COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. (Powers-Veley) Minor Use Permit ED19-227 (DRC2018-00195)

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

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

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

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

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

Steve Conner		
Prepared by (Print)	Signature	Date
Dave Moran		
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 Eric Powers for a Minor Use Permit (DRC2018-00195) to establish 1.97 acres of outdoor cannabis cultivation canopy. Proposed project development includes the installation of up to 5,000 square feet of hoop houses, the use of one 320-square foot shipping container for temporary cannabis storage, and use of an existing 1,224-square foot barn for pesticide and fertilizer storage. The project would employ up to three people during the cultivation season and would operate seven days per week during daylight hours. The project would result in an area of disturbance of approximately 2.08 acres on an approximately 31-acre parcel. The project site is within the Agriculture land use category at 2979 Clark Valley Road, about three miles east of the community of Los Osos in the Estero Planning Area.

The project site's regional location is shown in Figure 1 and an aerial view of the site is shown in Figure 2.

An existing cannabis cultivation operation has been established on site and is registered as Cooperative/Collective registration for Eric Powers (CCM2016-00049) under Urgency Ordinance 3334. The existing, 5,000-square foot, outdoor grow is planted on a slope southwest of the proposed cultivation area. Per recommendations from Cal Fire, it will be removed and relocated to the newly proposed outdoor cultivation space. After removal of plants, the soils will be stabilized and allowed to return to a natural state. The area of the existing grow would no longer be used for any cannabis activities.

In addition to the established cannabis operation, an existing single-family residence, barn, farm support unit, and four "lean-to" shade structures are located on site. All existing structures would remain; however, only the existing barn would be used in the cannabis operation.

Cannabis related facilities would be located in areas with annual grassland, agriculture, and developed/disturbed land. As shown in Figure 3 and summarized in Table 1, the project would include 1.97 acres of outdoor cannabis cultivation canopy. The project would also include the installation of 5,000-square feet of hoop houses to provide an early start for plants in containers before they are planted in the ground. Details regarding proposed operations and routine maintenance are provided in the Attached Operations Plan.

Access to the site would continue to be provided from Clark Valley Road. The cannabis operation would utilize an existing unpaved driveway which will be improved in accordance with Cal Fire standards. A fire equipment turnaround would be constructed adhering to County of san Luis Obispo/Cal Fire design recommendations, which would ensure that access to the outdoor cultivation site is maintained for emergency vehicles. In addition, Cal Fire requires the installation of one 5,000-gallon steel water tank that is accessible to emergency responders.

Table 1. Project Components

Project Component	Count	Size	Footprint (sf)	Canopy(sf)
(N) Total Outdoor Cultivation	1	85,813.2 sf	85,813.2	85,813.2
(N) Hoop-Houses	3	1,440 sf (72' x 20')	4,800*	5,000*
(E) Pesticide and Fertilizer Storage	1	1,224 sf	1,224	n/a
(N) Temporary Cannabis Storage	1	320 sf (8' x 40')	320	n/a
(N) Parking / Delivery Area	1	n/a	2,200	n/a
(N) Composting	1	1,000 sf (25' x 40')	1,000	n/a
(N) Trash/Recycling Area	1	250 sf (10' x 25')	250	n/a
Total			90,807.2	85,813.2

* *Included in total.*
(E) = existing
(N) = new
(sf) = square feet

The earthwork anticipated for project development would be less than 50 cubic yards. At the request of the San Luis Obispo County Sheriff, all cannabis operations would be enclosed within an eight-foot tall chain link fence with low visibility security slats, as shown in Figure 4 – Fencing Material. The entrance to the operation will be secured with a wooden gate. The new fencing and gate materials, including slats, will have a minimum manufacturer-suggested lifespan of five years or a manufacturer warranty of at least three years. Three-line electric horse fencing exists throughout the eastern portion of the property and northernmost portion of the property, and existing three-plank board horse fencing encloses the existing horse corrals. In addition, existing six-foot tall steel wire no-climb fencing currently encloses a portion of the proposed cultivation footprint and would remain. On-site parking would include five standard spaces.

