COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. Eden's Dreams LLC Minor Use Permit ED19-190 (DRC2018-00183)

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

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

DETERMINATION:

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

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

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Young Choi		Young Choi Digitally signed by Young Choi DN: C=US, E=ychoi@co.slo.ca.us, O=County of San Luis Obispo, OU=Department of Planning and Building, CN=Young Choi Date: 2020.04.27 17:35:11-07'00'	April 27, 2020
Prepared by (Print)	Signature		Date
David Moran			April 27, 2020
Reviewed by (Print)	Signature		Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION:

A request by **Eden's Dreams LLC** for a Minor Use Permit (DRC2018-00183) for the phased establishment of: three-acres (130,680-square-feet) of outdoor cannabis cultivation canopy area, 27,500-square-feet (22,000 sf canopy area) of indoor cannabis cultivation, 4,000-square-feet of ancillary cannabis processing (drying and curing), and 7,500-square-feet of ancillary cannabis nursery, within a new 40,000-square-foot greenhouse. In addition, site development will include construction of a new 5,000-square-foot processing/storage building, and associated improvements. The project will result in the disturbance of approximately 5-acres on a 99.11-acre parcel located at 4337 South El Pomar Road east of the community of Templeton. The project site is within the Agriculture land use category and within the North County Area Plan, El Pomar Sub-region.

This project will be developed in two phases – Phase 1 will include the construction of a 40,000-square-foot greenhouse for 27,500-square-feet (22,000 sf canopy area) of indoor cannabis cultivation, 4,000-square-feet of ancillary cannabis processing (drying and curing), and 7,500-square-feet of ancillary cannabis nursery. Phase 1 will also include construction of a new 5,000-square-foot processing/storage building, and approximately 1.75-acres of outdoor cannabis cultivation area. Phase 2 will include an additional 2-acres of outdoor cannabis cultivation. Outdoor cannabis cultivation canopy will be limited to 3-acres total. Project components are summarized in Table 1 and Figure 3.

Table 1 – Project Summary

Project Component	Proposed Cannabis Activity	Quantity/Gross Area	Cannabis Canopy/Notes
Phase I			
Outdoor Cultivation	Cannabis Cultivation	3.75-acres	1.00 acres
New Greenhouse (40,000 sf)	Cannabis Cultivation (indoor)	27,500 sq. ft.	22,000 sq.ft.
	Ancillary Nursery	7,500 sq. ft.	7,500 sq.ft.
	Drying/Curing	4,000 sq. ft.	n/a
New Processing Building (5,000 sf)	Ancillary Processing	3,750 sq. ft.	n/a
	Fertilizer Storage	650 sq. ft.	n/a
	Walkways/Flex Space	500 sq. ft.	n/a
	ADA Bathroom	100 sq. ft.	n/a
Phase II			
Outdoor Cultivation	Cannabis Cultivation	3.75-acres	2.00
Total Area, All Uses		208,350 sq. ft. (4.78-acres)	3.0 acres outdoor 22,000 sq.ft. indoor 7,500 sq.ft. of ancillary nursery
Total Area of Disturbance		+/- 5 acres	
Tree Removal		+/- 4.5 acres of olive orchard	Trees to be removed in the spring of 2020 to facilitate interim agricultural crop production.
Signage		None	
Parking		17	
Employees		6 full time, 10 full time seasonal	

Summary of Proposed Cannabis Canopy

Outdoor Cultivation	130,680 square-feet (3-acres)
Indoor Cultivation	22,000 square-feet
Ancillary Nursery	7,500 square-feet

Other site improvements will include up to 5-portable restrooms during harvest season, and a 200-square-foot compost area. The project would employ up to 6 full-time employees with an additional 10 part-time employees during harvest season for a maximum of 16 employees; the project will operate seven days per week between the hours of 7:00 AM to 4:30 PM.

The proposed greenhouse, outdoor cultivation area and accessory structures will be located in a relatively level area at the north end of the project site surrounded by vineyards, olive trees and relatively dense stands of oak trees to the east and west (Figure 2). All exterior lighting would be shielded, directed downward, and would comply with California Green Building Code and California Title 24 outdoor lighting energy efficiency requirements. Project grading would occur on approximately 5 acres; graded materials are expected to be balanced on-site.

Cannabis cultivation uses will be secured within the new project buildings and behind an existing 5-foot high metal pipe perimeter fence outfitted with a lockable access gate. In addition, the project proposes a 6 foot tall wood interior fence to surround the greenhouse and processing buildings and 6-foot chain fencing to surround outdoor cultivation areas.

Recirculation of the MND

The project was previously analyzed in a Mitigated Negative Declaration and this document is being recirculated in response to comments received from the California Department of Fish and Wildlife (CDFW) and California Department of Food and Agriculture (CDFA). The original Mitigated Negative Declaration document was received by the State Clearing House at the California Governor's Office of Planning and Research on September 27, 2019 (SCH#2019099092). This recirculated document contains an amended Biological Resource section which now contains additional analysis and mitigations in response to CDFW's comments on Special Status Wildlife. The recirculated document also contains amendments to the Air Quality, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Noise, Hydrology and Water Quality, and Utilities, and Mandatory Findings of Significance sections in response to comments received from CDFA. In addition, the project was modified to provide 6-foot chain link fence and to acknowledge olive orchard removal activity proposed for Spring 2020.

Baseline Conditions

The project site currently contains an existing olive orchard and vineyards; approximately 3.75 acres of olive trees will be removed to accommodate the outdoor cultivation area and buildings. The site also contains a single-family residence, a bed and breakfast business, and agricultural accessory structures. One of the agricultural accessory structures (approximately 15,000-square-feet) will be demolished and replaced by the 40,000-square-foot greenhouse building. The existing 4.5 acre olive orchard is proposed to be removed in the Spring of 2020 and replaced with an interim irrigated vegetable crop until the outdoor cannabis cultivation is established. The change in crop production from olives to vegetables is exempt from Land Use Permit requirements (LUO 22.06.040).

The project site contains gently sloping topography. Existing vegetation includes olive trees, grape vines and ornamental landscaping; the site also contains three discontinuous stands of oak woodland. An ephemeral drainage with sparse to dense stands of oaks borders the west property line (Figure 2).

Ordinance Modification – Parking. The project includes a request for a modification from the parking standards set forth in Section 22.18.050.C.1 of the County Land Use Ordinance (LUO). The type of use that best matches the proposed cannabis cultivation is "Nursery Specialties" with a parking requirement of one parking space per 500 square feet of building floor area. The drying, curing, trimming, grading, and other processing activities are assumed to generate a parking demand comparable to "Ag Processing" which requires one parking space per 1,000 square feet of use area. With the application of these parking standards, the project would require 67 parking spaces. The project proposes 15 parking spaces. Up to 16 employees may be on site at various times during the day and year with carpooling programs proposed. Two of the employees live on site where separate parking spaces will be provided. Therefore, 15 spaces are considered

sufficient to meet the parking demand of the project.

Ordinance Modification – Setback Requirements. The project also includes a request for a modification from the setback provisions set forth in Section 22.40.050.D.3 of the County LUO. The 300-foot setback may be modified through minor use permit approval provided the review authority makes the required findings set forth in Section 22.40.050 E 7. These findings specify that a modification may be granted if "specific conditions of the site and/or vicinity make the required setback unnecessary or ineffective."

The application materials state that compliance with the required setback would require the outdoor cultivation area to be located on a steeper slope where it would be more visually prominent and less secure.

ASSESSOR PARCEL NUMBER(S): 034-321-003

Latitude: 35 degrees 31' 40.4" N **Longitude:** 120 degrees 37' 10.2" W **SUPERVISORIAL DISTRICT #** 5

B. Existing Setting

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

Land Use Category: Agriculture

Combining Designation: Renewable Energy

Parcel Size: 99.11-acres

Topography: Gently sloping to gently rolling

Vegetation: Agriculture (Olive Orchard and Vineyards), Trees

Existing Uses: Agriculture uses (Olive Orchard and Vineyard), Bed and Breakfast, Single-Family Residences

Surrounding Land Use Categories and Uses:

North: Agriculture; agricultural uses single-family residence(s)

East: Agriculture; agricultural uses single-family residence(s)

South: Agriculture; agricultural uses single-family residence(s)

West: Agriculture; agricultural uses single-family residence(s)

Other Approvals That May Be Required to Implement the Project

Permit Type/Action	Agency
Cannabis cultivation license	California Department of Food and Agriculture (CDFA), CalCannabis Cultivation Licensing Division
Cannabis manufacturing license	California Department of Public Health (CDPH), Manufactured Cannabis Safety Branch
Lake and Streambed Alteration (LSA) Agreement or written verification that one is not needed	California Department of Fish and Wildlife (CDFW), Cannabis Program

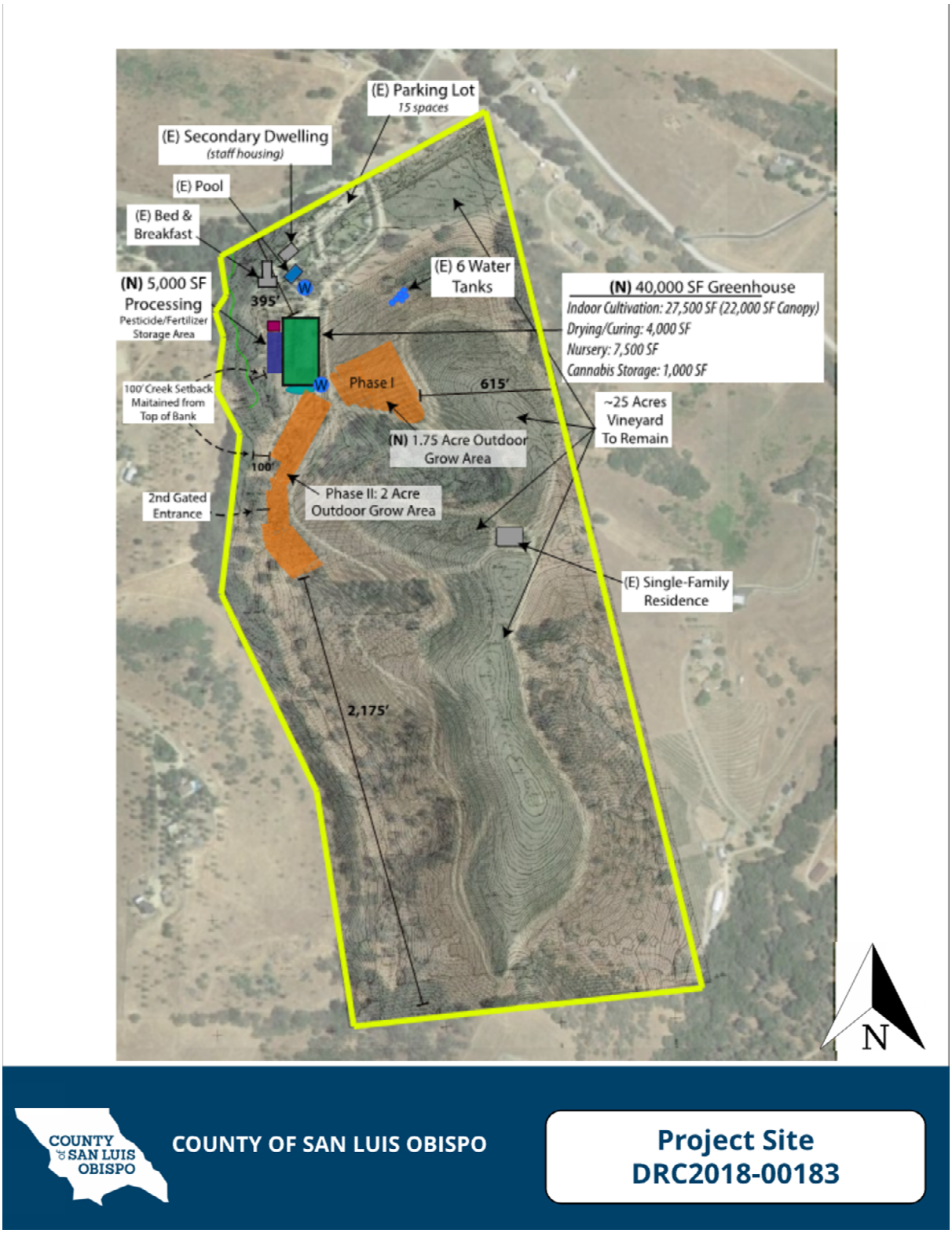
Small Irrigation Use Registration and coverage under the Cannabis Cultivation General Order	California State Water Resources Control Board (SWRCB)

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

Figure 1: Project Vicinity

Figure 2: Project Site

Figure 3 – Site Plan



C. Environmental Analysis

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

I. AESTHETICS

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

Setting

The project site is located on the south side of South El Pomar Road east of the City of Atascadero in an area intermixed with rural residential and agricultural land uses. Traffic counts taken on South El Pomar Road east of Templeton Road in 2017 revealed an afternoon peak hour volume of 88 vehicles. South El Pomar Road is not an Officially Designated Scenic Highway and is not listed as a “Suggested Scenic Corridor” on Table VR-2 of the Conservation and Open Space Element. Development along South El Pomar Road is not subject to the County’s Scenic Protection Standards.

The baseline visual components include an existing bed and breakfast, vineyards, olive orchards, existing storage barn, and other agricultural accessory structures. The quality of the existing visual environment throughout the region is moderate to high. The combining patterns of rolling topography and agriculture create a moderate to high degree of visual interest. As it passes over the Chicago Grade, South El Pomar Road offers views of the community of Templeton and the emerging foothills beyond to the west.

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 identify 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."

Discussion

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

For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public.

The project site is located in a rural area of the County where South El Pomar Road serves as the primary vantage for public views. The proposed project is cannabis cultivation and related activities and therefore is consistent with the surrounding rural, agrarian landscape. 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.

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

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

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

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

As discussed in the setting, South El Pomar Road east of Templeton Road carries about 88 vehicles during the afternoon peak hour, or about 1 vehicle per minute will pass by on the roadway fronting the project site. Traffic speeds on South El Pomar Road in the vicinity of the project site are about 55 miles per hour which means that it would take travelers about 11 seconds to pass by the project site, assuming the width of the project site is about 1,100 feet. However, views of the project site from South El Pomar Road are largely obscured by the intervening topography and vegetation. Thus, although opportunities for the public to view the project site are somewhat frequent, the potential to view the site is low because of the relatively high speed of traffic and the screening provided by the vegetation and topography.

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

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

The project site is located about 2 miles east of the Atascadero City Limits in a predominantly rural area comprised of large-lot residences and agricultural lands. Thus, the visual qualities of the project site are not unique within the described area and the scale and character of the proposed new construction will not significantly detract from the integrity or uniqueness of the larger landscape. The design and location of the proposed buildings and outdoor cultivation area will incorporate features that are typical of agricultural activities in the area.

- *The magnitude of the change.*

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

As discussed above, the proposed cannabis greenhouse (40,000 sf), processing building (5,000 sf) and other development associated with cannabis activities will largely complement the setting consistent with the visual character of the surrounding agricultural lands. In addition, the proposed

cannabis facility will replace an existing 15,000 sq.ft. agricultural accessory structure. Therefore, the magnitude of change is small within the context of the larger visual landscape.

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

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

Due to the remote nature of the project and relative distance to the nearest urbanized area, the project is located in an area with a low level of existing light pollution (Darksitefinder.com 2019). The project includes indoor cannabis and nursery cultivation within a greenhouse. Such activities 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. Without appropriate light shielding and prevention, nighttime lighting within these structures would have the potential to affect nighttime views in the area. Mitigation measure AES-1 would require that each greenhouse be equipped with a blackout system to be engaged between dusk and dawn when the grow lights are on.

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

Conclusion

The project is not located within view of a scenic vista and would not result in a substantial change to scenic resources in the area. The project would be consistent with existing policies and standards in the County LUO and COSE related to the protection of scenic resources. 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.

