBB in the area, and the absence of observations during the biological field surveys make it unlikely that the species occurs on the project site.

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However, in response to recent consultations regarding this species, CDFW has recommended pre-construction surveys and the implementation of avoidance and minimization measures where a project may adversely impact areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows. In this case, the project site does support California annual grasslands and small mammal burrows which may provide marginal habitat for this species. Accordingly, preconstruction surveys and avoidance measures are recommended for CBB (BIO-12).

The project is located within the designated habitat area for San Joaquin kit fox. The County Standard Mitigation Ratio Map was referenced to identify San Joaquin kit fox habitat areas, documented sightings, and County-assigned mitigation ratios as it relates to the project area. The project is located within the 4:1 standard mitigation ratio area.

A Kit Fox Habitat Evaluation form was prepared for the project on February 6, 2018 by SWCA Environmental Consultants and revised by CDFW on November 7, 2018. The evaluation resulted in a score of 60 out of 100. The CDFW determined that impacts should be mitigated at a ratio of two acres conserved for each acre impacted (2:1). The project would result in 12.86 acres of potential impact to designated kit fox habitat. Therefore, the mitigation requirement for the project is: 12.86 acres X [2:1] = 25.72 acres. Mitigation measures are required to ensure compliance with the County's Kit Fox mitigation requirements and to reduce impacts to a level below significant (see BIO-5 through BIO-8).

Mitigation measures BIO-1 through BIO-11 have been identified below to avoid and reduce all potential project impacts to these species; therefore, potential impacts associated with substantial adverse effects on any special status species would be *less than significance with mitigation*.

- (a) *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?*

Based on the Biological Resources Assessment Report prepared for the project, no special-status plant communities, USFWS-designated critical habitat, or riparian habitat occurs within the area of disturbance or the immediate project vicinity. The proposed project will have no direct or indirect effect on wetland or riparian habitat if the appropriate Best Management Practices (e.g., straw wattles, gravel bags, silt fences, Environmental Sensitive Area/exclusion fencing) are installed and the appropriate setbacks from the unnamed drainage on the northern edge of the BSA and the ravines on the western edge of the BSA are established prior to cannabis-growing operations (BIO-2). Therefore, potential impacts to riparian habitat or other sensitive natural communities would be *less than significant*.

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

The project site and vicinity do not contain state or federally protected wetlands, and there is no direct connectivity between the on-site ephemeral drainages and any offsite wetlands. The project does not include direct work to be done in any of these areas and will be conditioned to provide a drainage and erosion control plan to avoid indirect impacts to on-site and offsite water features. This drainage and erosion control plan would be subject to County Public Works review and approval in accordance with standard County construction and stormwater control requirements. Therefore, potential impacts to state or federally protected wetlands would be *less than significant*.



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- (c) *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?*

As described in threshold c above, the project disturbance area would not directly impact proximate natural water features and therefore would have no impact on resident or migratory fish species. The project is located within an area that has historically supported San Joaquin kit fox, which are a migratory species. Mitigation measure BIO-10 requires all proposed fencing to be designed to allow for SJKF passage. Therefore, impacts related to interference with the movement of migratory fish or wildlife would be *less than significant with mitigation*.

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

No construction activities (including trimming or tree removal) are proposed within, or near, the critical root zone of existing oak trees. Therefore, impacts associated with conflict with local ordinances or policies protecting biological resources would be *less than significant with mitigation*.

- (e) *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 is not located within an area under 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 impacts would be *less than significant*.

### Conclusion

Upon implementation of mitigation measures BIO-1 through BIO-26 to reduce potential impacts to special-status plants, special-status wildlife, and native oak trees, listed below, potential impacts to biological resources would be less than significant.

### Mitigation

**BIO-1: Best Management Practices.** Best Management Practices (e.g. straw wattles, Environmental Sensitive Area exclusion fencing, gravel bags, silt fencing, etc.) shall be installed prior to the start of any cannabis-growing activities to avoid direct inadvertent impacts to the unnamed drainage on the northern edge and the ravines on the western edge of the project site. Best Management Practices shall be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

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



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**BIO-2: Avoidance of Roosting Bat Species.** Two weeks prior to any construction or ground-disturbing activities, a focused preconstruction survey for roosting bats shall be conducted by a qualified biologist to identify if bats are roosting in the project area. Survey methodology shall include visual surveys of bats (observation of presence of bats during foraging period), inspection for suitable habitat or bat sign (guano) and use of ultrasonic detectors during all dusk emergence and pre-dawn re-entry. To maximize detectability, surveys shall be conducted within one 24-hour period. If a bat roost is detected, a 50-100-foot no-disturbance buffer shall be established during project construction activities until a qualified biologist determines the roost is no longer active. If bat roosts are determined to be in continuous use, a request for a reduced buffer or a Bat Eviction Plan may be prepared and submitted to the California Department of Fish and Wildlife (CDFW) for written approval prior to implementation. A request to evict bats from a roost must include details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to start of project activity within the no-disturbance buffer.

**BIO-3: Preconstruction Survey for Sensitive and Nesting Birds.** If grading or construction activities are 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) 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.

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**BIO-4 Focused Preconstruction Survey for Burrowing Owl.** If grading or construction activities are planned to occur within 150 meters (approximately 492 feet) of BUOW habitat (generally, fallow agricultural fields), a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, fallow agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied BUOW burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

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

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

**BIO-5: Preconstruction Surveys for Silvery Legless Lizard, San Joaquin Whipsnake, and Coast Horned Lizard.** Within 30 days prior to ground-disturbing activities, an environmental monitor shall conduct surveys for silvery legless lizards, San Joaquin whipsnake, and coast horned lizard in the anticipated disturbance areas. The surveyor shall utilize hand search or cover board methods in areas of disturbance where sensitive reptiles are expected to be found (e.g. under shrubs, other vegetation, debris). If cover board methods are used, they should commence at least 30 days prior to the start of ground-disturbing activities. Hand search surveys should be completed immediately prior to and during disturbances to the vegetated areas. During vegetation-disturbing activities, the environmental monitor shall walk behind the equipment to capture sensitive reptiles that are unearthed by the equipment. The surveyor shall capture and relocate any reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the site but outside of the work area.

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**BIO-6 Worker 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-7 San Joaquin kit fox habitat.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County and CDFW that one or a combination of the following three SJKF mitigation measures for loss of SJKF habitat has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 25.72 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

Mitigation alternative (a.) requires that all aspects of this program be in place before County permit issuance or initiation of any ground-disturbing activities.

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

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy", would total \$64,300 based on \$2,500 per acre.

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- c. Purchase 25.72 credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total ~~\$64,300~~. This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground-disturbing activities.

- BIO-8** Prior to issuance of grading and/or construction permits, all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

- BIO-9 Pre-construction surveys for San Joaquin kit fox.** A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 200-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for sign of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF sign, and/or known or potential SJKF dens, if present. If no SJKF sign, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

- If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- If a known den is identified within 200-feet of any proposed project work areas, no work may start in that area.

If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

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**BIO-10 San Joaquin kit fox Avoidance and Protection Measures.** During site disturbance/construction activities, the following measures shall be implemented:

- If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
- A maximum of 25 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
- All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
- To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
- All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
- All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
- No deliberate feeding of wildlife shall be allowed.
- Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
- Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
- The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.



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- Permanent fences shall allow for SJFK passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.
- If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.

**BIO-11 Preconstruction Surveys for American Badger.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

- If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infrared, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
- If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

**BIO-12 Pre-construction surveys for Crotch's Bumblebee.** The following actions are undertaken to avoid and minimize potential impacts to Crotch Bumble Bee:

- a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for Crotch Bumble Bee within suitable habitat (i.e. small mammal

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- burrows, grassland areas, upland scrubs) on the project site. Survey(s) can 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 Western Bumble Bee 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 in consultation with CDFW. The Management Plan shall include at least the following:
- i. Avoidance measures to include a minimum 50-foot 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, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).
  - iii. CBB Take Authorization - If Crotch Bumble Bee are detected prior to, or during project implementation, the applicant shall consult with CDFW to avoid take and/ or to obtain applicable take authorization.

### *Sources*

Provided in Exhibit A.

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### V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Setting

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 detailed by CEQA and local ordinances.

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 anticipated 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.

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### Discussion

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

An Archaeological Surface Survey Report was prepared for the project (Heritage Discoveries 2019) and included a Phase I Archaeological surface survey and a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System. Based on the results of the field survey and literature searches, 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?*

An Archaeological Surface Survey Report was prepared for the project (Heritage Discoveries May, 2018) and included a Phase I Archaeological surface survey and a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System. The records search identified no previous archaeological surveys had been conducted within the project site or surrounding areas within 0.5-mile of the project site. The Phase I archaeological surface survey produced negative results for the presence of cultural resources. Based on the results of the records search and surface survey, the project site has low potential for containing archaeological or cultural resources.