Motion-activated security lighting would be installed on eight-foot poles around the perimeter of the fenced operation. The lighting would be downward-facing to minimize light pollution. The lighting fixtures would be independently powered by solar panels. No exterior signage is proposed.

Non-cannabis solid waste consisting of general refuse and recyclables will be stored in a designated 250-foot area adjacent to the proposed hoop houses. Solid waste would be self-hauled to Cold Canyon Landfill as needed, and recyclables would be self-hauled to Bedford Enterprises as needed. The cannabis waste created from cannabis cultivation will be composted onsite. The composting area would be located within the secure fence, adjacent to the proposed hoop houses. In addition, one portable restroom would be located near the existing barn.

The expected energy usage for the proposed operation would be 100 kilowatt-hours (kWh) per year for use of a generator. The project would use an existing well for water supply. The estimated annual water usage for the proposed operation is approximately 1.18 acre-feet per year (AFY).

Ordinance Modifications:
The project request includes a modification from the setback provisions set forth in Section 23.08.424.d(3)(ii) of the Coastal Land Use Ordinance (CLUO), which establishes a minimum 300-foot setback from the property line for outdoor cultivation. The setback may be modified with a Use Permit if specific conditions of the site and/or vicinity make the required setback unnecessary or ineffective, and if the modification of the setback will not allow nuisance odor emissions from being detected offsite. The requested modification is for a reduced setback from 300 feet to 201.5 feet from the northwestern property line. The site is characterized by steep topography adjacent to the western property line and the requested setback area, and the nearest off-site residence to the west is located approximately 745 feet from the proposed cultivation site. Alternatives involving relocating this 0.22-acre portion of the site elsewhere on the property have been previously considered and deemed infeasible due to the neighboring residence on the east, the existing on-site equestrian arena to the north, and existing path of travel on the south. Nuisance odors would not be appreciable west of the project site due to the intercepting steep, forested topography.