In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (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.

Mitigation

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

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

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

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

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

Sources

See Exhibit A.

II. AGRICULTURE AND FORESTRY RESOURCES

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

Setting

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts to 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,

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

Chapter 6 of the County COSE identifies resource management goals, policies, and strategies to protect agricultural soils from conversion to urban and residential uses. Important Agricultural Soils within the County are identified in Table SL-2 of the COSE and Policy SL 3.1 states that proposed conversion of agricultural lands to non-agricultural uses shall be evaluated using the applicable policies in the COSE and Agricultural Element. Table 2 provides a summary of the changes in the acreage of important farmland in San Luis Obispo County from 2006 to 2016 (the most recent year for which data are available) as determined by the California Department of Conservation, Farmland Mapping and Monitoring Program. As shown in Table 2, over the ten-year period between 2006 and 2016 the County experienced a net increase in the acreage of important farmland of about 126,781 acres, including a net increase of 1,466 acres of prime farmland.

Table 2 – Acreage of Important Farmland in San Luis Obispo County, 2006 – 2016

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

The project site is located within the Agriculture land use category and is currently used for the cultivation of wine grapes and olives. The existing olive orchard is proposed to be removed in the Spring of 2020 and replaced with an interim irrigated vegetable crop until the outdoor cannabis cultivation is established. The change in crop production from olives to vegetables is exempt from Land Use Permit requirements (LUO 22.06.040).

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 located in the El Pomar Agricultural Preserve and us subject to an active Land Conservation Act contract. The project, along with the existing contract, were reviewed by Agricultural Preserve Review Committee (APRC) on March 25, 2019 who determined that the proposed cannabis activities are compatible with the contract and the Williamson Act.

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

Linne Calodo complex (9 - 30 % slope):

Linne. This moderately sloping soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics. The soil is considered Class IV without irrigation and Class IV when irrigated.

Calodo. This moderately sloping soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics. The soil is considered Class IV without irrigation and Class IV when irrigated.

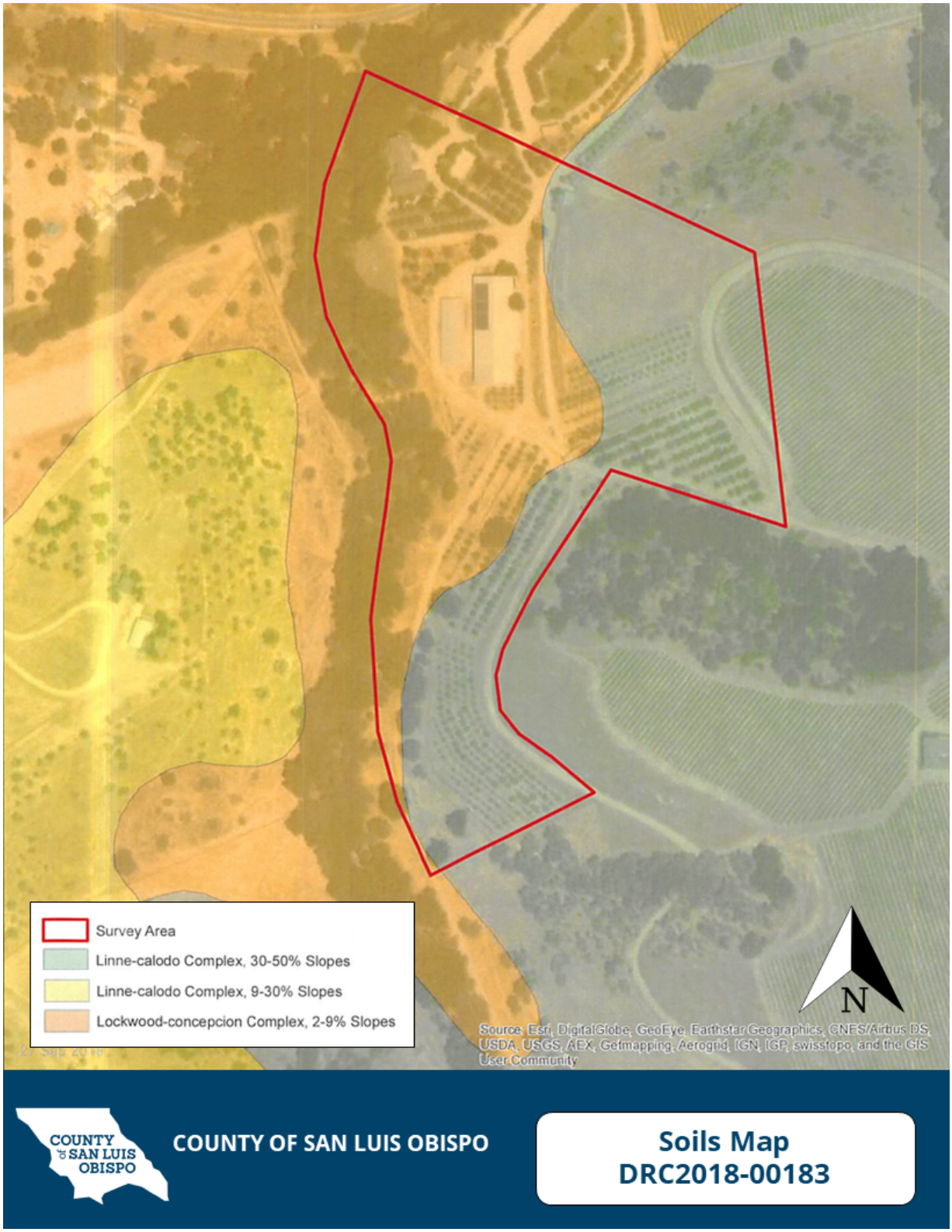
Lockwood Concepcion complex (2 - 9% slope):

Lockwood. This gently sloping soil is considered well drained. The soil has moderate erodibility and moderate shrink-swell characteristics. The soil is considered Class IV without irrigation and Class II when irrigated.

Concepcion. This gently sloping soil is considered very poorly drained. The soil has moderate erodibility and low shrink-swell characteristics. The soil is considered Class IV without irrigation and Class II when irrigated.

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.

Figure 4: Soils of the Project Site



Discussion

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

The new 40,000-square-foot greenhouse and 5,000-square-foot processing building will be constructed on slab foundations which would result in the permanent conversion of 1.10 acres to a non-agricultural use (commercial cannabis operations), and the semi-permanent conversion of 0.15 acres for the parking area. The outdoor cultivation area will replace 3.75 acres of an area where an existing olive orchard is located. The existing 15,000 sq.ft. agriculture accessory building will be demolished and replaced with the 40,000 sq.ft. greenhouse and 5,000 sq.ft. processing building.

The entire area of disturbance is located on the Lockwood Concepcion soil complex with 2-9 percent slopes which is considered *Farmland of Statewide Importance* by Table SL-2 of the Conservation and Open Space Element. The project site has multiple designations under the FMMP as summarized in Table 3.

Table 3 -- FMMP Classifications

FMMP Classifications	Total Acres	Net Acres Impacted
Grazing	55.1	0.00
Unique Farmland	25.7	2.93
Farmland of Local Potential	17.2	0.79[1]
Farmland of Statewide Importance	1.09	0.80
Total:	**99.1**	**4.63**

Source: FMMP, 2016

Notes:

1. Existing structures to be demolished cover about 0.46 acres of Farmland of Local Potential. Therefore, the net increase in the area of impact is: 1.25 Acres – 0.46 acres = 0.79

As shown in Table 3, the project will result in the permanent conversion of 0.79 acres of Farmland of Local Potential for the construction of the proposed greenhouse and processing building, and the semi-permanent conversion of about 3.75 acres of Unique Farmland and Farmland of Statewide Importance for the outdoor cultivation area. Project impacts to important farmland are considered *less than significant* because:

- Although the project will result in the permanent conversion of 0.79 acres of the 99.11-acre site, the cultivation of wine grapes and other agricultural activities on the remainder of the site will be unaffected. The areas proposed for outdoor cannabis activities can be readily converted to conventional crop production in the event that cannabis activities are removed.
- As shown in Table 2, the acreage of important farmland in San Luis Obispo County has seen a net increase of over 120,000 acres since 2006. The loss of 3.75 acres of olive trees for outdoor cannabis cultivation will be a small fraction of the total acreage of Unique Farmland and Farmland of Statewide Importance in the County.

- The project is consistent with the following policies of the Agriculture Element with regard to the protection and preservation of productive agricultural land:

AGP8: Intensive Agricultural Facilities.

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

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

AGP18: Location of Improvements.

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

Discussion: The proposed greenhouse and processing building will be located on Farmland of Statewide Importance and will replace a 15,000 sq.ft. accessory building and 5,000 sq.ft. storage building. Locating the new buildings in an area currently occupied by buildings will reduce the net acreage of new disturbance and the conversion of Farmland of Statewide Importance.

AGP14: Agricultural Preserve Program.

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

Discussion: The project site is subject to a current Land Conservation Act (Williamson Act) contract. The proposed project was found to be consistent with the cultivation requirements of the Contract by the Agricultural Preserve Review Committee (see below).

AGP24: Conversion of Agricultural Land.

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

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

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

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

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

Discussion: The project site is located about four miles from the nearest urban reserve line (the City of Atascadero). The project is consistent with the allowable land uses in the Agriculture land use category and does not propose a change in the land use designation.

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

The subject property is located within the Agriculture land use designation. Cannabis cultivation activities, including the proposed outdoor cultivation and processing activities, are allowed uses within this land use designation (LUO Section 22.06.030). Therefore, the project will not conflict with existing zoning for agricultural use. As discussed above, the project site is subject to an active Williamson Act contract. This project was reviewed by Agricultural Preserve Review Committee (APRC) on March 25, 2019 who determined that the proposed cannabis activities are compatible with the land conservation contract and the Williamson Act. No impact 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))?*

There is no forest land, timberland, or timberland zoned Timberland Production or zoning for such uses in the project vicinity; *no impact would occur*.

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

There are scattered stands of oak trees along the ephemeral drainage and in the center of the project site. The oak trees appear healthy, mature, and several are larger than 12 inches in diameter at breast height (dbh). The project would have the potential to require the trimming of oak trees as well as other activities such as access road improvements, irrigation, and compaction within the critical root zone of several of the scattered individual trees. Based on current project plans, no oak tree removal will 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. See Section IV. Biological Resources for discussion of biological impacts associated with potential impacts to oak trees. There is no forest land, timberland, or timberland zoned Timberland Production or zoning for such uses in the project vicinity; *no impact would occur*.

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

The project site is generally surrounded by active agricultural operations including vines, row crops, dry farming, and grazing. Surrounding agricultural uses would be 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.

The preceding discussion indicates that the proposed cannabis activities will allow for existing and future agricultural operations on the project site and in the vicinity. The proposed project will convert about 3.75 acres of an existing olive orchard (or vegetable crop if the orchard is replaced) for outdoor cannabis cultivation that can be readily converted to conventional crop production in the event that cannabis activities are removed. The project would be compatible with existing agricultural operations, would not adversely affect existing proximate agricultural uses, agricultural support services, or agricultural infrastructure or resources. The structures proposed by the project would allow for the buildings to be utilized by other agricultural operations in the event that cannabis activities are removed. The proposed project would not result in the indirect conversion of

existing farm or forestland to another use. Therefore, impacts to conversion of existing agriculture is *less than significant impact.*

Conclusion

No significant impacts to agricultural resources would occur.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

III. AIR QUALITY

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

Setting

San Luis Obispo County 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_{10}). 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.

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.

Thresholds of Significance for Construction Activities. 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. Accordingly, the SLOAPCD has established thresholds of significance for each of these contaminants (Table 4). According to the handbook, a project with grading in excess of 4.0 acres and/or a project that will move 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM_{10}). In addition, a project with the potential to generate 137 lbs per day of ozone precursors (ROG + NOx) or diesel particulates in excess of 7 lbs per day can result in a significant impact.

Table 4 – Thresholds of Significance for Construction

Pollutant	Threshold[1]		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG+NOx (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM10), Dust2		2.5 tons	
Greenhouse Gases (CO2, CH4, N2O, HFC, CFC, F6S)	Amortized and Combined with Operational Emissions		

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

Notes:

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

Thresholds of Significance for Operations. 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). General screening criteria are used by the SLOAPCD to determine the type and scope of air quality assessment required for a particular project (Table 1-1 in the SLOAPCD's CEQA Air Quality Handbook). These criteria are based on project size in an urban setting and are designed to identify those projects with the potential to exceed the SLOAPCD's significance thresholds. A more refined analysis of air quality impacts specific to a given project is necessary for projects that exceed the screening criteria or are within 10% of exceeding the screening criteria. The list of project categories in Table 1-1 is not comprehensive and does not include cannabis-related activities. However, a project consisting of 99 single family residences generating 970 average daily vehicle trips would be expected to exceed the 25 lbs/day operational threshold for ozone precursors.

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

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 a single family residence located about 300 feet to the west and a single family residence located approximately 600 feet east 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.

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.

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

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 6 full-time regular employees and 10 full-time seasonal employees. The project would likely draw from the local labor

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

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 16 full-time 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?

<u>Construction Related Emissions</u>

Based on the project description, the project will be moving less than 1,200 cubic yards/day of material but will result in an area of disturbance of more than four acres for the cultivation sites, construction of the proposed buildings, parking area, and other associated improvements. Therefore, construction related emissions will exceed the general thresholds triggering construction-related mitigation. Mitigation measure AQ-1 is recommended to ensure construction related emissions will result in a *less than significant impact*.

<u>Operational impacts.</u>

According to trip generation rates for cannabis activities applied by the Department of Public Works, the project is expected to generate 3 average daily motor vehicle trips (peak hour trips). The project estimates that three full-time staff will live on site in the existing dwellings, and additional three full-time staff would be employed. Therefore, in most scenario, the expected traffic would be 6 daily motor vehicle trips. During harvest, the operation may employ an additional 10 seasonal employees. According to the 2012 APCD CEQA Handbook, a project that generates less than 99 average daily motor vehicle trips will generate emissions that fall below the threshold of significance for ozone precursors and greenhouse gas emissions. During peak operations (harvest), the proposed project would fall below the threshold of significance for ozone precursors and greenhouse gas emissions.

LUO Section 22.40.050.D.4 states that cannabis cultivation sites located on an unpaved 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 South El Pomar Road which is a paved, county maintained roadway. Therefore, the provisions of LUO 22.40.050.D.4 do not apply.

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

(c) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity or exposure to air pollution by virtue of their age and health (e.g. schools, day care centers,

hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The project would result in temporary increases in air pollutant emissions, including emissions of fugitive dust (PM_{10}) and diesel-exhaust particulate matter (DPM) during project construction. These pollutants are known to be hazardous to health, particularly when exposed to a sensitive receptor.

The nearest offsite residence is about 300 feet to the northwest of the proposed outdoor cultivation area. Residences may be occupied by sensitive receptors who could be exposed to diesel particulates and fugitive dust from construction activities. Construction of the greenhouse, processing building and parking area may require the use of large diesel-powered construction equipment. Therefore, mitigation AQ-2 is recommended to ensure impacts to sensitive receptors will be less than significant.

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

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

The project includes indoor and outdoor cannabis cultivation as well as drying and processing of cannabis grown on-site. These activities often produce potentially objectionable odors during the flowering, harvest, drying, processing, and manufacturing phases and these odors could disperse through the air and be sensed by surrounding receptors. Accordingly, Section 22.40.050 of the LUO mandates the following:

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

The nearest offsite residences are 300 feet to the northwest and 600 feet to the east. Existing sources of potential odors in the area include ongoing agricultural operations and the Chicago Grade Landfill located about 1,800 feet to the west.

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, are unknown. However, exposure to unpleasant odors may affect an individual’s quality of life and sense of well-being; exposure to

odorous compounds can also potentially trigger physical symptoms. As discussed above, odors are not considered an air pollutant under federal or state laws air quality laws.