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

- (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 site area. 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.*

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### *Conclusion*

No archaeological or historical resources are known or expected to occur within or adjacent to the project site. In the event unanticipated archaeological resources or human remains are discovered during project construction activities, adherence with County LUO standards and State Health and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to cultural resources would be less than significant and no mitigation measures are necessary.

### *Mitigation*

None necessary.

### *Sources*

Provided in Exhibit A.



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### VI. ENERGY

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

#### 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 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 that aim to reduce vehicle miles traveled (VMT), conserve water, increase energy efficiency and the use of renewable energy, and reduce 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.

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### *State Building Code Requirements*

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

### *Vehicle Fuel Economy Standards*

In October 2012, the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA), 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<sub>2</sub>) 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 Administrator Scott Pruitt 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 2nd 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 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

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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<sub>x</sub>) 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).

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).

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<sub>2</sub>) 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

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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 the construction and implementation, 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 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. Natural gas use 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. Current energy demand associated with the existing single family residence, agricultural accessory structures, vacation rental and former winery building is estimated as follows:

**Table 4 -- Estimated Existing Electricity Demand**

Use	Quantity	Demand Factor	Total Demand (kWhr/year)
Single Family Dwelling	1	6,000 kWhr/year <sup>1</sup>	6,000

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Vacation Rental	1	6,000 kWhr/year	6,000
Winery	2,370 sq.ft.	21.25 kWhr/sq/ft/year <sup>2</sup>	50,362
Accessory Buildings	1,200 sq.ft.	21.25 kWhr/sq/ft/year <sup>2</sup>	25,500
<b>Total:</b>			<b>87,862</b>

Sources:

1. Southern California Edison
2. Itron, Inc. March 2006

The project's operational electricity needs would be met by a connection to PG&E infrastructure.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards. The project's use of the existing former winery building for processing, drying, and nursery and non-storefront dispensary would be subject to the CBC 2019 Building Energy Efficiency Standards and would rely on power generated by PG&E. Compliance with current building codes will ensure this portion of the project would not be wasteful, inefficient, or unnecessary.

U-occupancy structures, such as greenhouses used for 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 generic commercial building of the same size. Based on the California Energy Commission Report prepared by Itron, Inc. (March 2006), a generic 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.

The proposed project includes construction of a 45,000 square foot greenhouse for both indoor mixed-light cannabis cultivation and ancillary 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 ancillary nursery would be approximately 4,950,000 kWh per year (kWh/year; see Table 5 below).

**Table 5 -- Estimated Operational Energy Use**

Project Component	Size (sf)	Rate (kWh/year-sf)	Projected Energy (kWh/year)
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Typical Commercial Building of Comparable Size	45,000	21.25	956,250
Mixed-Light Cultivation Greenhouses (Indoor cultivation and ancillary nursery greenhouses).		110	4,950,000
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 956,250 kWh/year for a 45,000-square-foot building. Based on the energy consumption rates above, the proposed project's indoor cultivation 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 and, depending on the project's proposed energy sources, would have the potential to result in significant environmental impacts through associated GHG emissions.

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 (1,147,500 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.



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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 9 employees, 5 full-time and 4 seasonal. 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 incorporated*.

### 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:  $4,950,000 \text{ kWhr/yr} - 1,149,796 = 3,802,500 \text{ kWhr/yr}$ ; and the amount of energy not otherwise reduced or offset must not exceed 1,149,796 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

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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.

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### VII. GEOLOGY AND SOILS

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

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

*Setting*

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The 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.

The project site is underlain by marine and nonmarine (continental) sedimentary rocks (Pleistocene) - Older alluvium, lake, playa, and terrace deposits. This type of underlying geologic material is considered to have low to high paleontological sensitivity with sensitivity increasing with depth past surface soils, approximately 3 to 5 feet (County of Monterey 2014, SWCA Environmental Consultants 2019).

*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 6 miles to the southwest of the project site based on the County Land Use View mapping tool. All proposed structures would follow the regulations set forth

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in the CBC and thereby would be compliant with applicable seismic standards. Therefore, potential impacts related to the rupture of a known earthquake fault would be *less than significant*.

(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 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 project site has relatively flat to gently rolling topography and, based on the Safety Element Landslide Hazards Map, proposed components are located in an area with 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 13.4 acres of site disturbance with no substantial grading or cut and 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 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. 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 above 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 potential for liquefaction risk. Due to the distance to the nearest active fault zone and topography of the project site, lateral spreading is not likely to occur on-site. The project would be

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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 project site is underlain by the following soil units: Arbuckle-Positas complex, 50-75% slopes, and Arbuckle-San Ysidro complex, 2 to 9 percent slopes. Both the Arbuckle complexes have high shrink-swell potential (USDA 2019). 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?*

The existing winery building and residence are currently served by an on-site septic leach field system. Construction and operation-related wastewater would be accommodated by licensed on-site portable restroom and hand-washing facilities and disposed of in accordance with existing regulations. Since the project would not require subsurface disposal systems, and would not connect to existing sewer lines, 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 marine and nonmarine (continental) sedimentary rocks (Pleistocene) - Older alluvium, lake, playa, and terrace deposits. This type of underlying geologic material is considered to have low to high paleontological sensitivity with sensitivity increasing with depth past surface soils, approximately 3 to 5 feet (County of Monterey 2014, SWCA Environmental Consultants 2019).

Based on the project description, the project will not require excavations, cut or fill, or extensive grading that would impact previously undiscovered paleontological resources. Potential impacts to paleontological resources would be *less than significant*.

### Conclusion

Potential impacts to paleontological resources would be less than significant.

### Mitigation

None are required.

### Sources

Provided in Exhibit A.



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### VIII. GREENHOUSE GAS EMISSIONS

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

#### Setting

GHGs are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), 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).

CO<sub>2</sub> 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 CARB, transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

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

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

Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extend the state's GHG reduction goals and require CARB to regulate sources of GHGs to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40% below 1990 levels by 2030, and 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

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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.

In March 2012, the SLOAPCD approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. For GHG emissions, the Air Quality Handbook recommended applying a 1,150 MTCO<sub>2</sub>e 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 AB32 and the 2008 Climate Change Scoping Plan. However, in 2015, the California Supreme Court issued an opinion in the *Center for Biological Diversity vs California Department of Fish and Wildlife* (“Newhall Ranch”)<sup>i</sup> which 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 2012 Handbook are AB 32 based and project horizons are now beyond 2020, the SLO County APCD no longer recommends the use of these thresholds in 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 with 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 post-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*” and consistent with the Court’s direction provided by the Newhall Ranch case. Although a desirable goal, the application of this threshold may not be appropriate for small projects where it can be clearly shown that it will not generate significant GHG emissions.
- Lead Agency Adopted Defensible GHG CEQA Thresholds: Under this approach, a lead agency may establish SB 32-based local operational thresholds by comparing local emission sectors in a jurisdiction’s GHG inventory to statewide sector inventories and state target percent reductions.

According to an update of the County’s EnergyWise Plan prepared in 2016, 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. According to the *California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators*, published in 2019 by the California Air Resources Board, in 2017, emissions from GHG emitting activities statewide were 424 million MMTCO<sub>2</sub>e, which is 7 million MTCO<sub>2</sub>e below the 2020 GHG Limit of 431 MMTCO<sub>2</sub>e established by AB32. Therefore, application of the 1,150 MTCO<sub>2</sub>e 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.

Since SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030 (as a necessary interim reduction target aimed at achieving the longer-range goal of reducing GHG emissions to 80

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percent below 1990 levels by the year 2050), a reasonable SB 32-based working threshold would be 40 percent below the 1,150 MMTCO<sub>2</sub>e Bright Line threshold, or  $1,150 \times 0.6 = 690$  MMTCO<sub>2</sub>e. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, a project estimated to generate less than 690 MMTCO<sub>2</sub>e is assumed to have a less than significant and less than cumulatively considerable impact associated with GHG emissions.

### Discussion

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

Energy inefficiency contributes to higher GHG emissions and would conflict with state and local plans for energy efficiency, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP (additional background information on GHG Emissions is provided in Section VIII). The California Energy Emissions Model (CalEEMod) was utilized to determine the approximate GHG emissions from a standard mixed-light cultivation operation based on square footage of the proposed use in order to estimate the project's projected annual carbon dioxide equivalent emissions in metric tons (MTCO<sub>2</sub>e; Table 6).