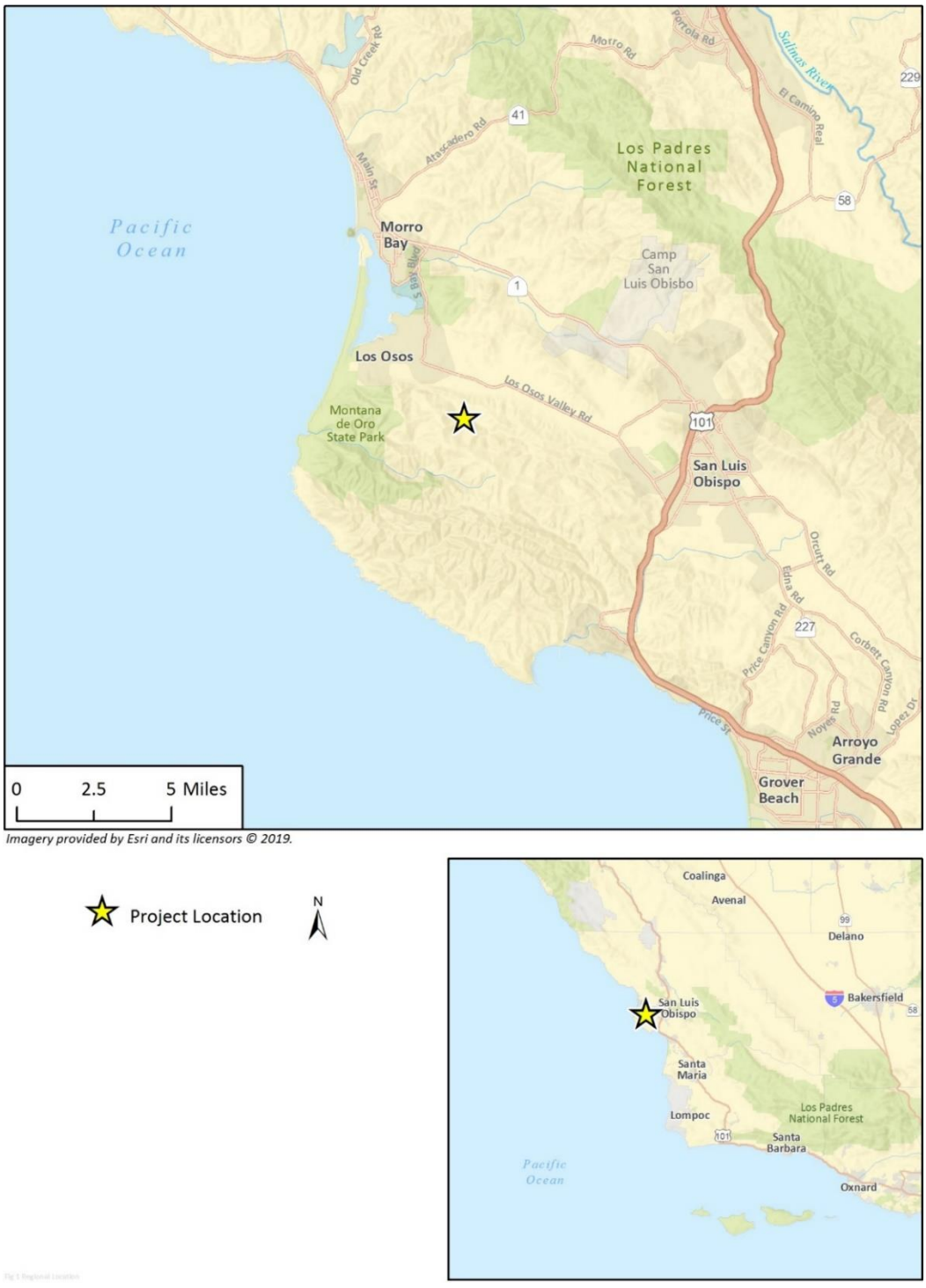

Figure 1 – Regional Location

Figure 2 – Project Site Aerial

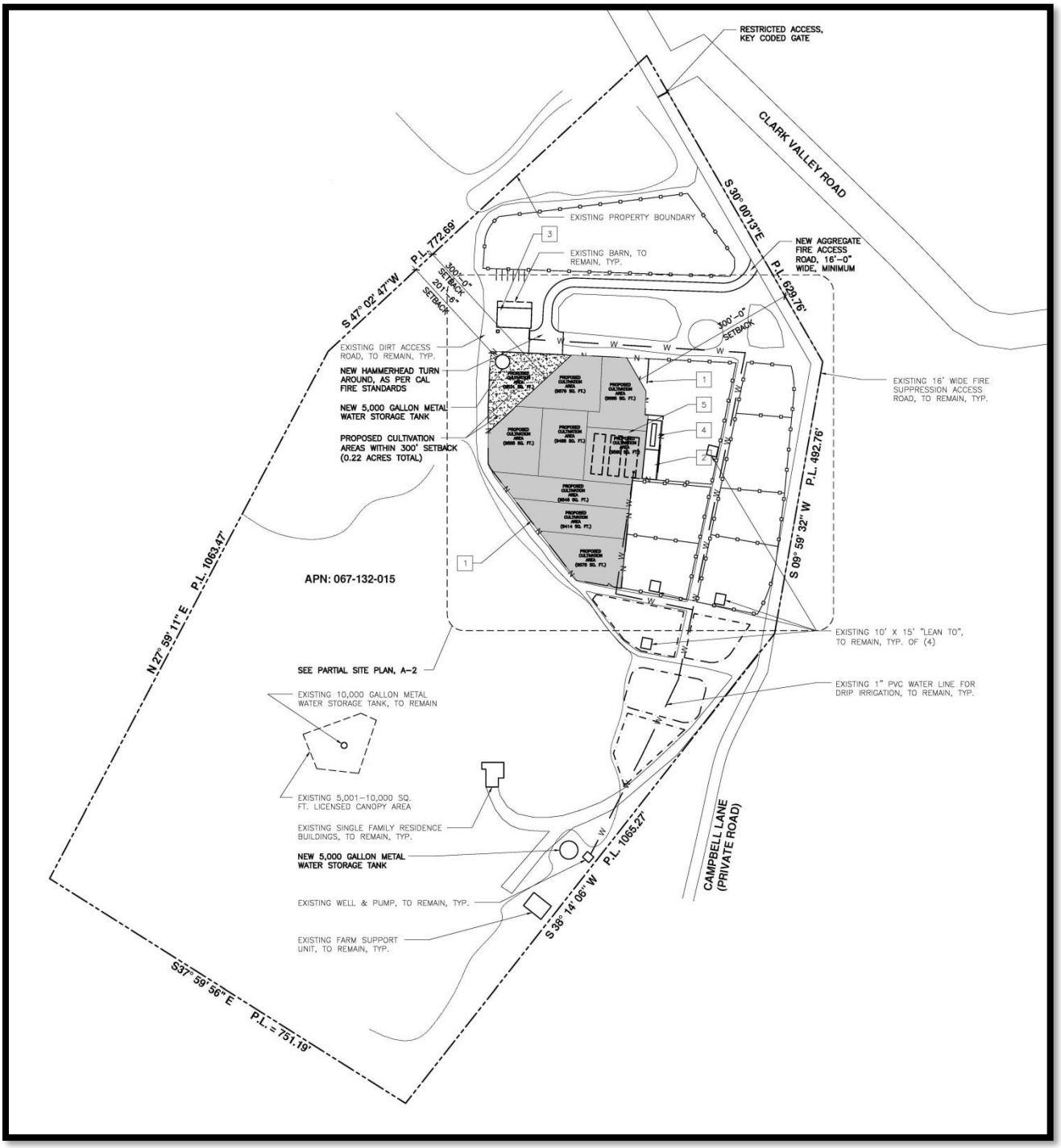

Figure 3 – Site Plan

Figure 4 – Fencing Material

ASSESSOR PARCEL NUMBER(S): 067-132-015

Latitude: 35º 17 ' 7.14" N **Longitude:** -120º 47 ' 58.35 " W **SUPERVISORIAL DISTRICT #** 2

Other Public Agencies Whose Approval is Required

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

B. Existing Setting

Plan Area: Estero **Sub:** **Comm:** Rural

Land Use Category: Agriculture

Combining Designation: Coastal Zone Coastal Zone Creek or Stream Flood Hazard GSA Geologic Hazard Area

Parcel Size: 30.68acres

Topography: Gently sloping

Vegetation: Grasses Agriculture Chaparral Oak woodland

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

Surrounding Land Use Categories and Uses:

North: Agriculture ***East:*** Agriculture

South: Agriculture ***West:*** Agriculture

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 off of Clark Valley Road and is accessed by an existing driveway. The site is currently utilized for equestrian activities and a single-family residence. The site was historically farmed for garbanzo beans and peppers. The topography of the site is nearly level to steeply sloping on the western portion of the property. The majority of the property is undeveloped, with one single family residence, an existing farm unit located in the southern portion, and existing horse stables and equestrian arena located in the northern portion. Four existing "lean-to" shade structures are located throughout the central portion of the site. Coast live oak (*Quercus agrifolia*) are scattered throughout the property, outside of the project footprint.

Discussion

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

The project site is not located in a designated scenic area, and there are no unique geological or physical features located on site.

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

The proposed project does not include any alterations to existing trees or historic buildings, nor is the project site visible from a Designated State Scenic Highway. The site does not contain unique geological or physical features. Table VR-2 of the San Luis Obispo County General Plan Conservation and Open Space Element provides a list of Suggested Scenic Corridors; none of the roadways in the vicinity of the project site are listed on Table VR-2.