The Project incorporates the following features to address odors:

- The proposed buildings will be equipped with a fan with carbon filter system that will provide a minimum of 12 air changes per hour or a 5-minute air change. The carbon filter system will be used in conjunction with an exhaust system that is further equipped with carbon filtration. The exhaust fan will be interlocked to a pressure controller which will maintain a 15-pascal[2] pressure differential between the cultivation areas and corridor and other common areas. Carbon scrubbers 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).
- 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. In addition, the project will utilize a portable olfactometer to determine the effectiveness of the odor containment system. The portable olfactometer, also known as Nose Telescope or Nasal Ranger, will provide a scientific method of quantifying odor strength in terms of "dilution to threshold" (D/T) ratios. If odors are detected and exceed a 7/1 dilution standard, additional steps will be taken to confine the odors on-site.
- All cannabis cultivation projects are conditioned to operate in a manner that ensures odors associated with cannabis activities are contained on the project site.
- All cannabis cultivation projects are 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.

With incorporation of these project features, emissions (such as those leading to odors) will not adversely affect a substantial number of.

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

[2] A unit of pressure named after Blaise Pascal, is defined as one newton per square meter.

Mitigation

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

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

b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;

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

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

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

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

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

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

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

j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;

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

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

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

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

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

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

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

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

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

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

g. Diesel idling within 1,000 feet of any residence is not permitted;

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

i. Electrify equipment when feasible;

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

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

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

Sources

See Exhibit A.

IV. BIOLOGICAL RESOURCES

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

Setting

Federal and State Endangered Species Acts

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

Migratory Bird Treaty Act

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

Clean Water Act and State Porter Cologne Water Quality Control Act

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

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

Conservation and Open Space Element

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

Site Setting

The following information is based on a Biological Resource Assessment prepared for the project site by Terra Verde Environmental Consulting, LLC (Terra Verde) in September of 2018. Terra Verde conducted field reconnaissance of the property on May 10, 2018.

Prior to field work, Terra Verde, conducted a review of available background information including botanical and wildlife inventory, vegetation community mapping, a habitat assessment focused on the potential for special-status species and sensitive natural communities to occur on site, and a preliminary jurisdictional assessment of hydrologic resources on site. In addition, the USFW's online Wetland and Critical Habitat Mappers http://www.fws.gov/wetlands/Data/Mapper.html; http://criticalhabitat.fws.gov/crithab/) were reviewed to evaluate the extent of documented wetlands and designated critical habitat defined in the immediate area.

Terra Verde biologists Amy Golub and Riley Chestnut conducted a site survey on May 10, 2018 to characterize vegetation types, conduct the floristic inventory, and assess potential impacts of the proposed project to on-site resources. The entire study area was surveyed for approximately four hours to identify plant species and plant communities present. The study area included the project site and 100-foot buffer. Existing plant communities and land cover types were mapped. General wildlife observations were made during the site visit, including use of binoculars to identify bird species. The survey was conducted during the day, and weather was clear and warm with good visibility.

The California Natural Diversity Database (CNDDB) was reviewed for documented special status resources within the Creston 7.5-minute quadrangle and the surrounding eight quadrangles (Estrella, Shandon, Shedd Canyon, Wilson Corner, Santa Margarita, Atascadero, Templeton, and Paso Robles). The database was used to evaluate nearby documented occurrences of special-status plant and wildlife species, and natural plant communities of special concern to support presence/absence determinations. Special status species documented within the five-mile search radius were evaluated during analysis of the site's biological resources to determine if potentially suitable habitat was present and whether or not the particular species or plant community was present or had potential to be present within the study area.

The California Natural Diversity Database (CNDDB) was queried for sensitive species. Nine plants were identified with low potential to occur within the overall project and survey area, including Douglas' Fiddleneck (Amsinckia douglasiana), Dwarf Calycadenia (Calycadenia villosa), Lemmon's Jewelflower (Caulanthus lemmonii), Paniculate Tarplant (Deinandra paniculate), Yellow-flowered Eriastrum (Eriastrum luteum), Santa Lucia Dwarf Rush (Juncus luciensis), Pale-yellow Layia (layia heterotricha), Santa Lucia Bush-mallow (Malacothamnus palmeri var. palmeri), San Gabriel Ragwort (Senecio astephanus), and Oak Trees and Woodland (Quercus agrifolia and Quercus douglasii). Five wildlife species (including reptile and avian species) were identified as potential to occur within the overall project and survey area, including Townsend's Big-eared Bat (Corynorhinus townsendii), American Badger (Taxidea taxus), Northern California Legless Lizard (Anniella pulchra), Grasshopper Sparrow (Ammodramus savannarum), and White-tailed Kite (Elanus leucurus).

Comments provided by CDFW conclude that, according to the Natural Diversity Database and nearby biological reports, the project site may also provide suitable habitat for tricolored blackbird (Agelaius tricolor), western spadefoot (Spea hammondii) and Crotch bumble bee (Bombus crotchii).

Tricolored blackbird (Agelaius tricolor) is a California Species of Special Concern (nesting colonies) and is also a candidate for listing as endangered under the California Endangered Species Act. Tricolored blackbird occurs predominately in the Central Valley of California and in smaller disjunctive nesting colonies

southwest of the Cascade Sierra axis and at higher elevations only in northwestern California (Shuford and Gardali 2008). Within its restricted range, the tricolored blackbird will migrate during the breeding season, moving north after the first nesting efforts, and in winter moving to lower elevations (Shuford and Gardali 2008) . The breeding season is generally from April to July, but in the Central Valley there has been active breeding reported in October and November (CDFW 2014). Historically, the tricolored blackbird nested in emergent wetlands, marshes and swamps making their nests in tall, dense cattails, tules, tall herbs, thickets of willows and blackberries. The species also requires foraging space with an abundance of insect prey that can sustain the nesting colony (Weintraub et al. 2016). In a recent study, it was found that the tricolored blackbird had a higher breeding success nesting in non-native invasive vegetation like the Himalayan blackberry (Rubus discolor) over the native cattail (Typha spp.) (Cook and Toft 2005). The closest reported occurrences of tricolored blackbird have been documented on and adjacent to the Project site, according to CDFW. (CDFW, 2019).

Western spadefoot toad has a Global Rank of G3 (Vulnerable) and a State Rank of S3 (Vulnerable). It is a Species of Special Concern (CDFW 2018) that is known to occur in grassland habitats throughout the Central Valley and adjacent foothills. It is also found along the Coast Ranges from Point Conception in Santa Barbara County south to the Mexican border (CDFW 2014, CNDDB 2017). Western spadefoot toad is primarily an inland species, occurring in grassland habitats with friable soils and seasonal rain pools (CNDDB 2019). Spadefoot toads remain underground for most of the year, emerging to breed in seasonal wetland pools during the rainy season and if enough rain occurs, they can be found above ground from October through April. Typical breeding season is from December to March. Development of the larvae from egg to metamorphosis can be very quick (3-11 weeks), depending upon water temperature and food resources. Recruitment will most often fail if breeding ponds are habited by predators such as bullfrogs (Lithobates catesbeiana) and crayfishes (CDFW 2014, Jennings and Hayes 1994).

Crotch bumble bee (Bombus crotchii) is a candidate for listing as endangered under the California Endangered Species Act. Crotch bumble bee occurs predominantly in areas of grassland and upland scrub that contain requisite habitat elements, such as small mammal burrows. Crotch bumble bee primilaryily nest in late February through late October underground in abandoned small mammal burrows, but may also nest under perennial bunch grasses or thatched annual grasses, under brush piles, in old bird nests, and in dead trees or hollow logs (Williams, Thorp, Richardson, & Colla, 2014; Hatfield, Jepsen, Thorp, Richardson, & Colla, 2015). Overwintering sites utilized by Crotch bumble bee mated queens include soft disturbed soil (Goulson, 2010), or under leaf litter or other debris (Williams et al., 2014).

On-Site Habitats

Four habitat types were identified on the site in 2018, including Wild Oats Grassland, Active Agricultural, Coast Live Oak Woodland, and Developed (please refer to Figure 5, the Habitat Map). A majority of the survey area consists of highly modified landscapes including barn structures, olive orchards, ornamental trees, and paved and gravel access roads. Natural vegetation communities and habitats are concentrated along the margins of the survey area, where anthropogenic areas abut natural habitats and include wild oats grassland and blue oak woodland. The following discussion provides a brief characterization of the existing conditions of each habitat type observed on-site.

<u>Wild Oats Grassland</u>

Wild oats grassland habitat was observed throughout the margins of access roads, in disturbed fields, and between existing agricultural use areas, and the riparian woodland habitat. The reported noted that the portions of the wild oats grassland showed signs of past and current anthropogenic disturbances including

mowing and areas of bare dirt or very sparse cover. Though the habitat is disturbed within the survey area, wild oats grasslands provide habitat for ground-nesting birds, small mammals, reptiles and other wildlife.

Coast Live Oak Woodland

Coast live oak woodland habitat was observed within the riparian corridor of the unnamed ephemeral drainages as well as in the relatively undisturbed areas surround the existing vineyards/orchards. These areas are generally characterized by a continuous tree canopy of coast live oak through dominance variably transitioned with blue oak in certain areas. This type of community typically occurs in alluvial terraces, canyon bottoms, stream banks, slopes, and flats in deep, sandy or loamy soils at elevations below 1,200 meters. Coast live oak woodland habitat community provides valuable habitat for nesting birds, small mammals, and other wildlife.

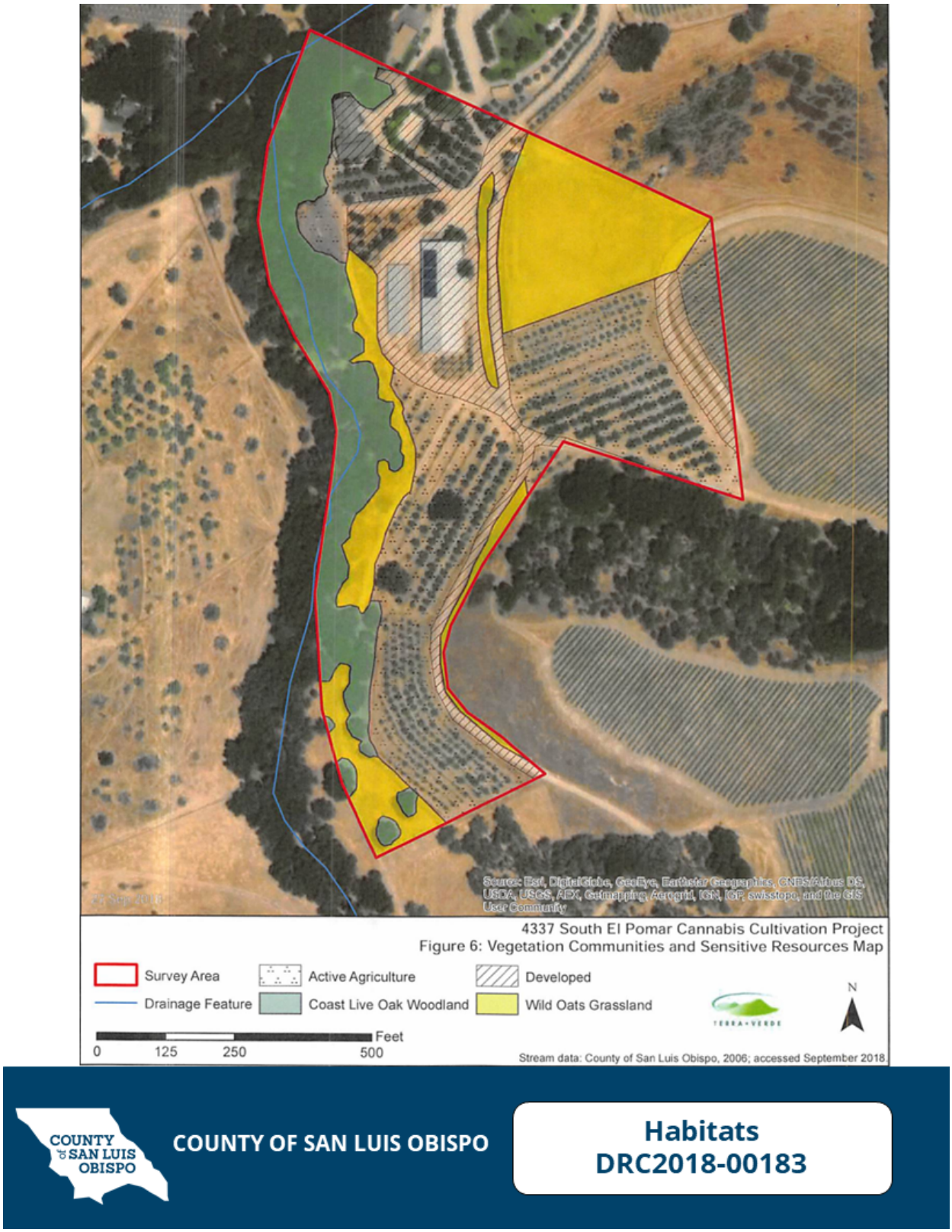
Developed

Disturbed land cover type was observed throughout the site, particularly concentrated where 40,000-square-foot building is proposed, in association with the man-made structures (i.e., agricultural accessory structure, residences, and stables), landscape areas, and access roads. Developed areas observed on site do not correspond to a natural vegetation community but may provide marginally suitable habitat for wildlife foraging and cover.

Active Agriculture

Agricultural habitat was observed throughout the site, particularly concentrated where outdoor cultivation is to occur. It is characterized by frequent disturbance associated with existing olive orchards. Similar to developed areas, herbaceous weedy species were also observed in variable cover between the rows of olives. The existing olive orchard will be removed in the Spring of 2020 to grow vegetables, as part of the ongoing agricultural use of the site. Active agriculture areas observed on site do not correspond to a natural vegetation community but may provide marginally suitable habitat for wildlife foraging and cover.

Figure 5 - Habitats of the Project Site



Hydrologic Features

Distinct hydrologic features are present along the north and west boundaries of the study area. The drainage features are ephemeral in nature and only appear to contain flowing surface water during and immediately following rain events. However these drainages exhibited a well-defined bed and bank, evidence of an ordinary high water mark (OHWM), and a significant nexus to traditionally navigable waters of the U.S. Based on the preceding features, these drainages fall within the jurisdiction of the U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW). If impacted by project activities, regulatory agency permitting pursuant to Section 401/404 of the Clean Water Act and Section 1602 of the Fish and Game Code would be required.

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?*

The project sites consist of predominantly existing agricultural activities (olive orchards), and an agricultural accessory structure (open barn structure). The entire proposed project is located within previously disturbed areas that are currently utilized for agricultural production or support existing structures such as the open barn structure. A site visit conducted by biologists from Terra Verde confirmed that no special-status species were observed during the survey effort.

Special-Status Plants, Wildlife Species, and Migratory Nesting Birds and Sensitive Avian Species

The special-status plant survey was completed during the typical blooming period for regionally occurring special-status species with potential to occur within the overall survey area. Nine identified (see Settings above) special-status plants have potential to occur on project site, but none were found on the project site. Oak Trees and Woodlands are protected under San Luis Obispo County Oak Woodland Ordinance No. 3346, and SB 1334. Any impacts to mature oak species are further regulated under California Public Resources Code 21083.4. Numerous mature oak trees are present within the survey area, including the proposed disturbance area, and in association with the riparian corridor. The project is designed to avoid any oak tree removal. The applicant is required to replace any impacted oak trees at ratio of 2:1, per County of San Luis Obispo Open Space Element. Mitigation Measures BIO-1 and BIO-2 shall be implemented to address potential impacts to oak trees, and mitigation for impacted oak trees.