**Table 6 – Existing and Projected Operational GHG Emissions**

Project Component	Quantity	Emissions Rate (Annual MTCO <sub>2</sub> e/sf)		Estimated Projected Annual CO <sub>2</sub> Emissions (MT/year) Without Mitigation
		Construction <sup>1</sup>	Operation	
Existing single family residence	1	n/a	4.2 <sup>2</sup>	4.2
Vacation Rental	1	n/a	4.2 <sup>2</sup>	4.2
Winery Building	2,730	n/a	0.0069 <sup>3</sup>	18.83
<b>Baseline GHG Emissions</b>				<b>27.23</b>
Mixed-Light Cultivation Greenhouses (Indoor cultivation and nursery greenhouses)	45,000 sq.ft.	0.0022	0.036 <sup>4</sup>	1,719.0
<b>Net Change (Increase)</b>				<b>1,719.0</b>

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. Based on 6,000 kWhr/year.
3. CalEEMOD CalEEMOD version 2016.3.2
4. Total operational emissions based on an energy use factor of 110 kWhr/sq.ft./year and energy provided by Pacific Gas and Electric Co.

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Table 7 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 1,149,796 kWhr/year.

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

Project Component	Quantity	Emissions Rate (Annual MTCO <sub>2</sub> e/sf)		Estimated Projected Annual CO <sub>2</sub> Emissions (MT/year) Without Mitigation
		Construction <sup>1</sup>	Operation	
Existing single family residence	1	n/a	4.2 <sup>2</sup>	4.2
Vacation Rental	1	n/a	4.2 <sup>2</sup>	4.2
Winery Building	2,730	n/a	0.0069 <sup>3</sup>	18.83
<b>Baseline GHG Emissions</b>				<b>27.23</b>
Mixed-Light Cultivation Greenhouses (Indoor cultivation and nursery greenhouses)	45,000 sq.ft.	0.0022	0.0116 <sup>4</sup>	621.0
<b>Net Change (Increase)</b>				<b>621.0</b>

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. Based on 6,000 kWhr/year.
3. CalEEMOD CalEEMOD version 2016.3.2
4. Total operational emissions based on an energy demand of 1,149,796 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 7, 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<sub>2</sub>e. Therefore, potential impacts associated with GHG emissions and applicable plans and policies adopted for the purpose of reducing GHG emissions would be *less than significant and less than cumulatively considerable with mitigation*.

### Conclusion

The project would result in potentially significant GHG emissions during long-term operations and would potentially conflict with plans adopted to reduce GHG emissions. Potential impacts related to GHG emissions would be *less than significant and less than cumulatively considerable with mitigation*.

### Mitigation

Implement measures ENG-1 and ENG-2.

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### *Sources*

Provided in Exhibit A.

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### IX. HAZARDS AND HAZARDOUS MATERIALS

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



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### Setting

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 high fire hazard severity zone. Based on CAL FIRE's referral response letter, it would take approximately 10-15 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;

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Project operations would involve the intermittent use of small amounts of hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous. In accordance with LUO Section 22.40.050.C.3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan 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 seartrain 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 July 12, 2018, (Dell Wells, Fire Captain), including, but not limited to, preparation of a fire safety plan. Compliance with the UC 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.

Through required compliance with these standards, potential operational hazards associated with the use of ethanol onsite would be effectively minimized. 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 1.2 miles northwest 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.

## Initial Study – Environmental Checklist

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- (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 5 miles southeast 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 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.

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## Sources

Provided in Exhibit A.

## X. HYDROLOGY AND WATER QUALITY

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

## Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 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 dictates which projects 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

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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 would not require extensive grading or cut and fill. A sedimentation and erosion control plan will be required to minimize the potential for soil erosion, which will 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. 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. Based on the distance 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 8), the project would result in approximately 6.44 acre-feet of water demand per year, including demand associated with the proposed odor control system (1.64 AFY) and domestic water use for up to 10 employees (0.1 AFY).

Section 22.40.050.D.5.a of the LUO requires that an application for cannabis cultivation located within a groundwater basin that has been assigned a Level of Severity III by the County Resource Management System provide an estimate of water demand prepared by a licensed Professional Geologist, Certified Engineering Geologist, or Certified Hydrogeologist, or other expert on water demand as approved by the Director of Planning and Building. While the water demand estimates shown in Table 8 were not prepared by one of these licensed professionals, the analysis applies the same water demand factors used by the Central Coast RWQCB cannabis development team (0.03 gallons per square foot of canopy for outdoor cannabis plants, and 0.1 gallons per square foot of canopy for indoor grow operations). These numbers were in turn derived from the Environmental Impact Report (EIR) prepared for the Santa Cruz County Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program (Santa Cruz County, August 2017). As described in section 3.0, pages 3-16 and 3-17 of the EIR, the water application rates are derived from a study in Humboldt County by Milewide Nursery in 2015. The water application rates referenced in the Milewide study and the Santa Cruz EIR are the rates used in Table 8.



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The project would be served by an existing groundwater well; a four-hour pump test performed in February 2018 indicates the existing well provides ample water to serve the proposed cannabis uses. A total of 20, 5,000-gallon water tanks would be installed on the property for seasonal storage of irrigation water.

**Table 8 -- Project Estimated Water Demand**

Use	Quantity	Demand Factor <sup>1</sup>	Gross Demand In Gallons per Year	Gross Demand In Acre-Feet Per Year
Outdoor Cultivation	127,680 sq.ft.	0.03 gal/sq.ft./day x 150 days	574,560	1.76
Outdoor Nursery	16,320 sq.ft.	0.03 gal/sq.ft./day x 150 days	73,440	0.23
Indoor Cultivation	22,000 sq.ft.	0.1 gal/sf/day x 260 days	572,000	1.76
Indoor Nursery (Greenhouse)	11,250 sq.ft.	0.1 gal/sf/day x 260 days	292,500	0.9
Indoor Nursery (winery bldg..)	624 sq.ft.	0.1 gal/sf/day x 260 days	16,224	0.05
Domestic Water Use	10 employees	10 gal./day/capita	36,500	0.1
Odor Management	--	2,300 ga/day x 260 days	598,000	1.64
<b>Total:</b>			<b>1,565,224</b>	<b>6.44</b>

Notes:

1. Milewide Nursery, 2015.

The project is located within the Paso Robles Groundwater Basin, a Level of Severity III basin which is categorized as being in a state of critical overdraft; the project is located outside the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018), and is required to offset water usage at a 1:1 ratio per LUO requirements. Per the CWWCP, the project applicant would be required to offset this new water use at a 1:1 ratio through installation of efficient water systems and fixtures and/or participation in an approved water conservation program, as detailed in mitigation measures WQ-1 and WQ-2. According to the 2014 Integrated Water Management Plan, water demand from irrigated crops within the PRGWB is, on average, about 1.9 AFY per acre over about 33,000 acres of irrigated crop land. According to studies performed by the non-profit Pacific Institute and others (CALFED, 2000 and 2006; Cooley et al., 2009) the installation of water conserving fixtures such as drip irrigation can reduce agricultural water demand by up to 17 to 22 percent when compared with spraying or flood irrigation. If the per acre demand on a target retrofit site is reduced by 17 percent (from 1.9 AFY to 1.57 AFY) through the implementation of water use efficiencies, the project would need to retrofit about:  $6.44 \text{ AFY} / 0.33 \text{ AFY/acre reduction} = \underline{19.5 \text{ acres}}$ .

Offsetting the water demand of the proposed project in accordance with the CWWCP would result in a net-neutral water demand on the groundwater basin, therefore, impacts related to available surface or ground water would be *less than significant with mitigation*.

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 (6.44 AFY), the permittee will be required to undertake corrective measures to bring water demand back

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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 13 acres (566,280 square feet) of site disturbance but will not require extensive grading, excavation or cut and fill. A sedimentation and erosion control 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 a 45,000-square-foot greenhouse building, construction of a new 5,000 sq.ft, processing building, 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*.

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

The project would 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 County 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 located within the Paso Robles Groundwater Basin, which is categorized as being in a state of critical overdraft, and is located outside the area that is categorized as being in severe decline (County of San Luis Obispo 2018), and is required to offset water usage at a 1:1 ratio per LUO requirements. The project applicant would be required to offset this new water use through installation of efficient water systems and fixtures and/or participation in an approved water conservation program, as detailed in mitigation measures WQ-1 and WQ-2. Therefore, potential impacts associated with conflict or obstruction of a water quality control plan or sustainable groundwater management plan would be *less than significant with mitigation*.

### Conclusion

Compliance with existing regulations and/or required plans in addition to implementation of mitigation measures WQ-1 and WQ-2, identified below would adequately reduce potential impacts associated with hydrology and water quality to be less than significant.