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

The project site is in a non-urbanized area. The project site is not located in a designated scenic view open to the public. The project involves the installation of up to 5,000 square feet of hoop house structures within a predominantly agricultural area. The hoop houses would be up to 12 feet in height and would be located on the interior of the site. The proposed structures would be of similar size and scale as the existing residence, barn, and farm support unit, and would be set back from Clark Valley Road such that they would not be visible from it. In compliance with CLUO Section 23.08.424.D.6 , cannabis plants associated with cultivation would not be easily visible from offsite. The proposed cultivation area would be enclosed within six-foot no-climb steel wire fencing with polyethylene shading to minimize visibility. The project would be compatible with adjacent uses and surrounding visual character (agricultural and rural residential uses).

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

Section 23.08.423.o of the CLUO requires that external lighting be the minimum necessary and sited, shielded, angled, and operated so that it is not visible from public roads. No exterior lighting is proposed for the project other than what would be required for security purposes. Security motion-activated lighting would be placed around the perimeter of the cultivation area, mounted eight feet in height on wooden posts. Each security lighting fixture would be directed downwards to reduce spillover and would not be visible from the road. As such, impacts from new sources of lighting and glare would be less than significant.

Conclusion

Project design combined with regulatory compliance would ensure that any visual impacts are less than significant. No mitigation measures are necessary.

Sources

See Exhibit A.

II. AGRICULTURE AND FORESTRY RESOURCES

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

Setting

The project site is in a predominantly rural and agricultural area with previous agricultural activities (e.g., garbanzo beans and peppers) occurring on the property.

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

Land Use Category: Agriculture

State Classification: Prime Farmland if Irrigated

Historic/Existing Commercial Crops: Garbanzo beans and peppers

In Agricultural Preserve? No

Under Williamson Act contract? No

The portion of the property containing the project footprint is relatively flat to gently sloping. The average slope of the parcel is under five (5) percent.

Table SL-2 of the Conservation/Open Space Element lists the important agricultural soils of San Luis Obispo County. Soils on the project site and total acreages are shown here in Table 2 and then described in detail below.

Table 2 – Classifications and Acreages of Soils On-site

Soil	Classification	Acres
Salinas silty clay loam (2-9 % slope)	Prime Farmland Highly Productive Rangeland Soils	8.2 acres
Gazos-Lodo clay loam (50-75 % slope)	Highly Productive Rangeland Soils	15.2 acres
Gaviota sandy loam (50-75% slope)	N/A	7.2
Source: Classifications based on Table SL-2 of the County General Plan's Conservation/Open Space Element		

Based on the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) and the San Luis Obispo County Important Farmland Map (FMMP 2016), the project site is mapped as Other Land. In addition, Table SL-2 of the General Plan Conservation /Open Space Element lists these soils as Prime and Highly Productive Rangeland.

The soil type(s) and characteristics on the subject property include:

Salinas silty clay loam (2-9 % slope)

The parent material of this soil type is alluvium derived from sedimentary rock. The drainage class of this unit is well drained, and it is composed of silty clay loam. This soil type tends to occur on alluvial fans, terraces, and flood plains, at elevations between sea level and 1,480 feet. This soil type is considered prime farmland if irrigated.

Gazos-Lodo clay loam (50-75 % slope)

The parent material of this soil type is residuum weathered from sandstone and shale. The drainage class of this unit is well drained, and it is composed mostly of clay loam and unweathered bedrock. This soil type tends to occur on hills and mountains, at elevations between 300 feet and 2,000 feet.

Gaviota sandy loam (50-75% slope)

The parent material of this soil type is residuum weathered from sandstone. The drainage class of this unit is somewhat excessively drained, and it is composed mostly of sandy loam unweathered bedrock. This soil type tends to occur on mountain slopes, at elevations between 30 feet and 2,620 feet.