In regard to special-status wildlife species, Townsend's Big-eared Bat (Corynorhinus townsendii) may have suitable roosting habitat within the existing agricultural accessory structure (open barn). Mitigation Measure BIO-3 shall be implemented to address avoidance and minimization measures for Townsend's Big-eared Bat. The proposed project site presents suitable habitat for American Badger within wild oats grassland habitat scattered throughout the survey areas, as well as surrounding area. Mitigation Measure BIO-4 shall be implemented to address avoidance and minimization measure for American Badger. Northern California Legless Lizard is known to occur within 5 miles of the proposed project site. Leaf litters within oak woodlands and riparian habitat surrounding the project area may provide suitable habitat for this species. As such, there may be a potential to encounter this species on site. Mitigation Measure BIO-5 shall be implemented to avoid and minimize chance of encountering Northern California Legless Lizard.

Tri-colored Blackbird may have potential foraging habitat on site. However, the nesting habitat consisting of aquatic features with emergent tules and cattails does not occur in the Study Area or surrounding areas on the Property. Review of aerial imagery indicates that there are no waterbodies within 300 feet of the Study Area that would be potential nesting habitat for tricolored blackbirds. Potential foraging habitat is present in the Study Area, which includes semi-natural grassland and agricultural croplands. The drainage to the east and south of the Study Area consists of oak woodland with an understory of grasses. No tricolored blackbirds or their nests were observed on the Property in 2018. In the biological consultant's professional judgement, nesting tricolored blackbirds have no potential to occur in or near the Study Area. CDFW (2019) recommended preconstruction surveys be conducted no more than 10 days prior to start of Project implementation if work must be conducted during the nesting season (February 1 through September 15). Mitigation measure BR-7 is recommended to address potential impacts to tricolored blackbird.

Western Spadefoot Toad may have potential habitat on site. According to the CDFW, the subject parcel is within the range of western spadefoot which has been documented to occur in the Project vicinity (CDFW, 2019). As part of the preparation of the Biological Resource Assessment report (Terra Verde, 2018), the biological consultant evaluated the potential for spadefoot toad to occur in the Study Area. They determined that there is no suitable habitat on the project site, due to lack of breeding habitat. Spadefoot toads can move overland away from breeding habitats for some distance where they aestivate in burrows or directly buried in soft sandy soils in upland habitats. Potential breeding habitat may be present in the vicinity of the Study Area. However, the biological consultant found the Project site to be disturbed and lacked suitable burrows for use by spadefoot toads, suggesting that upland aestivation in the Project site is unlikely.

Nonetheless, CDFW (2019) recommends preconstruction surveys be conducted no more than 10 days prior to start of Project implementation if work must be conducted during the nesting season (February 1 through September 15). Mitigation measure BR-5 is recommended to address potential impacts to western spadefoot.

Crotch bumble bee may also have potential habitat on site, according to CDFW. Crotch bumble bee habitat includes areas of grasslands and upland scrub, but may also nest under perennial bunch grasses or thatched annual grasses, under brush piles, in old bird nests, and in dead trees or hollow logs. Ground disturbance for construction of the proposed project may affect Crotch bumble bee's habitat. Mitigation measure BR-8 is recommended to address potential impacts to Crotch bumble bee. A variety of birds protected under the Migratory Bird Treaty Act (MBTA) are known to occur in the region. The presence of large trees and woodland habitat along the onsite drainage features could support nesting birds during the spring and summer months, as well as provide roost sites for several species of raptor that could potentially occur in the area. Most nesting birds are protected under the California Fish and Game Code and MBTA, which require their nests be protected when active. Suitable habitat for Grasshopper Sparrow is present within the wild oat grassland and agricultural fields surrounding the project area. As such, there is potential for this species to be encountered. White-tail kites may be present within dense canopies oak woodlands and mature riparian trees on site, which is present on the proposed project site. Mitigation Measure BIO-6 shall be implemented to address sensitive avian species and migratory nesting birds.

Implementation of Mitigation Measures BIO-3 through BIO-8 would reduce impacts on listed species to *less than significant with mitigation.*

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

The proposed project is designed to place all temporary and/or permanent structures at least 50 feet away from the top of bank of the ephemeral drainages. As noted above, two USGS blue line drainages are present along the north and west boundaries of the study area. The drainage features are ephemeral in nature and only appear to contain flowing surface water during and immediately following rain events. In addition, these drainages fall within the jurisdiction of the U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (RWQCB), and CDFW. If impacted by project activities, regulatory agency permitting pursuant to Section 401/404 of the Clean Water Act and Section 1602 of the Fish and Game Code would be required.

Business and Professions Code 26060.1 (b)(3) includes a requirement that California Department of Food and Agriculture cannabis cultivation licensees demonstrate compliance with Fish and Game Code section 1602 through written verification from CDFW.

No impacts are proposed to the USGS blue line ephemeral drainages. No USFWS-designated critical habitat for federally threatened or endangered species occurs within the project site. The project referral response from RWQCB stated that the project is subject to statewide Cannabis General Order. Mitigation Measures BIO-1 and BIO-9 shall be implemented to avoid impacts to the riparian habitat and USGS blue line creek.

(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?*

The project site does not support state or federal wetlands or other jurisdictional areas. Therefore, the project would not result in an adverse effect on state or federally protected wetlands and no impacts would occur.

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

The project site is not expected to block or restrict movement of wildlife as the property has been regularly disturbed by agricultural activities. However, undisturbed habitat is still present in small pockets surrounding the project area. As such, existing habitat and movement corridors in the vicinity of the project are somewhat fragmented, but relatively intact. The proposed project is proposed to only occur within the disturbed agricultural use areas and existing developed areas, which does not show sign of frequent use by any special-status species. The proposed project is not expected to increase the overall level of fragmentation in the region. Therefore, impacts related to interference with the movement of resident or migratory fish or wildlife species would be less than significant.

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

Oak trees and woodlands are protected under San Luis Obispo County Oak Woodland Ordinance No. 3346, and SB 1334. Any impacts to removal of any mature oak species are further regulated under California Public Resources Code 21083.4. Numerous mature oak trees are present within the survey area, including the proposed disturbance area, and in association with the riparian corridor. The project is designed to avoid any oak tree removal. In cases of impacted oak trees, the applicant is required to replace at 2:1 ratios, per County of San Luis Obispo Open Space Element. The project is consistent with relevant policies and ordinance protecting biological resources and does not propose the removal of any oak trees. Mitigation Measure BIO-2 shall be implemented to address potential removal of oak trees, and mitigation for impacted oak trees.

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

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

Conclusion

The site supports four habitat types including Wild Oat Grassland, Active Agriculture, Coast Live Oak Woodland, and Developed. These habitats are common in the region and are in disturbed condition due to regular farming activities and human presence on-site and on neighboring properties. The Coast Live Oak Woodland habitat is associated with two ephemeral drainage features, and these areas will be avoided and buffered from future cannabis activities. The 2018 floristic inventory confirmed the study area does not support any special status plants, and site observations coupled with a habitat suitability analysis confirmed special status wildlife identified in the CNDDB are not present or expected to occur onsite. In addition, no nest sites were observed in the study area potentially due to the large number of crows in the area given the proximity to the landfill.

Based on review of the preliminary site plan, impacts would be focused within previously disturbed soils and existing orchard, therefore the impacts to special status biological resources are not expected to occur from the project. Incorporation of mitigation measures BIO-1 through BIO-9 would reduce project related impacts to biological resources to a less than significant level pursuant to CEQA.

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

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

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

Mitigation

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

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

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

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

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

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

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

BIO-2 **Native Tree (Oaks) – Replacement/Planting**. If any oak tree is impacted or removed on site, these are considered individual oak trees with replacement planting to be conducted on-site.

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

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

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

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

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

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

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

BIO-3 **Bats - Pre-construction Maternity Colony or Hibernaculum Surveys**. To minimize project impacts on bats, no more than 15 days **prior to grading or improvements** near or the removal of trees or other structures, the Applicant shall retain a County- qualified biologist, holding a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle bats, to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If a bat roost is detected during pre-construction surveys, a qualified biologist shall implement 50-foot no-disturbance buffer during construction activity, or postponing construction until repeat surveying documents that bats no longer use the roost. If active maternity roosts or hibernacula are found, the structure, tree or tower occupied by the roost shall be avoided (i.e., not removed), if feasible. If avoidance or postponement is not feasible, qualified biologists, in consultation with the CDFW shall submit a Bat Eviction Plan for written approval prior to project implementation. Bat Eviction Plan shall at minimum include details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed.

BIO-4 **American Badger - Pre-construction survey and avoidance measures.** To minimize project-related impacts to the American Badger, **no more than 30 days prior to the site disturbance**, the Applicant shall retain a County- qualified biologist to conduct pre-construction surveys for American badger within suitable habitat on the project site. If present, occupied badger dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season (15 February through 1 July) and a minimum 200-foot buffer established. The extent of buffers shall be flagged in the field utilizing a method highly visible by construction crews. Buffers may be modified with the concurrence of the CDFW. Maternity dens shall be flagged for avoidance, identified on construction maps, and a biological monitor shall be present during construction to monitor for adequate protection of all identified dens and to ensure that all flagging is kept in good working order.

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

passive relocation of badgers shall occur only after consultation with the CDFW and the biological monitor.

BIO-5 **Northern California Legless Lizard and Western Spadefoot- Pre-Construction Surveys and Avoidance Measures.** The Applicant shall retain a County- qualified biologist to conduct pre-construction surveys immediately **prior to ground disturbance** (i.e., the morning of the commencement of). If Northern California legless lizard or western spadefoot is found within the area of disturbance, the biologist will relocate the animals to a pre-approved location outside the project or work area with suitable habitat. The candidate locations for species relocation will be identified **prior to ground disturbance** and based on the size and type of habitat present, the potential for negative interactions with resident species, and species range. In addition, biologists shall implement 50-foot no-disturbance buffer around burrows and dens.

BIO-6 **Avoidance of Nesting Birds** – During project construction: To avoid impacts to nesting birds, including special status species and species protected by the Migratory Bird Treaty Act, any tree or shrub removal should be limited to the time period between September 1 and February 14, if feasible. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction survey for active bird nests within the sufficient limits of the project (any area potentially affected by the project) shall be conducted by a qualified biologist and the following measures incorporated.

Surveys shall be conducted within 10-days prior to any construction activities proposed to occur between February 15 and August 31. If no active nests are located, ground disturbing/construction activities may proceed. If active nests are located, then all construction work shall be conducted outside a non-disturbance buffer zone to be developed by the project biologist based on the species (i.e., 250 feet for common species and at least 500 feet for raptors and special status species), slope aspect and surrounding vegetation. No direct disturbance to nests shall occur until the young are no longer reliant on the nest site as determined by the project biologist. The biologist shall conduct monitoring of the nest until all young have fledged.

BIO-7 **Tricolored Blackbird – Pre-Construction Surveys and Avoidance Measures.** To avoid impacts to Tricolored blackbird, any tree or shrub removal should be limited to the time period between September 1 and February 14, if feasible. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction survey for active bird nests within the sufficient limits of the project (any area potentially affected by the project) shall be conducted by a qualified biologist and the following measures incorporated.

Surveys shall be conducted within 10-days prior to any construction activities proposed to occur between February 15 and August 31. If no active nests are located, ground disturbing/construction activities may proceed. If active Tricolored blackbird nests are located, then all construction work shall be conducted outside a non-disturbance 300-foot buffer zone to be developed by the project biologist. No direct disturbance to nests shall

occur until the young are no longer reliant on the nest site as determined by the project biologist. The biologist shall conduct monitoring of the nest until all young have fledged.

BIO-8 **Crotch Bumble Bee – Pre-Construction Surveys and Avoidance Measures.** The Applicant shall retain a County-qualified biologist to conduct pre-construction surveys for Crotch bumble bee within suitable habitat on the project site. If Crotch bumble bee or its habitat (i.e. small mammal burrows, thatched/bunch grasses, brush piles, overgrown areas, dead trees, and hollow logs) is found within the areas of disturbance, the qualified biologist shall implement minimum 50-feet no-disturbance buffer to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement project activities and avoid take. Any detection of Crotch bumble bee prior to, or during project implementation warrants consultation with CDFW to avoid take.

BIO-9 **Sensitive Habitat Protection - Avoidance.** There shall be no cutting, alteration or disturbance of the existing riparian and Oak Woodlands habitat (as identified in the Biological Resource Assessment dated September 27, 2018) Furthermore:

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

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

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

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

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

Sources

See Exhibit A.

V. CULTURAL RESOURCES

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

Setting

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:

A resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR).

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.

The Project is located within an area of moderate archaeological sensitivity. A Phase I archaeological survey was prepared for the project site (Heritage Discoveries Inc.; 2018) that was revised on January 23, 2019. The survey and records search concluded that known prehistoric or historic cultural resources are not present

on the project site. Two cultural resources surveys (Singer 2004, Leroy 2005) have been conducted on properties within a 0.50-mile radius. Those studies did not identify any significant cultural resources, and are in a similar environment and landform as the current study.

In accordance with AB 52 cultural resources requirements, outreach to numerous Native American tribes has been conducted. See Section XVII – Tribal Cultural Resources for discussion.

Lastly, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (d) requires the project to Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered.

Discussion

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

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

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

No known archaeological resources are present on the project site. As noted above, the Cultural Resources Survey identified no known archaeological sites within the vicinity of the proposed project and the surface surveys were also negative for 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?

The nearest dedicated cemetery is the Atascadero Pine Mountain Cemetery, located approximately 2.91 miles to the southwest. The record and literature search of the project area did not identify any known burial sites within the vicinity of the proposed project. Additionally, consultation with the Native American tribes did not result in identification of known burials. (See Section XVIII. Tribal Cultural Resources.) However, project excavations have the potential to encounter previously unidentified human remains in the form of burials or isolated bones and bone fragments. If human remains are exposed during construction, construction shall halt around the discovery of human remains, the area shall be protected, and consultation and treatment shall occur as prescribed by

State law. The County's Coroner and Sheriff Department shall be notified immediately to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance shall occur until the County Coroner has been notified and can make the necessary findings as to origin and disposition of the remains. If the remains are determined to be Native American, the Coroner will notify the NAHC and the remains will be treated in accordance with Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, impacts related to the disturbance of human remains would be reduced to less than significant.

Conclusion

No significant impacts to archaeological, historical, or paleontological resources are expected, and no mitigation measures beyond compliance with the LUO are necessary to mitigate for the unlikely discovery of archaeological, historic, prehistoric, or human burials. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (d) requires the project to Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered.

Mitigation

None are required.

Sources

See Exhibit A.

VI. ENERGY

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

Setting

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).

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.

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.

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).

Energy Use in Cannabis Operations

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

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

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

Discussion

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

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

Construction-related Impacts. During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the County. State and federal regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. Energy consumption during construction would not conflict with a state or local plan for renewable energy and would not be wasteful, unnecessary, or inefficient, and therefore would be less than significant.

Operational Impacts

Electricity and Natural Gas. *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.

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 proposed 20,000-square-foot processing, manufacturing, and nursery cloning building and proposed retrofitted 1,500-square-foot structure for use as a non-storefront dispensary would be subject to the CBC 2019 Building Energy Efficiency Standards and would rely on power generated from on-site solar facilities; therefore, the energy demand of these uses 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).

In order to calculate proposed mixed-light facilities' energy demand, the County utilizes the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018). This calculation form contains formulas for estimating electricity use of cannabis operations. The form assumes that mixed-light (greenhouse) cultivation uses 110 kWh/sf annually and indoor cultivation uses 200 kWh/sf.

The proposed project would include 40,000 sf of combined indoor cultivation and ancillary nursery floor area. A preliminary estimate of the project's energy demand, based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018), is provided in Table 5.