### Mitigation

**WQ-1 Water Demand Offset Requirements.** Prior to issuance of building permits (or prior to occupancy if no building permits are required), all applicants for cannabis related activities within the Paso Robles Groundwater Basin ("Basin") shall provide to the Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050 D. 5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

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- a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by LOU Sections 22.40.050 C. 1 and 22.40.060 C.1.
- b. A program for achieving a water demand offset of the quantified water demand as required by LUO Section 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:
  1. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the Basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:
    - i. Drip irrigation;
    - ii. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
    - iii. Installation of float valves on water tanks to prevent tanks from overflowing;
    - iv. Converting from using overhead sprinklers to wind machines for frost protection; [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.
    - v. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.
  2. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
  3. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.
- b. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent, and shall not result in adverse environmental effects beyond those assessed by the CEQA compliance document for the proposed cannabis project.

**WQ-2 Water Offset Monitoring and Compliance.** At the time of quarterly monitoring inspection, the applicant shall provide to the Department of Planning and Building for review, evidence that the water efficiency improvements associated with the approved Water Conservation Program remain in full effect and are continuing to achieve the required water demand offset associated with the approved cannabis activities.

## Initial Study – Environmental Checklist

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### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 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 former winery building and residence and accessory structures.

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 Salinas River Sub Planning Area of the North County Planning Area.

#### 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



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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, hazards and hazardous materials, hydrology and water quality, and noise; 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, hazards and hazardous materials, hydrology and water quality, noise, and transportation.

### Mitigation

Implement mitigation measures AES-1, AQ-1 through AQ-3, BIO-1 through BIO-11, ENG-1 through ENG-3, , HAZ-1 through HAZ-2, WQ-1 and WQ-2, and N-1.

### Sources

Provided in Exhibit A.

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### XII. MINERAL RESOURCES

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

#### Setting

The 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.

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### 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 and is not in close proximity to an active mine (CGS 2015). In addition, based on Chapter 6 of the County of San Luis Obispo General Plan Conservation and Open Space Element – Mineral Resources, the project site is not located within an extractive resource area or an energy and extractive resource area. The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, impacts would be *less than significant*.

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

The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, impacts would be *less than significant*.

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

#### 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 policies 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

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- 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 9 -- Maximum allowable exterior noise level standards<sup>(1)</sup>**

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime <sup>(2)</sup>
Hourly Equivalent Sound Level ( $L_{eq}$ , dB)	50	45
Maximum level, dB	70	65

<sup>1</sup> When the receiving noise-sensitive land use is outdoor sports and recreation, the noise level standards are increased by 10 db.

<sup>2</sup> Applies only to uses that operate or are occupied during nighttime hours.

The existing ambient noise environment is characterized by marginal traffic on River 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 600 feet to the south of the project area.

### 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 a permanent source of stationary noise. According to the application materials, noise associated with the use of wall- or roof-mounted HVAC and odor mitigation equipment associated with the proposed greenhouse and former winery building 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 northeast portion of the project

## Initial Study – Environmental Checklist

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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 375 feet from the northern property line, and approximately 400 feet from the eastern property line, which would result in HVAC noise generation of approximately 32 dBA and 31 dBA, respectively.

Similarly, the existing winery building to be re-purposed for cannabis processing and non-storefront dispensary and nursery is located about 40 feet from the nearest (northerly) property line. Operation of HVAC and odor management systems would result in a noise level of 52 dBA at the property line which exceeds the nighttime hourly average standard of 45 dBA. Mitigation Measure N-1 would require the HVAC and/or odor management systems to be located and/or screened in such a way as to meet the required noise standard at the property line. This may be accomplished by locating the equipment inside the building, using the building as a noise barrier, enclosing the systems in a noise-shielding material, or some combination that achieves the County noise standard at the property line.

With mitigation, operational noise impacts would be *less than significant with mitigation*.

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 with mitigation*.

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

The project does not propose substantial grading/earthmoving activities, 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 5 miles to the south. 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*.



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### *Conclusion*

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per LUO standards. Mitigation measure N-1 has been identified reduce potential impacts associated with the exceedance of hourly average equivalent noise level standards set forth in the LUO to less than significant. No other potentially significant impacts were identified, and no other mitigation measures are necessary.

### *Mitigation*

- N-1 Prior to commencing permitted activities**, the applicant shall demonstrate that noise generated by project air conditioning, ventilation and odor management equipment complies with applicable County standards for nighttime noise levels at the property lines. This shall be accomplished by:
- Locating the equipment so that the building shields the noise from the nearest property line;
  - Constructing an acoustical enclosure around the equipment;
  - Any combination of equipment location and shielding that enables the project to meet the standards.

### *Sources*

Provided in Exhibit A.

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### XIV. POPULATION AND HOUSING

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

#### Setting

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 5 full-time employees and up to 4 additional part-time/temporary 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. 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.

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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?*

The project would not displace existing housing or necessitate the construction of replacement housing elsewhere; therefore, impacts would be *less than significant*.

### *Conclusion*

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

### *Mitigation*

None necessary.

### *Sources*

Provided in Exhibit A.

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### XV. PUBLIC SERVICES

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

#### Setting

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 #52, located approximately 6 miles south of the project site on SR46. Based on the referral response letter received from CAL FIRE regarding the proposed project, emergency personnel would be able to reach the site within 10 - 15 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 south of the project site, in the community of Templeton.

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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 San Miguel Joint Union 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 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

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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 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Setting

The 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 5 full-time employees and up to 4 additional part-time/temporary 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 project is not proposed in a location that

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would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not result in a 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; 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.

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## XVII. TRANSPORTATION

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

*Setting*

The 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 has one residence and generates a very low volume of traffic. The project site is located in a rural area and is accessed by River Road east of the community of San Miguel. River Road is a two-lane arterial which connects the community of San Miguel with the City of Paso Robles to the south. Traffic counts taken on River Road in 2017 revealed an afternoon peak hour volume of 420 in the vicinity of the project site and 4,471 average daily trips. Based on the North County Area Plan, no roads within the general vicinity have been identified as having congestion concerns or needing improvements (County of San Luis Obispo 2014). No privately maintained roads are used to access the project site; access from River Road is via a 0.1-mile all-weather driveway. 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.

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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. As described in the project's traffic study prepared by Orosz Engineering Group, Inc. (2018), the proposed project is estimated to reduce existing traffic by a total of two (2) PM peak hour trips on a typical weekday (see Table 10).

**Table 10 – Project Trip Generation Estimates**

Proposed	Size		PHT Rates	PHT (Trips)
Outdoor Cultivation	3.31 AC	0	PHT/AC	0.0
Greenhouse (Indoor Cultivation)	33.106 KSF 0.76 AC	0.025	PHT/KSF	0.8
Nursery (Indoor) (same as Greenhouse rates)	3.358 KSF	0.025	PHT/KSF	0.1
Production/Curing	16.117 KSF (0.37) AC	Seasonal		
Non-Storefront Dispensary (Distribution)	0.35 KSF	0	PHT/KSF	0.0
Subtotal Proposed				0.9
Existing				
Outdoor Agriculture	4.07 AC	0	PHT/AC	0.0
Storage	3.358 KSF	0.57	PHT/KSF	1.9
Case Storage	1.84 KSF	0.57	PHT/KSF	1.0
Tasting Room	0.35 KSF	0.76	PHT/KSF	0.3
Subtotal Existing				3.2
Total Project				-2

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When compared to existing uses on site related to the winery, the project would generate fewer trips. Nonetheless, based on the relatively low trip generation, the project would not noticeably impact traffic operation, would not reduce levels of service on nearby roads, conflict with adopted policies, plans or programs for transportation, and would not cause congestion on the local circulatory network. Since the project would not generate foot or bicycle traffic, or generate public transit demand, and since no public transit facilities, pedestrian or bicycle facilities exist in the area, the project would have no impact on levels of service/conditions for these facilities.

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.

The project is not expected to generate a significant increase in construction-related or operational traffic trips or VMT because:

- According to the trip generation study prepared for the project by Orosz Engineering Group, Inc. (2018), the project will result in a net decrease in motor vehicle trips associated with the project site.
- The project is expected to have relatively brief construction period (5 days) and a small number of full-time employees (5) which in turn will generate a small number of construction and operational trips.
- The project is located within 2 miles of a major regional transportation corridor (Highway 101).
- The project would not substantially change existing land uses and would not result in the need for additional new or expanded transportation facilities.
- 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. Therefore, impacts would be *less than significant*.

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(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.



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## XVIII. TRIBAL CULTURAL RESOURCES

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

*Setting*

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

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).