Discussion

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

The project site is located within the Agriculture (AG) land use category and would continue to support agricultural uses. Prime Farmland would be used to accommodate the hoophouse structures, outdoor cultivation area, and temporary storage containers.

Per the memo from Lynda Auchinachie dated November 29, 2018, the Agriculture Department has reviewed the project for ordinance and policy consistency as well as potential impacts to on and off-site agricultural resources and operations. The Department recommends the following conditions of approval:

- Prior to commencing permitted cultivation activities, the applicant shall consult with the Department of Agriculture regarding potential licensing and/or permitting requirements and to determine if an Operator Identification Number (OIN) is needed. An OIN must be obtained prior to any pesticides being used in conjunction with the commercial cultivation of cannabis; "pesticide" is a broad term, which includes insecticides, herbicides, fungicides, rodenticides, etc., as well as organically approved pesticides.

- Cannabis cultivation grading activities shall be consistent with the conservation practices and standards contained in the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guise (FOTG). Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site drainage and erosion and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Section 22.52.150C of the Land Use Ordinance.

- Throughout the life of the project, best management water conservation practices shall be maintained.

These conditions will be incorporated in the Minor Use Permit approval to avoid and minimize potential adverse effects to agricultural resources.

Although the site contains Prime Farmland, permanent structures (e.g. the existing barn) would only impact approximately 0.02 acre. Approximately 1.97 acres would be utilized for outdoor cultivation, thereby using, but not impacting, the prime soils. The impermanent use of prime soils, combined with the conditions of approval from the Agriculture Department, would ensure that impacts to agricultural resources are less than significant.

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

The project site is located within the Agriculture (AG) land use category and would continue to support agricultural uses. The project site is located in the Los Osos Agricultural Preserve but is not under Williamson Act Contract.

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

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

The proposed project footprint does not include any existing forest land, nor does it include removal or conversion of forest land.

(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 proposed project would continue to support agricultural uses and no other conceivable changes to the existing environment would result in conversion to non-agricultural uses. No forest land would be affected.

Conclusion

Project design combined with regulatory compliance would ensure that any impacts to agricultural resources are less than significant. No mitigation measures are necessary.

Sources

See Exhibit A.

III. AIR QUALITY

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

Setting

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (APCD). The APCD is in non-attainment for the 24-hour state standard for particulate matter (PM10) and the eight-hour state standard for ozone (O3) (SLOAPCD 2015). The APCD adopted the 2001 Clean Air Plan in 2002, which sets forth strategies for achieving and maintaining Federal and State air pollution standards. The APCD identifies significant impacts related to consistency with the 2001 Clean Air Plan by determining whether a project would exceed the population projections used in the Clean Air Plan for the same area, whether the vehicle trips and vehicle miles traveled generated by the project would exceed the rate of population growth for the same area, and whether applicable land use management strategies and transportation control measures from the Clean Air Plan have been included in the project to the maximum extent feasible.

The APCD developed and updated their SLO County CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. The Handbook includes screening criteria for project impacts. According to the Handbook, a construction project with proposed grading in excess of 4.0 acres and moving 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM_{10}). The APCD has estimated that a project with operations that include an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM_{10} threshold.

If a project has the potential to cause an odor or other nuisance problem which could impact considerable number of people, then it may be significant. The nearest sensitive receptor to the site is a single-family residence located approximately 330 feet northeast of the proposed cultivation area.

Discussion

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

The applicable air quality plan is the APCD Clean Air Plan (APCD 2001). The plan projects air quality emissions and standard attainment goals based on growth rates in population and vehicle travel in San Luis Obispo County. The project would not conflict with or obstruct the Clean Air Plan because it does not include additional development growth or urban sprawl, nor would it result in a long-term increase in vehicle miles traveled.

The project would not exceed operational thresholds triggering mitigation, based on Table 1-1 of the CEQA Air Quality Handbook (2012).