Table 5 -- Project Operational Energy Use

Project Component	Size (sf)	Rate (kWh/year-sf)	Projected Energy (kWh/year)
Generic Commercial Building of Comparable Size	45,000	21.25	850,000
Indoor Cultivation And Ancillary Nursery		200	9,000,000
Percent In Excess of Generic Commercial Building			**958%**

Based on the California Energy Commission Report, a typical non-cannabis commercial building of 40,000 sf would use about 850,000 kWh per year (21.25 kWh/sf x 40,000 sf). Based on the energy consumption rates above, the proposed project's cultivation activities would use 958% more energy than a generic non-cannabis commercial building of the same size. This amount of energy use would potentially be wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures and would require mitigation.

Fuel Use. Construction activities will result in fuel use for worker and delivery trips and the operation of construction equipment. Ongoing operation of the project will result in fuel use associated with employee motor vehicle trips and deliveries. For purposes of determining whether fuel use would be wasteful and inefficient and cumulatively considerable, project-related fuel use will be compared with the total fuel use from motor vehicles in San Luis Obispo County.

Table 6 provides a summary of total sales of gasoline and diesel fuel in San Luis Obispo County in 2018.

Table 6 -- State and County Fuel Consumption in 2018

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

Source: California Energy Commission

For the purpose of assessing the impacts of energy use associated with fuel consumption, the following assumptions are used:

- Daily vehicle miles travelled in San Luis Obispo County in 2020 (estimate from 2014 Regional Transportation Plan): 7,998,615.
- 172 million gallons of fuel consumed per year / 365 days = 471,232 gallons of fuel use per day

- 471,232 gallons of gasoline and diesel fuel consumed per day / 7,998,615 miles travelled per day = 0.058 gallons of fuel consumed per day per mile travelled
- Average Daily Trips (ADT) for Project x 14.7 miles = Daily Vehicle Miles Travelled (VMT)
- Daily VMT x gallons per mile travelled = Daily gallons of fuel use
- Three worker trips and 1 delivery trip per day for construction activities for 10 working days
- 5 Average Daily Trips for operations for 365 days

Construction Fuel Use

4 ADT x 14.7 miles = 58.8 VMT per day

58.8 x 10 days = 588.8 total VMT

588.8 x 0.058 gallons consumed per mile travelled = 34.1 gallons

Operational Fuel Use

5 ADT x 14.7 miles = 73.5 VMT per day[1]

73.5 x 365 days = 26,827 total VMT per year

26,827 x 0.058 gallons consumed per mile travelled = 1,556 gallons per year

[1] Increase over existing conditions.

Total fuel use associated with construction and operation of the project would be 0.3% of the total daily fuel consumed in the County in 2018. Accordingly, fuel consumption associated with the project would not be wasteful, inefficient or unnecessary, or cumulatively considerable.

Greenhouse Gases. Energy inefficiency contributes to higher greenhouse gas (GHG) emissions, by its nature, is in conflict with state and local plans for renewable energy or energy efficiency, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. (Additional background information on GHG Emissions is in Section VIII.) CalEEMod can be used to determine GHG emissions from a "typical" amount of indoor or mixed light cultivation:

Table 7 -- Project Operational GHG Emissions (CO_2e)

Project Component	Size (sf)	Rate (MT/year-sf)	Projected GHG Emissions (MT/CO2e/year)
Indoor Cultivation and Ancillary Nursery	40,000	0.058[1]	2,320[2]
TOTAL	**40,000**	**-**	**2,320**

Notes:

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

Based on this information, the proposed project would exceed the SLOAPCD's Bright Line Threshold of 1,150 $MTCO_2e$.

Conclusion

The project would result in a potentially significant energy demand during long-term operations and would potentially conflict with state or local renewable energy or energy efficiency plans.

To mitigate potential operational impacts associated with energy use and GHG emissions, the project will be required to implement a package of measures that would reduce or offset the project's energy demand to within 20% of the energy demand of a similarly sized generic non-cannabis commercial building (= 850,000 kWh/year x 1.2 = 10,200,000 kWh/year) and offset GHG emissions to achieve the 1,150 $MTCO_2e$ Bright Line Threshold. Mitigation Measures ENG-1 through ENG-3 would reduce the project's environmental impact from wasteful and inefficient energy use to *less than significant with mitigation*.

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

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

Compliance with the provisions of Code of Regulations together with recommended mitigation measures ENG-1, ENG-2, and ENG-3 will reduce potential impacts to less than significant.

Mitigation

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

a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.

b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:

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

   ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net

reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:

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

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

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

ENG-2 **Prior to issuance of building permits**, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related greenhouse gas emissions below the 1,150 $MTCO_2e$ Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

a. Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:

i. American Carbon Registry;

ii. Climate Action Reserve;

iii. Verified Carbon Standard.

iv. Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.

b. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.

c. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.

ENG-3 **At time of quarterly monitoring inspection,** the applicant shall provide to the Department of Planning and Building for review, a current energy use statement from the service provider (e.g. PG&E) that documents energy use to date for the year. The applicant shall demonstrate continued

compliance with ENG-1 and ENG-2 (e.g. providing a current PG&E statement or contract showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

Sources

See Exhibit A.

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
(ii) Strong seismic ground shaking?	☐	☐	☒	☐
(iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
(iv) Landslides?	☐	☐	☒	☐
(b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐

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

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (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 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 that are currently zoned under the State of California Alquist-Priolo Fault Zoning Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon fault system generally consists of two fault zones: the Hosgri fault zone that is mapped off of the San Luis Obispo County coast; and the San Simeon fault zone, which appears to be associated with the Hosgri, and comes onshore near the pier at San Simeon Point, Lastly, the Los Osos Fault zone has been mapped generally in an east/west orientation along the northern flank of the Irish Hills.

The County's 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.

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Groundshaking can endanger life and safety due to damage or collapse of structures or lifeline facilities. The California Building Code (CBC) currently requires structures to be designed to resist a minimum seismic force resulting from ground motion.

Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from groundshaking during an earthquake. Liquefaction potential increases with earthquake magnitude and groundshaking duration. Low-lying areas adjacent to creeks, rivers, beaches, and estuaries underlain by unconsolidated alluvial soil are most likely to be vulnerable to liquefaction. The CBC requires the assessment of liquefaction in the design of all structures. The project is located in an area with low potential for liquefaction.

Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structure, earthquakes, or a combination of these factors. Despite

current codes and policies that discourage development in areas of known landslide activity or high risk of landslide, there is a considerable amount of development that is being impacted by landslide activity in the County each year. The County Safety Element identifies several policies to reduce risk from landslides and slope instability. These policies include the requirement for slope stability evaluations for development in areas of moderate or high landslide risk, and restrictions on new development in areas of known landslide activity unless development plans indicate that the hazard can be reduced to a less than significant level prior to beginning development. The project is located in an area with moderate potential for landslides.

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly.

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. All land use permit applicants located within a GSA are required to include a report prepared by a certified engineering geologist and/or registered civil/soils engineer as appropriate. This report is then required to be evaluated by a geologist retained by the County. In addition, all uses within a GSA are subject to special standards regarding grading and distance from an active fault trace within an Earthquake Fault Zone (LUO 22.14.070). The project is not within a GSA combining designation and exhibits a moderate potential for liquefaction and landslide risk.

The County Conservation and Open Space Element (COSE) identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils

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 there are no mapped active faults crossing or adjacent to the site (DOC 2018). The closest known fault is approximately 1 mile west of the project site. The proposed project would be subject to the provisions of the California Building Code to ensure the proposed structures incorporate seismic-safety features. Therefore, the potential for impacts related to surface ground rupture to occur at the proposed sites is low, and potential impacts 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 California Building Code (CBC) to ensure the effects of a potential seismic event would be

minimized to the greatest extent feasible. The project would not be open to the public and would be mostly agricultural activities. Therefore, impacts related to the production of strong seismic ground shaking would be less than significant.

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

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

(a-iv) Landslides?

The 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 to moderate 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 will result in an area of disturbance of about 5 acres. During grading activities, there would be a potential for erosion to occur. A preliminary sedimentation and erosion control plan has been 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. 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?

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

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

Based on the Soil Survey of San Luis Obispo County and Web Soil Survey, the project site is not located within an area known to contain expansive soils as defined in the Uniform Building Code. The project components are located on soil units with a low shrink-swell (expansive) potential and low clay content. Therefore, impacts to life or property related to expansive soils 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?*

According to the NRCS Web Soil Survey, soils of the project site do not present significant limitations for the use of septic leach fields. Based on the proposed uses and location, a new septic system can meet Tier 1 minimum horizontal setbacks including distance from parcel property lines and structures, distance from existing wells unstable land masses and surface water bodies. Therefore, based on the physical traits of the soil unit on which the septic system is proposed, the project soils would be capable of adequately supporting the use of a septic tank. In order to demonstrate full compliance with Tier 1 minimum site evaluation and siting standards, any proposed septic system location would need to be evaluated by a qualified professional to perform all necessary soil and site evaluations including soil depth, level of groundwater, and percolation rates. This would be required through the building permit process. 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?*

There are no known unique paleontological resources or unique geological features located within the project sites and the area has a low potential for encountering important fossils (County of Monterey 2014, SWCA Environmental Consultants 2019). No significant paleontological resources were identified in the area. Therefore, impacts would be *less than significant.*

Conclusion

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

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

VIII. GREENHOUSE GAS EMISSIONS

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

Setting

Greenhouse gases (GHG) are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement).

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

In March 2012, the SLOAPCD approved thresholds for Greenhouse Gas (GHG) emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. The Bright-Line Threshold of 1,150 Metric Tons CO_2/year (MT CO_2e/yr) is the most applicable GHG threshold for most projects. Table 1-1 in the SLOAPCD CEQA Air Quality Handbook provides a list of general land uses and the estimated sizes or capacity of those uses expected to exceed the GHG Bight Line Threshold of 1,150 Metric Tons of carbon dioxide per year (MT CO_2/yr). Projects that exceed the criteria or are within ten percent of exceeding the criteria presented in Table 1-1 are required to conduct a more detailed analysis of air quality impacts.

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

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

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

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

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

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

Pursuant to Section 8203 (g) of the Title 3, Division 8, Chapter 1 of the California Code of Regulations, beginning January 1, 2022, CDFA will require cultivation applicants to disclose the greenhouse gas emission intensity (per kWh) of their utility provider and show evidence that the electricity supplied is from a zero net energy source.

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

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

Implementation of mitigation measures ENG-1, ENG and ENG-3 would reduce potential impacts to less than significant.

Discussion

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

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

(a-b) As discussed in Section VI, Energy, the project would result in inefficient or wasteful energy use which would contribute to higher greenhouse GHG emissions which, by nature, is in conflict with state and local plans for the reduction of GHG emissions, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. As shown in Table 7 (see Energy), the project would exceed the SLOAPCD bright-line threshold of 1,150 MT CO_2e/year. Mitigation is required to reduce or offset the project's GHG emissions. Potential impacts would be less than significant 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. Compliance with the provisions of Code of Regulations together with recommended mitigation measures ENG-1, ENG-2, and ENG-3 will reduce potential impacts to less than significant.

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

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

Mitigation

Implement ENG-1 through ENG-3.

Sources

See Exhibit A.

IX. HAZARDS AND HAZARDOUS MATERIALS

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

Setting

To comply with Government Code Section 65962.5 (known as the "Cortese List) the following databases/lists were checked in June 20, 2019 for potential hazardous waste or substances occurring at the project site:

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

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

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.

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

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

Discussion

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

Construction activities may involve the use of oils, fuels, and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by DTSC (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations and will be enforced through mandatory quarterly monitoring.

Project operations would involve the intermittent use of small amounts of hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous. In accordance with LUO

Section 22.40.050 D. 3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan. The list of hazardous materials associated with the project site is incorporated by reference and available for review at the Department of Planning and Building, 976 Osos St #200, San Luis Obispo. Accordingly, the applicant proposes the following material handling, storage and waste management measures which would ensure the safe use and handling of chemical/industrial materials:

- Fertilizers will be stored in a processing facility within 650 square-feet of space.
- All pesticide products will be registered with the Agriculture Department, including those products classified as 25 (b) pursuant to the Federal Insecticide, Fungicide and Rodenticide Act.
- Employees will have appropriate applicator's license issued by the Agriculture Department, will adhere to the agricultural use requirements of the label and shall employ all personal protective equipment prescribed on the label. Proposed project shall comply with all posting requirements of the protection standard for the restricted entry interval stated on the label.
- Proposed project will store pesticides in a locked space away from all cultivation areas.

As discussed in the Setting above, the project site is not found on the 'Cortese List' (a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5). In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8307 requires all State licensees to comply with all pesticide laws and regulations enforced by the California Department of Pesticide Regulation.

The project is not expected to conflict with any regional emergency response or evacuation plan.

The County's Environmental Health Division also reviewed the project (Ghiglia 2019). Based on a summary of the materials to be used on site, a hazardous materials business plan would not be required. Impacts associated with the routine transport, use or disposal of hazardous materials is considered *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?

During construction the proposed project would utilize limited quantities of hazardous substances such as gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Handling of these materials has the potential to result in an accidental release. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws. Additionally, the construction contractor would be required to implement BMPs for the storage, use, and transportation of hazardous materials during all construction activities.

The project site contains sensitive riparian habitat areas as described in Section IV - Biological Resources which could be impacted from upsets or spills of potentially hazardous substances. Mitigation Measures BIO-7, HAZ-1, and HAZ-2 have been recommended to reduce potential impacts associated with hazards created by reasonably foreseeable upset or accident conditions during project construction. Therefore, impacts would be *less than significant with mitigation*.

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

Based on the project description, the project is not located within one-quarter mile of a school. Therefore, there would be no impact.

(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 project is not located within an area governed by an Airport Land Use Plan or within two miles of a public airport. Therefore, there would be no impact.

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

The project would not conflict with any regional emergency response or evacuation plan as the existing access roads would be wide enough to accommodate emergency vehicles and the project footprint is small. Construction and operation of the project would not require road closure, and the project would not physically block the onsite residents from evacuating during an emergency. No structures or other obstacles are proposed that would hinder evacuation or emergency response. 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 within a State Responsibility Area but is not located within a "very high" severity risk area which could present a significant fire safety risk. The project was reviewed by Cal Fire/County Fire. In their letter (Cal Fire/County Fire, July 23, 2019), Cal Fire/County Fire recommends fire protection requirements relating to fire sprinklers, vehicular access, water storage, fire pumps and hydrants, emergency access and addressing. The project will be conditioned to comply with the recommendations of Cal Fire/County Fire which is expected to reduce potential impacts relating to the exposure of people and structures to wildfires to a less than significant level.

Conclusion

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

Mitigation

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

HAZ-2 During construction activities, the cleaning and refueling of equipment and vehicles shall occur only within a designated staging area. This staging area shall conform to all applicable

Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills.

Sources

See Exhibit A.

X. HYDROLOGY AND WATER QUALITY

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

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☒	☐	☐

Setting

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

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.

DRAINAGE – For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The Safety Element of the County of San Luis Obispo General Plan establishes policies to reduce flood hazards and reduce flood damage, including, but not limited to, prohibition of development in areas of high flood hazard potential, discouragement of single-road access into remote areas that could be closed during floods, and review of plans for construction in low-lying areas. The project site is not located within a 100-year flood hazard area. Grading and drainage plans may be required for all construction and grading projects in accordance with LUO Sections 22.52.110 and 120. When required, these plans must be prepared by a civil engineer to address both temporary and long-term grading and drainage impacts.

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

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

The project proposes to utilize an existing well within the subject property for cannabis activities.

Discussion

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

A sedimentation and erosion control plan has been 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. 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 would 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 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?

The project is located within the Paso Robles Groundwater Basin, which is categorized as being in a state of critical overdraft; in addition, the project is located within the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018), and is therefore required to offset water usage at a 2:1 ratio per LUO requirements. Per the Countywide Water Conservation Program (CWWCP), the project applicant would be required to offset this new water use at a 2:1 ratio through installation of efficient water systems and fixtures and/or participation in an approved water conservation program, as detailed in mitigation measures HYD-1 and HYD-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 available surface or ground water would be *less than significant with mitigation.*

Based on the Water Demand Analysis prepared for the project, project cultivation irrigation activities would result in a future demand of approximately 5.22 AFY. Therefore, the required offset is 10.44 AFY. Water use is required to be metered and this data will be provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity (5.22 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount.