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In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

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 on tribal cultural resources as a result of 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, titvu titvu 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 and the project site does not contain any known tribal cultural resources that have been listed or been found eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1. Potential impacts associated with the inadvertent discovery of tribal cultural resources would be 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.*

The project site does not contain any resources determined by the County to be a potentially significant tribal cultural resource. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO 22.10.040). Therefore, potential impacts would be *less than significant*.

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### *Conclusion*

No tribal cultural resources are known or expected to occur within or adjacent to the project site. 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 and no mitigation measures are necessary.

### *Mitigation*

None necessary.

### *Sources*

Provided in Exhibit A.

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### XIX. UTILITIES AND SERVICE SYSTEMS

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

#### Setting

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 on-site 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

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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 a domestic well for water and a new 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 demand on water, wastewater, or stormwater collection, treatment, or disposal facilities and would not require the construction of new or expanded water, wastewater, or stormwater 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 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 6.44 acre-feet of water demand per year, served by an existing groundwater well. The project is located within the Paso Robles Groundwater Basin, which is categorized as being in a state of critical overdraft, and is required to offset water usage at a 1:1 ratio per LUO requirements. Per the CWWCP, the project applicant would be required to offset this new water use at a 1:1 ratio through installation of efficient water systems and fixtures and/or participation in an approved water conservation program, as detailed in mitigation measures WQ-1 and WQ-2. Offsetting the water demand of the proposed project in accordance with the CWWCP would result in a net-neutral water demand on the groundwater basin, therefore, impacts related to water supplies would be *less than significant with mitigation*.

- (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 15 miles to the south. 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

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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*.

- (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. Because the project is located in the Paso Robles Groundwater Basin, there is a potential for impacts related to groundwater supply. Mitigation is required to ensure the project offsets its water demand and net-neutral impact on the basin. Therefore, potential impacts to utilities and service systems would be *less than significant with mitigation*.

### Mitigation

Implement WQ-1 and WQ-2.

### Sources

Provided in Exhibit A.



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## XX. WILDFIRE

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

*Setting*

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 in a high fire hazard severity zone. The project is located in a "High" fire hazard severity zone, and, based on CAL FIRE's referral response letter, it would take approximately 10 - 15 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:

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- 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 identifies 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. 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.

The project does not require any road closures and would be designed to accommodate emergency vehicle access. 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 Salinas Dam (Santa Margarita Lake). The project would not impair implementation or physically interfere

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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 10-15 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 River Road 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 slight to moderate 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 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 the existing access road/driveway to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and installation of a water storage tank 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*.

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### *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 and no mitigation measures are necessary.

### *Mitigation*

None necessary.

### *Sources*

Provided in Exhibit A.

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### XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

#### Discussion

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

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

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eliminate important examples of the major periods of California history or prehistory. Therefore, impacts would be *less than significant with mitigation incorporated*.

- (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

In 2016, the County estimated that there were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming 0.5 acre per site, the canopy associated with these activities could be as high as 250 acres. County Code Enforcement officers have successfully abated 82 operations, and there are currently approximately 225 total operations under investigation to date (December 10, 2019). Unpermitted cannabis operations are expected to continue to be abated throughout the county.

Table 11 below provides a summary of the maximum possible cannabis cultivation activities that could be approved through permit applications that have been received by the County to date (August, 2020). Each of these proposed activities is considered a reasonably foreseeable future project for the purposes of this cumulative impact analysis. It is important to note, however, that many proposed activities are subject to change during the land use permit process and a portion of these applications may be withdrawn by the applicant or denied by the County approving body. Figure 12 shows the project site along with other approved and proposed cannabis project sites within 5 miles of the proposed project site.



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**Table 11 -- Summary of Cannabis Facility Applications for Unincorporated San Luis Obispo County<sup>1</sup>**

Proposed Cannabis Activity Type	Total Number of Proposed Cannabis Activities <sup>1,2</sup>	Total Proposed Canopy (acres)	Approved Activities
Indoor Cultivation and Indoor Nursery	114	75.9	30
Outdoor Cultivation		225	
Ancillary Nursery	114	66.4	30
Processing	9	-	-
Manufacturing	24	-	6
Non-Storefront Dispensary	28	-	15
Commercial Distribution	8	-	4
Commercial Transport	5	-	1
Testing Laboratory	1	-	1
<b>Total</b>	<b>303</b>	<b>367.3</b>	<b>87</b>

1. As of August, 2020

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

For purposes of assessing the cumulative impacts of cannabis cultivation activities, the following assumptions have been made:

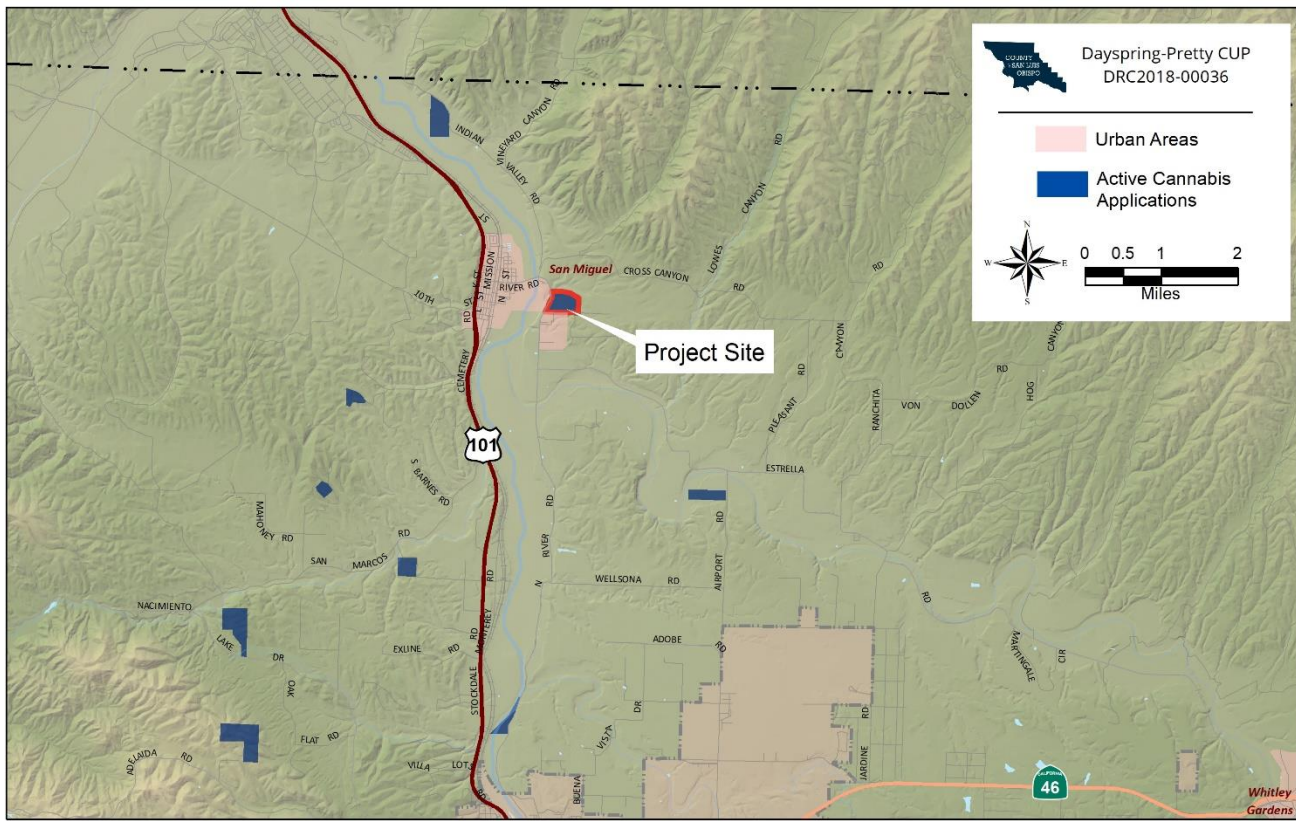
*All 114 applications for cultivation sites would be approved and developed;*

*Each cultivation site would be developed with the maximum allowed cultivation uses:*

- a. 3 acres of outdoor cultivation;
- b. 0.5 acres of indoor cultivation;
- c. 19,000 square feet of ancillary nursery;
- d. A total of 6 full-time employees;
- e. A total of 25 average daily motor vehicle trips; and
- f. All sites would be served by a well and septic leach field.

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**Figure 12. 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 the potential project-specific impacts would be less than significant with mitigation identified to eliminate off-site nighttime light overspill. The project site is located in an area with 2 potential cannabis facilities within 5 miles (as of February, 2020). Surrounding proposed cannabis cultivation operations would require discretionary permits if County staff determine they have the potential to result in potentially significant environmental effects, including potential impacts to visual resources. Based on the rural and agricultural visual character of the area, newly proposed structures visible from surrounding public roadways would undergo evaluation for consistency with the surrounding visual character and may be required to implement visual screening and/or other measures if County staff identify potential impacts to visual resources. Proposed cannabis cultivation projects, including use of mixed-light growing techniques, would be subject to standard County mitigation measures to eliminate off-site nighttime light overspill.

Based on the mitigation measures identified to reduce potential project impacts and discretionary review of surrounding proposed cannabis projects, the impacts to aesthetic and visual resources of this project, when considered with the potential impacts of other reasonably foreseeable development in the area, would be less than cumulatively considerable.

### 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

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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. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, 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-3, project construction, operational, and cumulative impacts would be less than significant.

The project is one of 114 land use permit applications for cannabis cultivation activities located within the county. All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts to air quality. These proposed cannabis cultivation projects would undergo evaluation for their potential to exceed applicable SLOAPCD thresholds and result in potentially cumulatively considerable contribution to the county's non-attainment status for ozone and/or fugitive dust. Proposed projects with the potential to exceed SLOAPCD thresholds would be subject to standard SLOAPCD mitigation measures to reduce potential air pollutant emissions to a less-than-significant level. These measures would also be applied for projects located within close proximity of sensitive receptor locations.

The project site is located in an area with two reasonably foreseeable future cannabis cultivation facilities within 5 miles (as of August, 2020). 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 LUO odor control requirements for all surrounding 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. With implementation of measures BIO-1 through BIO-11, potential impacts to biological resources would be less than significant.

All surrounding proposed cannabis development projects would undergo evaluation for potential to impact biological resources. Proposed cannabis projects that are determined to have the potential to impact sensitive species and/or their habitats, sensitive natural communities, federal or state

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wetlands, migratory corridors, native trees, or conflict with state or local policies or habitat conservation plans would be required to implement mitigation measures to reduce these impacts.

Based on the mitigation measures identified to reduce potential project impacts and discretionary review of surrounding projects, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with biological 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 project could result in an annual energy demand of 4,950,000 kWh per year.

Table 12 provides a summary of the estimated worst-case scenario of total electricity demand associated with development of all 114 proposed and/or approved cannabis cultivation projects with 22,000 square feet (0.5 acre) of mixed-light (indoor) cannabis cultivation based on the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form.

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

Proposed Land Use	Total Electricity Demand from Proposed Cannabis Cultivation Projects <sup>1</sup> (Kilowatt-Hours/Year)	Total Electricity Demand (Gigawatt Hours/Year)	Electricity Consumption in San Luis Obispo County in 2018 <sup>2</sup> (Gigawatt Hours)	Total Demand in San Luis Obispo County with Proposed Cannabis Cultivation (Gigawatt Hours/Year)	Percent Increase Over 2018 Electricity Demand
Mixed-light (indoor) Cultivation	203,643,000	203.6			
Outdoor Cultivation	119,572,200	119.6			
<b>Total</b>	<b>323,215,200</b>	<b>323.2</b>	<b>1,765.9</b>	<b>2,089</b>	<b>18%</b>

<sup>1</sup>Source: CalEEMOD 2016 v.3.2. Assumes 114 cultivation projects with 0.5 acre of mixed-light cannabis canopy.

<sup>2</sup>Source: California Energy Commission 2019.

Table 12 indicates that electricity demand in San Luis Obispo County could increase by as much as 18% if all 114 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and are approved. PG&E is required by state law (the Renewable Portfolio Standard) to derive at least 60% of their electricity from renewable sources by 2030. These sources are “bundled” and offered for sale to other Load Serving Entities (utility providers). Table 12 shows the percent increase in the projected 2030 demand for these bundled sources of electricity throughout PG&E’s service area for, assuming all 114 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and approved.

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**Table 13 -- Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared With Projected PG&E 2030 Available Service Load**

Increased Electricity Consumption in San Luis Obispo County with 114 Cannabis Cultivation Projects <sup>1</sup> (Gigawatt Hours/Year)	323
Projected PG&E 2030 Bundled Service Load <sup>2</sup> (Gigawatt Hours)	33,784
<b>Percent Increase in 2030 Demand With Cannabis Cultivation</b>	<b>0.95%</b>

<sup>1</sup>Source: CalEEMOD 2016 v.3.2. Assumes 114 cultivation projects with 3.5 acres of cannabis canopy.

<sup>2</sup>Source: Pacific Gas and Electric 2018, Integrated Resource Plan.

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 that are determined to have the potential to result in potentially significant impacts from their proposed energy use would be required to implement mitigation measures to reduce their energy demand and use sources that result in less GHG emissions. It is also important to note that while many proposed cannabis cultivation projects would result in new permitted facilities, a portion of these facilities are being proposed in existing buildings previously used for unpermitted cannabis cultivation activities or other uses. Therefore, the estimated increases in energy demand provided in Tables 11 and 12 are assumed to be overestimations.

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.

All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts associated with geology and soils. These proposed cannabis cultivation projects would undergo evaluation for their potential to exacerbate geologic hazards and impact geologic resources, including paleontological resources. Projects identified to have potentially significant impacts associated with geology and soils would 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.



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### Greenhouse Gas Emissions

As discussed in Section VI, Energy, the project is estimated to generate approximately 610 metric tons of CO<sub>2</sub> emissions per year after implementation of the energy reduction measures recommended by ENG-1 and ENG-2. Accordingly, the project will exceed the working GHG threshold of 690 metric tons of CO<sub>2</sub> emissions per year and will not have a cumulatively considerable adverse impact as mitigated.

All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts associated with GHG emissions. These proposed cannabis cultivation projects would undergo evaluation for their potential to exceed the applicable GHG threshold. Projects identified to have the potential to exceed the thresholds would be required to implement standard mitigation measures to reduce these potential impacts, including but not limited to, preparation of an Energy Conservation Plan and/or requiring enrollment in a clean energy program.

Based on implementation of identified mitigation measures and discretionary review of other cannabis cultivation projects within the county, 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 includes use of potentially hazardous materials, including ethanol, 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, such as the adjacent parcels owned by the project applicant, 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 in addition to implementation of mitigation measures WQ-1 through WQ-2 would adequately reduce potential impacts associated with hydrology and water quality to be less than significant.

All proposed cannabis cultivation projects located in the county would be 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



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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.

The project is located within the Paso Robles Groundwater Basin (PRGWB), which is categorized as being in a state of critical overdraft, and is located outside the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018). A total of 33 applications for cannabis cultivation projects located within the PRGWB have been submitted to date (December 9, 2019).

**Table 14 -- Estimated Water Demand from Reasonably Foreseeable Cannabis Cultivation in PRGWB**

Bulletin 118 Groundwater Basin <sup>1</sup>	Number of Reasonably Foreseeable Cultivation Projects	Total Estimated Water Demand From Cannabis Cultivation (AF/Year) <sup>3</sup>	Total Basin Storage Capacity (AF)
Paso Robles Groundwater Basin	32 <sup>2</sup>	125.91	Approximately 400,000

<sup>1</sup> Source: California Department of Water Resources Bulletin 118.

<sup>2</sup> Includes 661.21 acres (12 projects) in the Area of Severe Decline.

<sup>3</sup> Based on the assumptions for development and water demand outlined above.

The project's proposed water use within a groundwater basin that is currently in critical overdraft would contribute to the overall cumulative impact of other proposed cannabis cultivation projects water use within the PRGWB. Mitigation measures WQ-1 and WQ-2 would require the project applicant to offset the project's proposed water use at a 1:1 ratio within the PRGWB. All proposed cannabis cultivation projects located within the PRGWB would also be subject to discretionary review and would be required to offset proposed water use at least a 1:1 ratio in compliance with the Countywide Water Conservation Program. Proposed projects located in areas designated as being in severe decline would be required to offset proposed water use at a 2:1 ratio. Through water demand offsets and compliance with the Countywide Water Conservation Program, cumulative impacts associated with substantially decreasing groundwater supplies and/or interfering substantially with groundwater recharge would be reduced.

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, noise associated with proposed HVAC and odor management systems would be mitigated through implementation of mitigation measure N-1 to a less than significant level.

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

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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.

Cannabis cultivation activities typically employ 15 full-time workers and up to 7 additional seasonal workers during the harvest. The 2050 employment forecast does not account for employment in the cannabis industry because of the formerly illegal status of the industry. However, assuming 114 cultivation projects, total employment associated with cannabis cultivation could result in as many as 920 workers. It is most likely that these workers will be sourced from the existing workforce in San Luis Obispo County. If all 920 workers are new residents to the county, it would represent a 2% increase in the projected growth in population between 2015 and 2050. The small increase in projected population is not expected to result in 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. 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.