In addition, the project will be required 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, and the conditions of approval will require the project to participate in the County's ongoing cannabis monitoring program to ensure compliance with all conditions of approval and other relevant regulations. With implementation of Mitigation Measures HYD-1 and HYD-2 impacts on groundwater supplies will be *less than significant with mitigation.*

(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?

A sedimentation and erosion control plan has been 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 installation of hoop structures with plastic covers, construction of a 40,000-square-foot greenhouse and 5,000 sq.ft. processing building.

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 grading, drainage, and erosion control plan prepared for will identify measures for the treatment of disturbed surfaces and installation of fiber rolls throughout the site to slow runoff and capture sediment. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in flooding on- or off-site would be *less than significant.*

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

The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. 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 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?

The project will be conditioned to provide final grading, drainage, erosion and sedimentation control plans for review and approval prior to building permit issuance as required by LUO Section 22.52.100, 110 and 120.

The project site is not located within a 100-year flood plain and the amount of increased impervious surfaces is not expected to exceed the capacity of stormwater conveyances or increase downslope flooding. Therefore, impacts would be *less than significant.*

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

As discussed in the project description, the project site is not located within a 100-year flood hazard area. The project site is located approximately 25 miles inland from the Pacific Ocean and is not located in the Coastal Zone. Therefore, 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 within the area that is categorized as being in severe decline (County of San Luis Obispo 2018). Accordingly, the project is required to offset water usage at a 2:1 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 HYD-1 and HYD-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

The project will result in less than significant impacts associated with water supply, water quality and hydrology. Incorporation of mitigation measures BIO-9, HYD-1 and HYD-2 relating to dust control and emissions associated with construction activities, respectively, would reduce project related impacts to hydrology and water quality to a less than significant level pursuant to CEQA.

Mitigation

HYD-1 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, 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

a. A detailed inventory of net new water demand associated with all cannabis-related activities including cultivation, nursery activities, manufacturing, and processing as applicable. The inventory and estimate of water demand shall be prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. The quantification of water demand shall be expressed in total acre-feet per year and shall be 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 providing the water demand offset required by LUO Section 22.40.050 D. 5, 22.94.025 F and Building Ordinance Section 19.07.042 (4). The water demand offset for all cannabis-related activities shall be 2:1. Such a program may include, but is not limited to, the following:

   i. 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:

1. Drip irrigation;
2. 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.
3. Installation of float valves on water tanks to prevent tanks from overflowing.
4. Converting from using overhead sprinklers to wind machines for frost protection.
5. Installation of rainwater catchment systems to reduce demand on groundwater.

ii. 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.

iii. 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.

HYD-2 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.

Sources

See Exhibit A.

XI. LAND USE AND PLANNING

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

Setting.

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

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

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

Discussion

(a) Physically divide an established community?

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

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

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

The project would be required to implement measures to mitigate potential impacts associated with aesthetic resources, air quality, biological resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and transportation; 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 No inconsistencies were identified, and therefore, no additional measures beyond application of existing plans and regulations is necessary.

Mitigation

No mitigation measures are necessary

Sources

Exhibit A

XII. MINERAL RESOURCES

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

Setting

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;

   The state geologist has designated a mineral resource area of statewide or regional significance pursuant to California PRC Sections 2710 et seq. (SMARA); and

2. Major public utility electric generation facilities exist or are proposed.

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

Discussion

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

Based on the California Geological Survey (CGS) Information Warehouse for Mineral Land Classification, the project site is not located within an area that has been evaluated for mineral resources and is not in close proximity to an active mine (CGS 2015). In addition, based on Chapter 6 of the 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 the availability of mineral resources of state, regional, or local importance are anticipated.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

XIII. NOISE

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

Setting

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

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

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

- Outdoor sports and recreation
- Offices

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

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

Table 8 -- Maximum Allowed Exterior Noise Level Standards

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

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

The project is located approximately 2.8 miles from the Atascadero Urban Reserve and is bordered by residences on the west, south, and east and smaller parcels to the north. Consequently, noise levels on the project site and in the vicinity are low and there are no sources of loud noises beyond those associated with home ownership, traffic on South El Pomar Road and seasonal agriculture operations. The nearest noise-sensitive land uses are single family residences located approximately 300 feet to the northwest and 600 feet to the east of the project site.

Discussion

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

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.

Construction Impacts

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

Operational Impacts

The project is not expected to generate loud noises or conflict with the surrounding uses. Noise resulting from the use of wall- or roof-mounted HVAC and odor mitigation equipment would be expected to generate noise levels of approximately 70 dBA at the source. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance (OSHA, 2016). Therefore, project related noise sources producing 70 dB at 5 feet will be perceived to produce about 57 dB at the nearest property

line to the west, assuming a distance of 100 feet. The resulting noise is anticipated to be below the maximum allowable nighttime level (65 dB) but will exceed the average hourly equivalent noise level (45dB). With implementation of Mitigation Measure N-1, noise impacts from operation are considered *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?

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

Conclusion

The resulting noise associated with operations is anticipated to be below the maximum allowable nighttime level (65 dB) but will exceed the average hourly equivalent noise level (45dB). With implementation of Mitigation Measure N-1, noise impacts from operation are considered *less than significant with mitigation*.

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:

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.

Sources

See Exhibit A.

XIV. POPULATION AND HOUSING

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

Setting

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 16 employees. 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.

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 site includes one single-family residence, a bed and breakfast business, agricultural activities (olive orchards and vineyards), and agricultural accessory structures. The single-family residence would continue to be used as a residential use. The proposed project would not result in the removal or construction of any housing. Therefore, impacts would be *less than significant.*

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

XV. PUBLIC SERVICES

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

Setting.

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 #43, located approximately 3 miles west of the project site. 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 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 west of the project site, in the community of Templeton

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

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

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

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

Discussion

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

Fire protection?

The project 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). Based on the limited amount of development proposed, the project would not create a significant new demand for fire services. The project was reviewed by County Fire/Cal Fire and a referral response letter was received (Clint Bullard, Fire Inspector, July 23, 2019), which describes requirements for the applicant to implement to comply with County Fire/Cal Fire standards.

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?

A Security Plan has been prepared by the applicant in accordance with San Luis Obispo County Code 22.40.040 – 22.40.130 and the San Luis Obispo County Sheriff's Office Requirements. The Security Plan sets forth specific security measures and protocols for perimeter security, facility access, lighting, video surveillance, alarm systems, and fire security. The Security Plan is subject to review and approval by the San Luis Obispo County Sheriff's Office prior to issuance of a County business

licenses. The project would be required to adhere to the security measures and protocols in the Security Plan as well as with any additional recommendation or requirements provided by the San Luis Obispo County Sheriff's Office. Therefore, impacts related to police services would be *less than significant.*

Schools?
As discussed in Section XIV, Population/Housing, the project would not induce population growth and would not result in the need for additional school services or facilities. However, the project would be subject to school impact fees, pursuant to California Education Code Section 17620, to help fund construction or reconstruction of school facilities. Therefore, impacts would be *less than significant*.

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

Other public facilities?

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

Conclusion

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

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

Sources

See Exhibit A

XVI. RECREATION

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

Setting

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

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

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

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to 16 employees. 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 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 County's Parks and Recreation Element does not show a potential trail corridor through the project site. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

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

No mitigation measures are necessary.

Sources

Exhibit A

XVII. TRANSPORTATION

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

Setting

The 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 bed and breakfast business and generates a very low volume of traffic. The project site is located in a rural area and is accessed by South El Pomar Road east of the City of Atascadero. Traffic counts taken on South El Pomar Road east of Templeton Road in 2017 revealed an afternoon peak hour volume of 88 vehicles and 776 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 South El Pomar Road is by way of an improved 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. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the

State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3 [b]). Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts must be implemented statewide.

The County's Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County of San Luis Obispo General Plan. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities within 5 miles 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. Short-term construction-related trips would be minimal, and area roadways are operating at acceptable levels and would be able to accommodate construction-related traffic. Long-term maintenance and operational trips would not substantially differ from existing onsite vineyard operations. Assuming 16 employees on site per day, traffic generated by the project could increase by as many as five trips per day over baseline conditions. As a result, the proposed project would have a less than significant long-term impact on existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs related to transportation, would not affect air traffic patterns or policies related to public transit, bicycle, or pedestrian facilities. Therefore, impacts would be *less than significant*.

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

The County of San Luis Obispo has not yet identified an appropriate model or method to estimate vehicle miles traveled for proposed land use development projects. Section 15064.3, subdivision (b) states that if existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. While the County's program is still in development, the estimated new vehicle trips generated by the proposed project fall below the suggested screening threshold of 110 trips/day identified in the State guidance (Technical Advisory on Evaluating Transportation Impacts in CEQA; Office of Planning & Research, December 2018), and would be assumed to be insignificant.

Based on the nature and location of the project, the project would not generate a significant increase in construction-related or operational traffic trips or vehicle miles traveled. 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 result in any changes to the access road or alterations to the existing driveway approach. Therefore, the project would not substantially increase hazards and would have a less than significant impact.

(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.

Access to the site is provided by South El Pomar Road through a locking access gate. The project does not propose any features that would delay or disrupt emergency vehicles or result in unsafe conditions. The project was referred to Cal Fire/County Fire for review and comment. Their response dated July 23, 2019, indicated that all buildings will require final inspection from Cal Fire/County Fire, the gates mut be locked with Knox Corporation key, and the project must meet current commercial standards for address number. Compliance with relevant fire protection codes will ensure that impacts related to emergency access would be *less than significant*.

Conclusion

The applicant is required to pay to the Department of Public Works the Templeton Area B Road Improvement Fee based on the latest adopted area fee schedule and 8.57 peak hour trips as estimated from the project description and ITE 110 (General Light Industrial) trip rates. The payment would become a condition of approval for the project and would negate the requirement to develop a Transportation Management Plan, which includes monitoring and annual reporting of the project's traffic generation. Additionally, the project will be conditioned to comply with all Cal Fire/County Fire requirements. No significant traffic impacts were identified.

Mitigation

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

Sources

See Exhibit A.

XVIII. TRIBAL CULTURAL RESOURCES

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

Setting

Approved in 2014, Assembly Bill 52 (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:

a. 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 California Register of Historical Resources; or

   b. Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code Section 5020.1.

b. 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 California Public Resources Code Section 5024.1. 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.

As noted in Section V. Cultural Resources, the project is located in an area historically occupied by the Obispeño Chumash and Salinan.

Discussion

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

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

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

As noted in Section V. Cultural Resources, the Phase I Archaeological Survey prepared by Heritage Discoveries, Inc. concluded that prehistoric or historic cultural resources were not present within the proposed project area. A literature search and records search further confirmed the absence of known archaeological sites near the study area.

AB 52 consultation letters were sent to four tribes on October 25, 2018: Northern Chumash Tribal Council, Salinan Tribe of San Luis Obispo and Monterey Counties, Xolon Salinan Tribe, and yak tit^{y}u tit^{y}u yak tiłhini. Northern Chumash Tribal Council expressed concern on July 23, 2019 and recommended that the project require careful monitoring of all ground disturbance. Upon the review of the Phase 1 Archaeology report (Heritage Discoveries, January 23, 2019), the report concluded that prehistoric or historic cultural resources were not present within the proposed project area. In addition, county staff reviewed the Phase 1 Archaeology report prepared for a project on the adjoining property to the west (Cultural Resources Survey of City Boy Farms, 4225 S. El Pomar Road Templeton, California, April 2018) which also was negative for the presence of resources.

Although the area of disturbance is near an existing ephemeral drainage, which may suggest a higher sensitivity for the presence of cultural resources, the area has previously been disturbed by ongoing and historic agricultural activities. No significant sensitive tribal cultural resources were identified in the area. However, in the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be implemented as part of the ordinance requirement. Other AB 52 consulting tribal groups did not respond to AB 52 consultation letter sent on October 25, 2018.

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.*

Conclusion

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

Mitigation

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

Sources

See Exhibit A.

XIX. UTILITIES AND SERVICE SYSTEMS

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

Setting

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 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.

The setting for water supply is discussed in Section X. Hydrology. The project site is served by an on-site septic leach field.

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 proposed project would not require the construction of new or expanded water, wastewater, electric, natural gas, or telecommunications connections or facilities. Power is currently provided on site through an existing PG&E connection and water would be supplied from an existing well on site. 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?*

Future water demand associated with the project is quantified in Section X. Hydrology and Water Quality. According to the project application materials, the existing on-site well will be utilized for cannabis cultivation.

The project is located within the Paso Robles Groundwater Basin, which is categorized as being in a state of critical overdraft. Per the CWWCP, the project applicant would be required to offset this new water use at a 2:1 ratio through installation of efficient water systems and fixtures and/or participation in an approved water conservation program, as detailed in mitigation measures HYD-1 and HYD-2. The proposed water usage for the cannabis cultivation is to be expected 5.22 Acre-feet/year; therefore the offset requirement is 10.44 AFY. 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?*

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

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

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

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

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.*

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 HYD-1 and HYD-2.

Sources

See Exhibit A.

XX. WILDFIRE

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

Setting

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 minutes to respond to a call regarding fire or life safety.

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

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

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

The Safety Element of the County of San Luis Obispo General Plan establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 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.

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

The County of San Luis Obispo Safety Element establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 states that new development should be carefully located, with special attention given to fuel management in higher fire risk areas, and that new development in fire hazard areas should be configured to minimize the potential for added danger.

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.

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

The proposed 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.

The project was reviewed by Cal Fire/County Fire. In their letter of July 23, 2019, Cal Fire/County Fire recommends fire protection requirements relating to fire sprinklers, vehicular access, water storage, fire pumps and hydrants, emergency access and addressing. Compliance with the recommendations of Cal Fire/County Fire is expected to reduce potential impacts relating to the exposure of people and structures to wildfires to a less than significant level.

(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*.

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

No mitigation measures are required.

Sources

See Exhibit A.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

As discussed in each resource section above, upon implementation of identified mitigation measures, the proposed project would not result in significant impacts to biological or cultural resources and would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Therefore, impacts would be *less than significant with mitigation 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 CEQA Guidelines further states that individual effects can be various changes related to a single project or the change involved in a number of other closely related past, present, and reasonably foreseeable future projects. The discussion of cumulative impacts must reflect the severity of the impacts as well as the likelihood of their occurrence. However, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Furthermore, the discussion should remain practical and reasonable in considering other projects and related cumulatively considerable impacts. Furthermore, per State CEQA Guidelines, Section 15130 (a) (1), an EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.

The State CEQA Guidelines allow for the use of two different methods to determine the scope of projects for the cumulative impact analysis:

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

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

Existing and Reasonably Foreseeable Cannabis Activities

In 2016, the County estimated that were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming one-half acre per site, the canopy associated these activities could be as high as 250 acres.

Table 9 provides a summary of the total number of cannabis activities for which the County has either approved or has received an application as of the date of this initial study. As shown on Table 9, the County has received applications for a total of 115 cultivation sites (including indoor and outdoor) with a total canopy of 330 acres. Under the County's cannabis regulations (LUO Sections 22.40. et seq. and CZLUO Section 22.80 et seq.), the number of cultivation sites allowed within the unincorporated county is limited to 141, and each site may have a maximum of 3 acres of outdoor canopy and 22,000 sq.ft. (0.5 acres) of indoor canopy. Therefore, if 141 cultivation sites are ultimately approved, the maximum total cannabis canopy allowable in the unincorporated county will be 493 acres (141 sites x 3.5 acres of canopy per site = 493 acres).