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

The County Department of Public Works has derived trip generation rates for cannabis cultivation activities through the trip generation rates published by the Institute of Traffic Engineers. Table 15 provides an estimate of total average daily trips (ADT) and PM peak hour trips associated with buildout of the 114 currently proposed cannabis cultivation projects.

**Table 15 -- Cumulative Average Daily Trips From Cannabis Cultivation**

Use	Unit	ADT per Unit	Total Proposed Cannabis Cultivation Area	Total ADT	PM Peak Hour Trips	Total VMT
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000 sf	0.27	1,851,300 sf	500	50	13,696
Cultivation, Outdoor (includes hoop house)	Acres	2.00	225 acres	450	45	12,330
Seasonal Employees*	Employee	2.00	570 employees	1,140	114	31,236
<b>Total</b>				<b>2,090</b>	<b>538.6</b>	<b>57,262</b>

\* Seasonal Trips are adjusted based on the annual frequency.

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.

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### 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:

- Cultural Resources;
- 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-3, HAZ-and HAZ-2, and identified in 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.

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### Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Services	In File**
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File**
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	None
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	In File**
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other San Miguel Advisory Council, San Miguel CSD	In File**
<input checked="" type="checkbox"/>	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.

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

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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

- SWCA Environmental Consultants, Biological Resources Assessment, July 2018
- Orosz Engineering Group, Inc., Cannabis Cultivation Trip Generation Report, August 7, 2018
- Heritage Discoveries, Inc., An Archaeological Surface Survey, May 23, 2018
- Filipponi & Thompson Drilling, Inc., Well Test Report, February 2, 2018
- Abalone Coast Analytical, Inc., Water Quality Analysis, February 2, 2018

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County of San Luis Obispo. 2016. 2015/2016 County Bikeways Plan. July 6<sup>th</sup>, 2016.

County of Santa Barbara. 2017. Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program. December 2017.

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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:  
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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. All 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 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;

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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.

### Biological Resources

**BIO-1: Best Management Practices.** Best Management Practices (e.g. straw wattles, Environmental Sensitive Area exclusion fencing, gravel bags, silt fencing, etc.) shall be installed prior to the start of any cannabis-growing activities to avoid direct inadvertent impacts to the unnamed drainage on the northern edge and the ravines on the western edge of the project site. Best Management Practices shall be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

Project activity occurring within 50 feet of aquatic habitat (e.g., swales, drainages, ponds, vernal pool, etc., identified in biological report) shall occur during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation control plan shall be

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developed outlining controls, which shall be implemented to prevent erosion and sedimentation into drainages and wetlands. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard materials. These controls shall be installed and maintained for the duration of the project.

**BIO-2: Avoidance of Roosting Bat Species.** Two weeks prior to any construction or ground-disturbing activities, a focused preconstruction survey for roosting bats shall be conducted by a qualified biologist to identify if bats are roosting in the project area. Survey methodology shall include visual surveys of bats (observation of presence of bats during foraging period), inspection for suitable habitat or bat sign (guano) and use of ultrasonic detectors during all dusk emergence and pre-dawn re-entry. To maximize detectability, surveys shall be conducted within one 24-hour period. If a bat roost is detected, a 50-100-foot no-disturbance buffer shall be established during project construction activities until a qualified biologist determines the roost is no longer active. If bat roosts are determined to be in continuous use, a request for a reduced buffer or a Bat Eviction Plan may be prepared and submitted to the California Department of Fish and Wildlife (CDFW) for written approval prior to implementation. A request to evict bats from a roost must include details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to start of project activity within the no-disturbance buffer.

**BIO-3: Preconstruction Survey for Sensitive and Nesting Birds.** If grading or construction activities are 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).

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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-4 Focused Preconstruction Survey for Burrowing Owl.** If grading or construction activities are planned to occur within 150 meters (approximately 492 feet) of BUOW habitat (generally, fallow agricultural land), a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, fallow agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKE, American badger, or other special-status species surveys. If occupied BUOW burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

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

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

**BIO-5: Preconstruction Surveys for Silvery Legless Lizard, San Joaquin Whipsnake, and Coast Horned Lizard.** Within 30 days prior to ground-disturbing activities, an environmental monitor shall conduct surveys for silvery legless lizards, San Joaquin whipsnake, and coast horned lizard in the anticipated disturbance areas. The surveyor shall utilize hand search or cover board methods in areas of disturbance where sensitive reptiles are expected to be found (e.g. under shrubs, other vegetation, debris). If cover board methods are used, they should commence at least 30 days prior to the start of ground-disturbing activities. Hand search surveys should be completed immediately prior to and during disturbances to the vegetated areas. During vegetation-disturbing activities, the environmental monitor shall walk behind the equipment to capture sensitive reptiles that are unearthed by the equipment. The surveyor shall capture and relocate any reptiles observed during



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the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the site but outside of the work area.

**BIO-6 Worker 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-7 San Joaquin kit fox habitat.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County and CDFW that one or a combination of the following three SJKF mitigation measures for loss of SJKF habitat has been implemented:

- d. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 25.72 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

Mitigation alternative (a.) requires that all aspects of this program be in place before County permit issuance or initiation of any ground-disturbing activities.

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

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy", would total \$64,300 based on \$2,500 per acre.

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- f. Purchase 25.72 credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total ~~\$64,300~~. This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground-disturbing activities.

**BIO-8** Prior to issuance of grading and/or construction permits, all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

**BIO-9 Pre-construction surveys for San Joaquin kit fox.** A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 200-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for sign of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF sign, and/or known or potential SJKF dens, if present. If no SJKF sign, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

- If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- If a known den is identified within 200-feet of any proposed project work areas, no work may start in that area.

If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

**BIO-10 San Joaquin kit fox Avoidance and Protection Measures.** During site disturbance/construction activities, the following measures shall be implemented:

- If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
- A maximum of 25 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.

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

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notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.

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

**BIO-11 Preconstruction Surveys for American Badger.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

- If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infrared, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
- If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

**BIO-12 Pre-construction surveys for Crotch's Bumblebee.** The following actions are undertaken to avoid and minimize potential impacts to Crotch Bumble Bee:

- a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for Crotch Bumble Bee within suitable habitat (i.e. small mammal burrows, grassland areas, upland scrubs) on the project site. Survey(s) can 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 Western Bumble Bee 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 in consultation with CDFW. The Management Plan shall include at least the following:

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- i. Avoidance measures to include a minimum 50-foot 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, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).
- iii. CBB Take Authorization - If Crotch Bumble Bee are detected prior to, or during project implementation, the applicant shall consult with CDFW to avoid take and/ or to obtain applicable take authorization.

### Energy and Greenhouse Gas Emissions

**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:  $4,950,000 \text{ kWhr/yr} - 1,149,796 = 3,802,500 \text{ kWhr/yr}$ ; and the amount of energy not otherwise reduced or offset must not exceed 1,149,796 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.

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- 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 Waste

**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.

### Hydrology and Water Quality

**WQ-1 Water Demand Offset Requirements.** Prior to issuance of building permits (or prior to occupancy if no building permits are required), all applicants for cannabis related activities within the Paso Robles Groundwater Basin ("Basin") shall provide to the Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050 D. 5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

- a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by LOU Sections 22.40.050 C. 1 and 22.40.060 C.1.
- b. A program for achieving a water demand offset of the quantified water demand as required by LUO Section 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:



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1. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the Basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:
  - i. Drip irrigation;
  - ii. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapotranspiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
  - iii. Installation of float valves on water tanks to prevent tanks from overflowing;
  - iv. Converting from using overhead sprinklers to wind machines for frost protection; [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.
  - v. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.
2. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
3. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.
- c. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent, and shall not result in adverse environmental effects beyond those assessed by the CEQA compliance document for the proposed cannabis project.

**WQ-2 Water Offset Monitoring and Compliance.** At the time of quarterly monitoring inspection, the applicant shall provide to the Department of Planning and Building for review, evidence that the water efficiency improvements associated with the approved Water Conservation Program remain in full effect and are continuing to achieve the required water demand offset associated with the approved cannabis activities.

### Noise

**N-1 Prior to commencing permitted activities,** the applicant shall demonstrate that noise generated by project air conditioning, ventilation and odor management equipment complies with applicable County standards for nighttime noise levels at the property lines. This shall be accomplished by:

- a. Locating the equipment so that the building shields the noise from the nearest property line;
- b. Constructing an acoustical enclosure around the equipment;

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- c. Any combination of equipment location and shielding that enables the project to meet the standards.

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### 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.

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### *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.

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

California Department of Fish and Wildlife (CDFW)

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

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

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

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

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<sup>i</sup> Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan: Final Additional Environmental Analysis. California Department of Fish and Wildlife SCH No. 2000011025, 12 June 2017:

[https://ceqaportal.org/ceqacase.cfm?cq\\_id=1612](https://ceqaportal.org/ceqacase.cfm?cq_id=1612); <https://wildlife.ca.gov/Regions/5/Newhall>



**REVISED DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM  
FOR 13350 RIVER ROAD LLC CONDITIONAL USE PERMIT  
(DRC2018-00036)**

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**

**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. All 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:** Required at time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.



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## **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 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:** 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 during construction.

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**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. 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:** 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 prior to and during construction.



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## **BIOLOGICAL RESOURCES**

**BIO-1 Best Management Practices.** Best Management Practices (e.g. straw wattles, Environmental Sensitive Area exclusion fencing, gravel bags, silt fencing, etc.) shall be installed prior to the start of any cannabis-growing activities to avoid direct inadvertent impacts to the unnamed drainage on the northern edge and the ravines on the western edge of the project site. Best Management Practices shall be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

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

**Monitoring:** Prior to the onset of construction activities, construction plans shall be checked for inclusion of the general measures for site maintenance and general operations. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

**BIO-2 Avoidance of Roosting Bat Species.** Two weeks prior to any construction or ground-disturbing activities, a focused preconstruction survey for roosting bats shall be conducted by a qualified biologist to identify if bats are roosting in the project area. Survey methodology shall include visual surveys of bats (observation of presence of bats during foraging period), inspection for suitable habitat or bat sign (guano) and use of ultrasonic detectors during all dusk emergence and pre-dawn re-entry. To maximize detectability, surveys shall be conducted within one 24-hour period. If a bat roost is detected, a 50-100-foot no-disturbance buffer shall be established during project construction activities until a qualified biologist determines the roost is no longer active. If bat roosts are determined to be in continuous use, a request for a reduced buffer or a Bat Eviction Plan may be prepared and submitted to the California Department of Fish and Wildlife (CDFW) for written approval prior to implementation. A request to evict bats from a roost must include details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to start of project activity within the no-disturbance buffer.

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**Monitoring:** Evidence that preconstruction surveys and appropriate avoidance measures have been undertaken at least two weeks prior to construction activities 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-3: Preconstruction Survey for Sensitive and Nesting Birds.** If grading or construction activities are 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-4 Focused Preconstruction Survey for Burrowing Owl.** If grading or construction activities are planned to occur within 150 meters (approximately 492 feet) of BUOW habitat (generally, fallow agricultural land), a qualified biologist shall conduct a preconstruction survey for the species within 14 days prior to initial project activities. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, fallow agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24



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hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied BUOW burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

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

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

**BIO-5: Preconstruction Surveys for Silvery Legless Lizard, San Joaquin Whipsnake, and Coast Horned Lizard.** Within 30 days prior to ground-disturbing activities, an environmental monitor shall conduct surveys for silvery legless lizards, San Joaquin whipsnake, and coast horned lizard in the anticipated disturbance areas. The surveyor shall utilize hand search or cover board methods in areas of disturbance where sensitive reptiles are expected to be found (e.g. under shrubs, other vegetation, debris). If cover board methods are used, they should commence at least 30 days prior to the start of ground-disturbing activities. Hand search surveys should be completed immediately prior to and during disturbances to the vegetated areas. During vegetation-disturbing activities, the environmental monitor shall walk behind the equipment to capture sensitive reptiles that are unearthed by the equipment. The surveyor shall capture and relocate any reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the site but outside of the work area.

**Monitoring:** Evidence that preconstruction surveys for nesting birds, burrowing owl and listed reptiles have been undertaken within the timeframes prescribed for each species 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.



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**BIO-6 Worker 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 worker awareness training has been conducted prior to construction activities 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 San Joaquin kit fox habitat.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County and CDFW that one or a combination of the following three SJKF mitigation measures for loss of SJKF habitat has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 25.72 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

Mitigation alternative (a.) requires that all aspects of this program be in place before County permit issuance or initiation of any ground-disturbing activities.

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

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the



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current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy", would total \$64,300 based on \$2,500 per acre.

- c. Purchase 25.72 credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$64,300. This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground-disturbing activities.

**Monitoring:** Evidence of implementation of one, or a combination of, the three options for SJKF mitigation shall be provided to the Department of Planning Building prior to issuance of grading and/or construction permits. Compliance will be verified by the County Department of Planning and Building prior to issuance of construction or grading permits.

- BIO-8** Prior to issuance of grading and/or construction permits, all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

**Monitoring:** Prior to issuance of a grading or construction permit, required plans shall be checked for inclusion of the required SJKF protection measures. Compliance will be verified by the County Department of Planning and Building.

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**BIO-9 Pre-construction surveys for San Joaquin kit fox.** A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 200-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for sign of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF sign, and/or known or potential SJKF dens, if present. If no SJKF sign, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

- If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- If a known den is identified within 200-feet of any proposed project work areas, no work may start in that area.

If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

**Monitoring:** Evidence that preconstruction surveys for SJKF 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-10 San Joaquin kit fox Avoidance and Protection Measures.** During site disturbance/construction activities, the following measures shall be implemented:

- If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
- A maximum of 25 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
- All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.



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- To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
- All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
- All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
- No deliberate feeding of wildlife shall be allowed.
- Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
- Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
- The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
- Permanent fences shall allow for SJFK passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either

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

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

**Monitoring:** Evidence that the required SJKF avoidance measures are in place and are being implemented will be checked by the County Department of Planning and Building prior to, and during construction.

**BIO-11 Preconstruction Surveys for American Badger.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

- If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
- If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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



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**Monitoring:** Evidence that preconstruction surveys and avoidance measures for American Badger 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-12 Pre-construction surveys for Crotch's Bumblebee.** The following actions are undertaken to avoid and minimize potential impacts to Crotch Bumble Bee (CBB):

- a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for crotch bumble bee within suitable habitat (i.e. small mammal burrows, thatched/bunch grasses grassland areas, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site. Survey(s) shall can 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 crotch bumble bee Western Bumble Bee 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 County Planning and Building Department 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 County of Planning and Building Department, 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 that CBB is denied listing under CESA by state law, this mitigation measure shall no longer be required.

**Monitoring:** Evidence that preconstruction surveys and avoidance measures for Crotch Bumble Bee 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.

## **ENERGY/GREENHOUSE GAS EMISSIONS**

**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

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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. 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



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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 and ENG-2 (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 and Greenhouse Gas Offsets shall be submitted and approved by the Department of Planning and Building prior to Phase II. 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.

#### **Hydrology and Water Quality**

**WQ-1 Water Demand Offset Requirements.** Prior to issuance of building permits (or prior to occupancy if no building permits are required), all applicants for cannabis related activities within the Paso Robles Groundwater Basin ("Basin") shall provide to the Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050 D. 5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

- a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by LOU Sections 22.40.050 C. 1 and 22.40.060 C.1.

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- b. A program for achieving a water demand offset of the quantified water demand as required by LUO Section 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:
  1. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the Basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:
    - i. Drip irrigation;
    - ii. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
    - iii. Installation of float valves on water tanks to prevent tanks from overflowing;
    - iv. Converting from using overhead sprinklers to wind machines for frost protection; [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.
    - v. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.
  2. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
  3. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.
- c. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent, and shall not result in adverse environmental effects beyond those assessed by the CEQA compliance document for the proposed cannabis project.

**Monitoring:** Water Conservation Plan to be submitted and approved by the Department of Planning and Building prior to the issuance of construction permits.



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**WQ-2 Water Offset Monitoring and Compliance.** At the time of quarterly monitoring inspection, the applicant shall provide to the Department of Planning and Building for review, evidence that the water efficiency improvements associated with the approved Water Conservation Program remain in full effect and are continuing to achieve the required water demand offset associated with the approved cannabis activities.

**Monitoring:** Compliance will be verified quarterly by the County Department of Planning and Building.

**Noise**


**N-1 Prior to commencing permitted activities,** the applicant shall demonstrate that noise generated by project air conditioning, ventilation and odor management equipment complies with applicable County standards for nighttime noise levels at the property lines. This shall be accomplished by:

- a. Locating the equipment so that the building shields the noise from the nearest property line;
- b. Constructing an acoustical enclosure around the equipment;
- c. Any combination of equipment location and shielding that enables the project to meet the standards.

**Monitoring:** Prior to the onset of construction activities, the applicant shall cause to be performed an analysis of project related noise by a qualified professional demonstrating compliance with County noise standards. Compliance will be verified quarterly 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)

12/21/2020  
Date