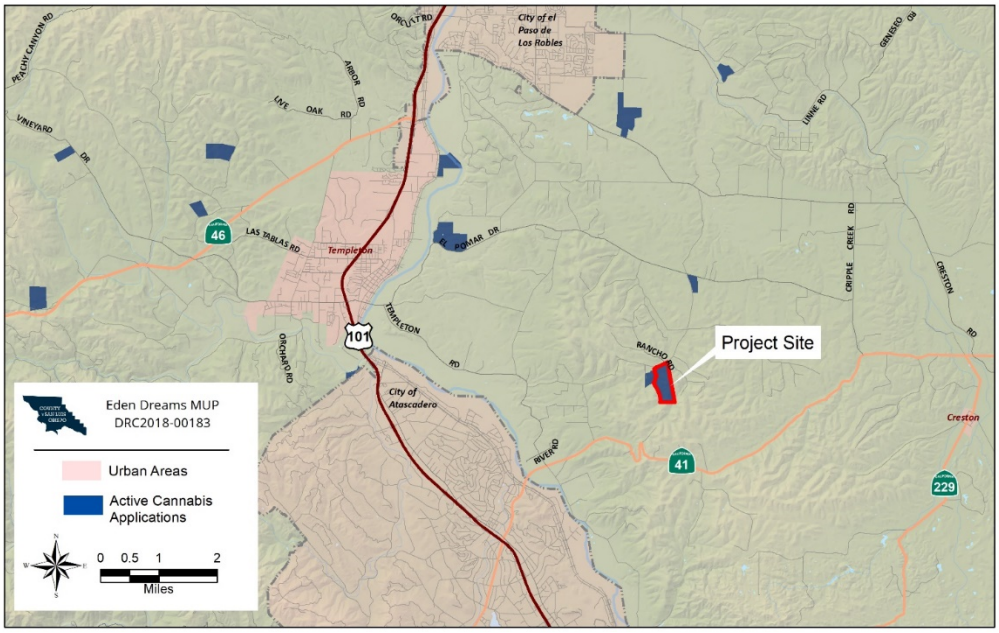
Table 9 -- Summary of Cannabis Activities for Unincorporated San Luis Obispo County[1]

Project Type	Total Number of Cannabis Activities[2]	Canopy (acres)	Approved
Indoor Cultivation	115	89	10
Outdoor Cultivation		241	10
Total Cultivation:	115	330	20
Nursery	43	--	3
Processing	9	--	0
Manufacturing	25	--	6
Non-Storefront Dispensary	30	--	6
Distribution	7	--	0
Transport Only	4	--	0
Laboratory	1	--	1
Total:	**234**	**330**	**36**

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

Figure 6 shows the project site along with other approved and proposed cannabis activities in the region.

Figure 16 -- Project Site With Reasonably Foreseeable Cannabis Projects in the Vicinity



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

- All 115 cultivation sites will be approved and developed;
- Each cultivation site will developed as follows:
  - 3 acres of outdoor cultivation;
  - 0.5 acres of indoor cultivation;
  - 19,000 sq.ft. of ancillary nursery;
  - A total area of disturbance of 6.0 acres to include the construction of one or more buildings to house the indoor cultivation, ancillary nursery and processing;
  - A total of six full-time employees;
  - A total of six average daily motor vehicle trips;
  - All sites will be served by a well and septic leach field;

Aesthetic and Visual Resources

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 12 potential cannabis facilities within 5 miles (as of March 27, 2020). Surrounding proposed cannabis cultivation operations would require discretionary permits and would be subject to project-specific environmental review to determine whether 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.

Agricultural Resources

Table 10 provides a summary of the potential impacts to important farmland from cannabis cultivation applications as of the date of this MND based on the following assumptions:

- All of the applications are approved;
- Each site is developed with 3 acres of outdoor cultivation, 0.5 acres of indoor cultivation, plus another one acre of disturbance associated with additional buildings for processing, areas devoted to access roads, water storage, and other miscellaneous support facilities;

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

Table 10 – Cumulative Impacts to Important Farmland Associated With Approved and Reasonably Foreseeable Cannabis Cultivation Projects

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

Source: NRCS Soil Survey, 2019

The analysis provided in Section II. Agricultural Resources, indicates that the project will not result in the permanent conversion of prime farmland but will result in the conversion of about 0,76 acres of Farmland of Statewide Importance and about 3.75 acres of Unique Farmland. However, 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 impacts to important farmland is considered less than cumulatively considerable because:

- The total acreage of Farmland of Statewide Importance impacted by the project (about 0.76 acres) is less than 0.002 percent of the Farmland of Statewide Importance mapped in the county in 2016.
- The total acreage of Unique Farmland impacted by the project (about 3.75 acres) is less than 0.02 percent of the Unique Farmland mapped in the county in 2016.
- As shown in Table 10, the total acreage of Farmland of Statewide Importance impacted by approved and reasonably foreseeable cannabis cultivation projects in the unincorporated county (about 74 acres) is less than the average annual increase in the total amount of Farmland of Statewide Importance experienced each year in the County since 2006.

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 and AQ-2, project construction, operational, and cumulative impacts would be less than significant.

The project is one of 115 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 six reasonably foreseeable future cannabis cultivation facilities within 2 miles (as of March 27, 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 will have a less than significant impact so long as the recommended avoidance and mitigation measures for pre-construction surveys for sensitive wildlife species and nesting birds, mitigation for the loss of SJKF habitat and oak trees are incorporated into the project description.

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 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 Use

Cannabis cultivation typically uses an insignificant amount of natural gas. Accordingly, this assessment of cumulative impacts is based on demand for electricity. The analysis provided in

Section VI., Energy, states that the project could increase the demand for electricity by 9,000,000 kWh per year.

Table 11provides a summary of total electricity demand associated with development of all 115 previously approved and currently-active cannabis cultivation projects. The summary was derived using the CalEEMOD computer model used by the California Air Resources Board and assumes all 115 sites are developed with the maximum allowable canopies: 3 acres for outdoor cultivation and 22,000 for indoor cultivation.

Table 11 – Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects

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

Notes:

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

Table 11 indicates that electricity demand in San Luis Obispo County could increase by as much 45% if all 115 cultivation projects are approved and constructed.

Table 12 shows the percent increase in the projected 2030 demand throughout PG&E's service area for electricity, assuming all 115 cultivation projects are approved and implemented.

Table 12 – Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared With Projected 2030 Demand

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

Notes:

1. Source: CalEEMOD 2016 v.3.2. Assumes 115 cultivation projects with 3.5 acres of cannabis canopy.

2. Source: Pacific Gas and Electric, 2018, Integrated Resource Plan. PG&E is required by State law (the Renewable Portfolio Standard) to derive at least 60% percent of their electricity from renewable sources by 2030. These sources are "bundled" and offered for sale to other Load Serving Entities (utility providers).

The project's contribution to the increased demand for electricity, when considered with the growth of demand in other parts of the PG&E service area for electricity, would be considered wasteful and inefficient and cumulatively considerable. Mitigation ENG-1, ENG-2 and ENG-3 requires the applicant to provide an Energy Conservation Plan demonstrating strategies to reduce or offset cannabis related electricity demand and greenhouse gas emissions. With implementation of these measures cumulative impacts associated with energy use will be less than cumulatively considerable.

With regard to fuel use, the analysis provided in Section V. indicates that project construction and operation will consume a small fraction of the total fuel consumed in San Luis Obispo County per year and will comparable or less than similarly-sized commercial operations and will therefore not be wasteful and inefficient. Accordingly, fuel use is not considered 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 reduced to 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.

Greenhouse Gas (GHG) Emissions

As discussed in Section VII., the project is expected to generate 2,610 metric tons of GHG emissions per year. Accordingly, using the GHG threshold information described in the Setting section, the project is expected to exceed than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are considered significant and cumulatively considerable. Mitigation ENG-1, ENG-2 and ENG-3 requires the applicant to offset the wasteful, inefficient and unnecessary energy use associated with cannabis related electricity demand and greenhouse gas emissions.

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 applicable SLOAPCD GHG thresholds. Projects identified to have the potential to exceed the SLOAPCD GHG 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.

With implementation of these measures cumulative impacts associated with greenhouse gas emissions will 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 such as pesticides and fertilizers 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 requiring appropriate storage and response protocols for immediate cleanup of any spills.

Probable future development of cannabis cultivation facilities within the vicinity of the project 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/Water Demand

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 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 (March 27, 2020).

Table 13 -- Estimated Water Demand from Reasonably Foreseeable Cannabis Cultivation in PRGWB

Bulletin 118 Groundwater Basin[1]	Number of Reasonably Foreseeable Cultivation Projects	Total Estimated Water Demand From Cannabis Cultivation (AF/Year)[3]	Total Basin Storage Capacity (AF)
Paso Robles Groundwater Basin	33[2]	190.09	Approximately 400,000

[1] Source: California Department of Water Resources Bulletin 118.
[2] Includes 661.21 acres (12 projects) in the Area of Severe Decline.
[3] 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 HYD-1 and HYD-2 would require the project applicant to offset the project's proposed water use at a 2:1 ratio. 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

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

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

Population and Housing

The most recent projection of regional growth for San Luis Obispo County is the 2050 Regional Growth Forecast (RGF) for San Luis Obispo County prepared and adopted by the San Luis Obispo

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

Cannabis cultivation activities typically employ 6 – 8 full-time workers and up to 12 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 115 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 an increased demand for housing throughout the county. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered less than cumulatively considerable.

Public Services

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.

The Department of Public Works has derived trip generation rates for cannabis cultivation from traffic reports and through the trip generation rates published by the Institute of Traffic Engineers. Table 14 provides an estimate of total ADT and vehicle miles traveled associated with buildout of the 115 approved and active cannabis cultivation projects.

Table 14 – Cumulative Average Daily Trips From Cannabis Cultivation

Use	Unit	ADT	Cannabis Cultivation	Total ADT	PM Peak Hour Trips	Vehicle Miles Travelled
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000SF*	0.27	2,530,000 sq.ft.	690	10.3	19,320
Cultivation, Outdoor (includes hoop house)	Acres*	2.00	345 acres	683	68.3	19,126
Seasonal Employees**	Employee	2.00	460 employees	460	460	12,880
Total:				**1,833**	**538.6**	**51,326**

Notes:

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

** 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 vehicle miles travelled (VMT) for the County is from 2013 at which time total VMT per day was estimated to be 7,862,000. Assuming a 1% annual growth in VMT during the intervening six years, the current VMT is estimated to be about 8,333,720. Accordingly, the 51,326 VMT associated with cannabis cultivation will result in an increase about 0.61 percent in the total county VMT. The small increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections. Moreover, each 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 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 is considered less than cumulatively considerable.

Other Impact Issue Areas

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

- 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 and AQ-2 and HAZ-1 and HAZ-2 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

Project impacts would be less than significant and less than cumulatively considerable with mitigation.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

Exhibit A - Initial Study References and Agency Contacts

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

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

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

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

- ☒ Project File for the Subject Application

County Documents

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

Other Documents

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

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

Project-Specific Studies

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

Heritage Discoveries Inc., An Archaeological Surface Survey for the El Pomar Road Project, 4337 South El Pomar Road, Templeton, San Luis Obispo County, May 15, 2018

Heritage Discoveries Inc., (Revised) An Archaeological Surface Survey for the El Pomar Road Project, 4337 South El Pomar Road, Templeton, San Luis Obispo County, Revised January 23, 2019

Orosz Engineering Group, Inc. Sight Distance Analysis 4337 S. El Pomar Road, Templeton, County of San Luis Obispo, April 16 2018

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

Other References

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

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

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

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

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

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

Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8305

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

CalEEMOD version 2016.3.2

California Department of Conservation (CDOC). 2015.CGS Information Warehouse: Regulatory Maps http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps accessed June 2019

California Energy Commission, California Fuel Use, 2018

California Department of Finance. 2018. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/ (accessed June 2019).

Itron, Inc, March 2006, Energy Use By Residential, Commercial and Industrial Businesses, California Energy Commission Report prepared by

Pacific Gas and Electric, 2018, Integrated Resource Plan

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

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

Resource Management System 2014-2016 Resource Summary Report

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

Exhibit B - Mitigation Summary

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

Aesthetics

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

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

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

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

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

Air Quality

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

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

c. Use of 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 mph. Reclaimed (non-potable) water shall be used whenever possible;

d. All dirt stock pile areas shall be sprayed daily as needed;

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

f. Exposed ground areas that are planned to be reworked at dates greater than one month

after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;

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

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

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

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

k. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;

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

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

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

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

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

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

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

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

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

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

h. Diesel idling within 1,000 feet of any residence is not permitted;

i. Staging and queuing areas shall not be located within 1,000 feet of any residence;

j. Electrify equipment when feasible;

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

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

Biological Resources

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

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

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

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

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

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

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

BIO-2 **Native Tree (Oaks) – Replacement/Planting**. If any oak tree is impacted or removed on site, these are considered individual oak trees with replacement planting to be conducted on-site.

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

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

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

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

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

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

BIO-3 **Bats - Pre-construction Maternity Colony or Hibernaculum Surveys**. To minimize project impacts on bats, no more than 15 days **prior to grading or improvements** near or the removal of trees or other structures, the Applicant shall retain a County- qualified biologist, holding a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle bats, to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If a bat roost is detected during pre-construction surveys, a qualified biologist shall implement 50-foot no-disturbance buffer during construction activity, or postponing construction until repeat surveying documents that bats no longer use the roost. If active maternity roosts or hibernacula are found, the structure, tree or tower occupied by the roost shall be avoided (i.e., not removed), if feasible. If avoidance or postponement is not feasible, qualified biologists, in consultation with the CDFW shall submit a Bat Eviction Plan for written approval prior to project implementation. Bat Eviction Plan shall at minimum include details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed.

BIO-4 **American Badger - Pre-construction survey and avoidance measures.** To minimize project-related impacts to the American Badger, **no more than 30 days prior to the site disturbance**, the Applicant shall retain a County- qualified biologist to conduct pre-construction surveys for American badger within suitable habitat on the project site. If present, occupied badger dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season (15 February through 1 July) and a minimum 200-foot buffer established. The extent of buffers shall be flagged in the field utilizing a method highly visible by construction crews. Buffers may be modified with the concurrence of the CDFW. Maternity dens shall be flagged for avoidance, identified on construction maps, and a biological monitor shall be present during construction to monitor for adequate protection of all identified dens and to ensure that all flagging is kept in good working order.

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

BIO-5 **Northern California Legless Lizard and Western Spadefoot- Pre-Construction Surveys and Avoidance Measures.** The Applicant shall retain a County- qualified biologist to conduct pre-construction surveys immediately **prior to ground disturbance** (i.e., the morning of the commencement of). If Northern California legless lizard or western spadefoot is found within the area of disturbance, the biologist will relocate the animals to a pre-approved location outside the project or work area with suitable habitat. The candidate locations for species relocation will be identified **prior to ground disturbance** and based on the size and type of habitat present, the potential for negative interactions with resident

species, and species range. In addition, biologists shall implement 50-foot no-disturbance buffer around burrows and dens.

BIO-6 **Avoidance of Nesting Birds** – During project construction: To avoid impacts to nesting birds, including special status speciesand species protected by the Migratory Bird Treaty Act, any tree or shrub removal should be limited to the time period between September 1 and February 14, if feasible. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction survey for active bird nests within the sufficient limits of the project (any area potentially affected by the project) shall be conducted by a qualified biologist and the following measures incorporated.

Surveys shall be conducted within 10-days prior to any construction activities proposed to occur between February 15 and August 31. If no active nests are located, ground disturbing/construction activities may proceed. If active nests are located, then all construction work shall be conducted outside a non-disturbance buffer zone to be developed by the project biologist based on the species (i.e., 250 feet for common species and at least 500 feet for raptors and special status species), slope aspect and surrounding vegetation. No direct disturbance to nests shall occur until the young are no longer reliant on the nest site as determined by the project biologist. The biologist shall conduct monitoring of the nest until all young have fledged.

BIO-7 **Tricolored Blackbird – Pre-Construction Surveys and Avoidance Measures.** To avoid impacts to Tricolored blackbird, any tree or shrub removal should be limited to the time period between September 1 and February 14, if feasible. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction survey for active bird nests within the sufficient limits of the project (any area potentially affected by the project) shall be conducted by a qualified biologist and the following measures incorporated.

Surveys shall be conducted within 10-days prior to any construction activities proposed to occur between February 15 and August 31. If no active nests are located, ground disturbing/construction activities may proceed. If active Tricolored blackbird nests are located, then all construction work shall be conducted outside a non-disturbance 300-foot buffer zone to be developed by the project biologist. No direct disturbance to nests shall occur until the young are no longer reliant on the nest site as determined by the project biologist. The biologist shall conduct monitoring of the nest until all young have fledged.

BIO-8 **Crotch Bumble Bee – Pre-Construction Surveys and Avoidance Measures.** The Applicant shall retain a County-qualified biologist to conduct pre-construction surveys for Crotch bumble bee within suitable habitat on the project site. If Crotch bumble bee or its habitat (i.e. small mammal burrows, thatched/bunch grasses, brush piles, overgrown areas, dead trees, and hollow logs) is found within the areas of disturbance, the qualified biologist shall implement minimum 50-feet no-disturbance buffer to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement

project activities and avoid take. Any detection of Crotch bumble bee prior to, or during project implementation warrants consultation with CDFW to avoid take.

BIO-9 **Sensitive Habitat Protection - Avoidance.** There shall be no cutting, alteration or disturbance of the existing riparian and Oak Woodlands habitat (as identified in the Biological Resource Assessment dated September 27, 2018) Furthermore:

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

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

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

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

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

Energy and Greenhouse Gases

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

a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.

b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:

i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar

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

ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:

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

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

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

ENG-2 **Prior to issuance of building permits**, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related greenhouse gas emissions below the 1,150 $MTCO_2e$ Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

a. Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:

i. American Carbon Registry;

ii. Climate Action Reserve;

iii. Verified Carbon Standard.

iv. Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.

b. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.

c. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.

ENG-3 **At time of quarterly monitoring inspection,** the applicant shall provide to the Department of Planning and Building for review, a current energy use statement from the service provider (e.g. PG&E) that documents energy use to date for the year. The applicant shall demonstrate continued compliance with ENG-1 and ENG-2 (e.g. providing a current PG&E statement or contract showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

Hazards and Hazardous Materials

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

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

Hydrology and Water Quality

HYD-1 **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, 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

d. A detailed inventory of net new water demand associated with all cannabis-related activities including cultivation, nursery activities, manufacturing, and processing as applicable. The inventory and estimate of water demand shall be prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. The quantification of water demand shall be expressed in total acre-feet per year and shall be consistent with the Water Management Plan required by LOU Sections 22.40.050 C. 1 and 22.40.060 C.1.

e. A program for providing the water demand offset required by LUO Section 22.40.050 D. 5, 22.94.025 F and Building Ordinance Section 19.07.042 (4). The water demand offset for all cannabis-related activities shall be 2:1. Such a program may include, but is not limited to, the following:

iv. 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:

6. Drip irrigation;
7. 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.
8. Installation of float valves on water tanks to prevent tanks from overflowing.
9. Converting from using overhead sprinklers to wind machines for frost protection.
10. Installation of rainwater catchment systems to reduce demand on groundwater.

v. 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.

vi. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.

f. 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.

HYD-2 **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;

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

Appendix A – Other Approvals That May be Required

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

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

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

Section 8102 – Annual State License Application Requirements

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

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

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

(v) Identification of all of the following applicable water sources used for cultivation activities and the applicable supplemental information for each source pursuant to section 8107;

(w) A copy of any final lake or streambed alteration agreement issued by the California Department of Fish and Wildlife, pursuant to sections 1602 or 1617 of the Fish and Game Code, or written verification from the California Department of Fish and Wildlife that a lake and streambed alteration agreement is not required;

(dd) If applicable, the applicant shall provide evidence that the proposed premises is not located in whole or in part in a watershed or other geographic area that the State Water Resources Control Board or the Department of Fish and Wildlife has determined to be significantly adversely impacted by cannabis cultivation pursuant to section 8216.

Section 8106 – Cultivation Plan Requirements

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

(3) A pest management plan.

Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

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

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

(c) All outdoor lighting used for security purposes shall be shielded and downward facing;

(d) Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered;

(e) Requirements for generators pursuant to section 8306 of this chapter;

(f) Compliance with pesticide laws and regulations pursuant to section 8307 of this chapter;

(g) Mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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

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

California Department of Fish and Wildlife (CDFW)

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

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

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

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

REVISED DEVELOPER'S STATEMENT FOR
EDEN'S DREAM LLC MINOR USE PERMIT
DRC2018-00183

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

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

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

Aesthetics

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

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

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

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

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

AES-1 Monitoring/compliance. Prior to approval of construction, the applicant shall submit to the County for review and approval, construction drawings showing adequate lighting plan. Approved lighting plan shall be in place prior to any work. **During construction,** all approved lighting plan shall be kept in good working order. **Prior to final inspection/ occupancy of construction permits** the County shall verify that the lighting plan was completed. The applicant shall **enroll in Cannabis Monitoring Program** for on-going compliance with above mentioned measures.

Air Quality

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

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

b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;

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

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

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

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

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

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

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

j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;

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

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

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

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

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

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

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

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

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

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

g. Diesel idling within 1,000 feet of any residence is not permitted;

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

i. Electrify equipment when feasible;

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

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

AQ-1 through AQ-2 Monitoring/compliance. Prior to the issuance of a construction permit, the applicant shall show the above measure on all applicable construction drawings and submit to the County for review and approval, which may include consultation with the Air Pollution Control District (APCD). **During construction,** all approved protection measures shall be kept in good working order.

Biological Resources

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

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

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

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

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

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

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

BIO-2 **Native Tree (Oaks) – Replacement/Planting**. If any oak tree is impacted or removed on site, these are considered individual oak trees with replacement planting to be conducted on-site.

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

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

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

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

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

5. Shelter will be secured with stake that will last at least five years; metal stake will be used if grazing could occur on site;
6. Height of shelter will be no less than three (3) feet;
7. Base of shelter will be buried into the ground;
8. Top of shelter will be securely covered with plastic netting, or better, and last for no less than five years;
9. If required planting is located in areas frequented by deer, tube/caging heights will be increased to at least four feet or planting(s) will be protected with deer fencing.

BIO-3 **Bats - Pre-construction Maternity Colony or Hibernaculum Surveys**. To minimize project impacts on bats, no more than 15 days **prior to grading or improvements** near or the removal of trees or other structures, the Applicant shall retain a County-qualified biologist, holding a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle bats, to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If a bat roost is detected during pre-construction surveys, a qualified biologist shall implement 50-foot no-disturbance buffer during construction activity, or postponing construction until repeat surveying documents that bats no longer use the roost. If active maternity roosts or hibernacula are found, the structure, tree or tower occupied by the roost shall be avoided (i.e., not removed), if feasible. If avoidance or postponement is not feasible, qualified biologists, in consultation with the CDFW shall submit a Bat Eviction Plan for written approval prior to project implementation. Bat Eviction Plan shall at minimum include details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed.

BIO-4 **American Badger - Pre-construction survey and avoidance measures.** To minimize project-related impacts to the American Badger, **no more than 30 days prior to the site disturbance**, the Applicant shall retain a County- qualified biologist to conduct pre-construction surveys for American badger within suitable habitat on the project site. If present, occupied badger dens shall be flagged and ground-

disturbing activities avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season (15 February through 1 July) and a minimum 200-foot buffer established. The extent of buffers shall be flagged in the field utilizing a method highly visible by construction crews. Buffers may be modified with the concurrence of the CDFW. Maternity dens shall be flagged for avoidance, identified on construction maps, and a biological monitor shall be present during construction to monitor for adequate protection of all identified dens and to ensure that all flagging is kept in good working order.

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

BIO-5 **Northern California Legless Lizard and Western Spadefoot- Pre-Construction Surveys and Avoidance Measures.** The Applicant shall retain a County- qualified biologist to conduct pre-construction surveys immediately **prior to ground disturbance** (i.e., the morning of the commencement of). If Northern California legless lizard or western spadefoot is found within the area of disturbance, the biologist will relocate the animals to a pre-approved location outside the project or work area with suitable habitat. The candidate locations for species relocation will be identified **prior to ground disturbance** and based on the size and type of habitat present, the potential for negative interactions with resident species, and species range. In addition, biologists shall implement 50-foot no-disturbance buffer around burrows and dens.

BIO-6 **Avoidance of Nesting Birds** – During project construction: To avoid impacts to nesting birds, including special status species and species protected by the Migratory Bird Treaty Act, any tree or shrub removal should be limited to the time period between September 1 and February 14, if feasible. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction survey for active bird nests within the sufficient limits of the project (any area potentially affected by the project) shall be conducted by a qualified biologist and the following measures incorporated.

Surveys shall be conducted within 10-days prior to any construction activities proposed to occur between February 15 and August 31. If no active nests are located, ground disturbing/construction activities may proceed. If active nests are located, then all construction work shall be conducted outside a non-disturbance buffer zone to be developed by the project biologist based on the species (i.e., 250 feet for common species and at least 500 feet for raptors and special status species), slope aspect and surrounding vegetation. No direct disturbance to nests shall occur until the young are no longer reliant on the nest site as determined by the project biologist. The biologist shall conduct monitoring of the nest until all young have fledged.

BIO-7 **Tricolored Blackbird – Pre-Construction Surveys and Avoidance Measures.** To avoid impacts to Tricolored blackbird, any tree or shrub removal should be limited to the time period between September 1 and February 14, if feasible. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction survey for active bird nests within the sufficient limits of the project (any area potentially affected by the project) shall be conducted by a qualified biologist and the following measures incorporated.

Surveys shall be conducted within 10-days prior to any construction activities proposed to occur between February 15 and August 31. If no active nests are located, ground disturbing/construction activities may proceed. If active Tricolored blackbird nests are located, then all construction work shall be conducted outside a non-disturbance 300-foot buffer zone to be developed by the project biologist. No direct disturbance to nests shall occur until the young are no longer reliant on the nest site as determined by the project biologist. The biologist shall conduct monitoring of the nest until all young have fledged.

BIO-8 **Crotch Bumble Bee – Pre-Construction Surveys and Avoidance Measures.** The Applicant shall retain a County-qualified biologist to conduct pre-construction surveys for Crotch bumble bee within suitable habitat on the project site. If Crotch bumble bee or its habitat (i.e. small mammal burrows, thatched/bunch grasses, brush piles, overgrown areas, dead trees, and hollow logs) is found within the areas of disturbance, the qualified biologist shall implement minimum 50-feet no-disturbance buffer to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement project activities and avoid take. Any detection of Crotch bumble bee prior to, or during project implementation warrants consultation with CDFW to avoid take.

BIO-1 through BIO-8 Monitoring/compliance. Prior to the issuance of a construction permit, the applicant shall show the above measure on all applicable construction drawings and submit to the County for review and approval, which may include consultation with the California Department of Fish and Wildlife (CDFW). **Prior to the commencement of any site disturbance,** the Applicant shall retain a qualified biologist to perform a pre-construction survey. The completed survey report shall be submitted to the County for review/approval. Should the report identify active dens, highly visible protection measures shall be installed by the biologist to keep construction from entering the buffer area. The County shall verify all field measures have been followed or installed prior to any site disturbance. As applicable, any such measures shall be kept in good working order for the duration of the construction phase while burrow/den is active. A final report shall be prepared addressing overall compliance with and success of the protection measure(s) as it related to construction of the project. This report shall be submitted to the County prior to **final inspection/ occupancy of the construction permit**. The applicant shall **enroll in Cannabis Monitoring Program** for on-going compliance with above mentioned measures.

BIO-9 **Sensitive Habitat Protection - Avoidance.** There shall be no cutting, alteration or disturbance of the existing riparian and Oak Woodlands habitat (as identified in the Biological Resource Assessment dated September 27, 2018) Furthermore:

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

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

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

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

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

BIO-9 Monitoring/compliance. Prior to approval of construction, the applicant shall submit to the County for review and approval, construction drawings showing adequate protection of sensitive habitat. Approved protection measures shall be in place prior to any work (including vegetation removal) beginning. **During construction,** all approved protection measures shall be kept in good working order. **Prior to final inspection/ occupancy of construction permits** the County shall verify that the sensitive habitat to be avoided was adequately protected during construction.

Energy and Greenhouse Gases

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

a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.

b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:

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

   ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:

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

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

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

ENG-2 **Prior to issuance of building permits**, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related greenhouse gas emissions below the 1,150 $MTCO_2e$ Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

a. Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:

   i. American Carbon Registry;

   ii. Climate Action Reserve;

   iii. Verified Carbon Standard.

   iv. Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.

b. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.

c. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.

ENG-1 and ENG-2 Monitoring/compliance. Prior to approval of construction, the applicant shall submit to the County for review and approval, construction drawings showing adequate Energy Conservation Plan and program for reducing or offsetting project-related greenhouse gas emissions. Approved measures shall be in place prior to any work beginning. The applicant shall **enroll in Cannabis Monitoring Program** for on-going compliance with above mentioned measures.

ENG-3 **At time of quarterly monitoring inspection,** the applicant shall provide to the Department of Planning and Building for review, a current energy use statement from the service provider (e.g. PG&E) that documents energy use to date for the year. The applicant shall demonstrate continued compliance with ENG-1 and ENG-2 (e.g. providing a current PG&E statement or contract showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

ENG-3 Monitoring/compliance. Prior to approval of construction, the applicant shall **enroll in quarterly Cannabis Monitoring Program**.

Hazards and Hazardous Materials

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

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

Monitoring (HAZ-1 and HAZ-2) Compliance will be verified at the time of grading/construction permit. **During construction,** all approved protection measures shall be kept in good working order.

Hydrology and Water Quality

HYD-1 **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, 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

a. A detailed inventory of net new water demand associated with all cannabis-related activities including cultivation, nursery activities, manufacturing, and processing as applicable. The inventory and estimate of water demand shall be prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. The quantification of water demand shall be expressed in total acre-feet per year and shall be 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 providing the water demand offset required by LUO Section 22.40.050 D. 5, 22.94.025 F and Building Ordinance Section 19.07.042 (4). The water demand offset for all cannabis-related activities shall be 2:1. Such a program may include, but is not limited to, the following:

   i. 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:

      1. Drip irrigation;

      2. 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.

      3. Installation of float valves on water tanks to prevent tanks from overflowing.

      4. Converting from using overhead sprinklers to wind machines for frost protection.

      5. Installation of rainwater catchment systems to reduce demand on groundwater.

   ii. 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.

iii. 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.

HYD-1 Monitoring/compliance. Prior to approval of construction (or prior to occupancy if no building permits are required), the applicant shall submit to the County for review and approval for Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset.

HYD-2 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.

HYD-2 Monitoring/compliance. Prior to approval of construction (or prior to occupancy if no building permits are required), the applicant **shall enroll in quarterly Cannabis Monitoring Program.**

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.

N-1 Monitoring/compliance. Prior to approval of construction, the applicant shall submit to the County for review and approval, construction drawings showing locations of equipment along with specification sheets of each HVAC systems. If it exceeds noise limits, construction document shall show acoustical enclosure or shielding that enables the project to meet the standards. Approved construction plan shall be in place prior to any work. **Prior to final inspection/ occupancy of construction permits** the County shall verify that the noise equipment and acoustical enclosures (if any) was installed. The applicant shall **enroll in Cannabis Monitoring Program** for on-going compliance with above mentioned measures**.**

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 Agent(s) Date

_____

Name (Print)

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Signature of Agent(s) — Date: 4/20/20

Elizabeth Bosi

Name (Print)