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

Construction-related impacts. The proposed earthwork associated with the cannabis cultivation would be negligible and the project footprint of 2.08 acres is well under the threshold of 4 acres for construction-related mitigation. A new 16-foot aggregate fire access road would be constructed. The property is less than 5% slope throughout the project footprint area. As such, the slope of this section of the road is under 12% grade and, according to Cal Fire, Standard 4, Access Roads and Driveways, would not require non-skid paved surface. In addition, a fire hammerhead turnaround would be constructed adjacent to the existing barn and proposed cultivation area. Since the property is flat and clear of obstruction, a negligible amount of earthwork would be involved. As such, the road improvements would be below the general thresholds triggering construction-related mitigation.

Operational impacts. According to trip generation rates for cannabis activities applied by the Department of Public Works, the project is expected to generate four (4) average daily motor vehicle trips with no peak hour afternoon trips. According to the 2012 APCD CEQA Handbook, a project that generates fewer than 99 average daily motor vehicle trips will generate emissions that fall below the threshold of significance for ozone precursors and greenhouse gas emissions.

CLUO Section 23.08.418.d.4 requires cannabis cultivation sites to mitigate air pollution (i.e. dust) associated with driving vehicles on an unpaved road. The site is accessed from Clark Valley Road, which is paved. Therefore, impacts from dust would be less than significant and no mitigation measures would be required.

(c) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are people who have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling unit(s). The nearest sensitive receptor to the site is a single-family residence located approximately 330 feet northeast of the proposed cultivation area. Grading associated with project construction and cannabis cultivation would be negligible and the project would not result in substantial operational emissions. Therefore, impacts to sensitive receptors would 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 may lie in the area where a geologic study for the presence of NOA is required. Therefore, the project will be conditioned to prepare a NOA analysis prior to issuance of construction permits.

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

The project includes outdoor cannabis cultivation which can produce potentially objectionable odors during flowering, harvest, drying, and processing. Although the project would not affect a substantial number of people, these odors could disperse through the air and be sensed by surrounding receptors. Accordingly, Section 23.08.418.d.8 of the CLUO mandates the following:

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

The project is located in an area designated for agricultural uses. Surrounding land uses include active agriculture, rural residential, and undeveloped lands on parcels of similar size (25-60 acres).

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

Exposure to unpleasant odors may affect an individual's quality of life. As discussed above, odors are not considered an air pollutant under federal or state air quality laws.

The Project incorporates the following features to address odors:

- The outdoor cannabis cultivation would be sited in the central portion of the site, set back a minimum of 300 feet from the northern, eastern, and southern property lines. The proposed cultivation area would be set back 201.5 feet from the western property line. However, due to the steep topography and dense intervening vegetation, objectionable odors would not be detected.

Project design features and compliance with ordinance provisions would ensure that any impacts related to objectionable odors are insignificant.

- The Operations Plan required by CLUO Section 23.08.416.A.3. sets forth operating procedures to be followed to help ensure nuisance odors associated with cannabis-related activities do not leave the project site.
- The project has been conditioned to operate in a manner that ensures nuisance odors associated with cannabis activities are contained on the project site.
- The project has been conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.

Conclusion

Project design combined with regulatory compliance would ensure that any operational impacts are less than significant.

Mitigation

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

The following are existing elements on or near the proposed project site relating to potential biological concerns.

On-site Vegetation: Ruderal vegetation, non-native annual grasses, coast live oak, polished willow.

Name and distance from blue line creek(s): Los Osos creek is located approximately 395 feet north of the proposed cultivation site.

Habitat(s): Grassland, disturbed/developed, agricultural, oak woodland, chaparral, red willow thicket.

Site's tree canopy coverage: Approximately 25%

A Biological Resources Assessment (BRA) dated March 2019, was prepared by PAX Environmental, Inc. for the proposed project. The study included a reconnaissance level survey conducted on October 3, 2018, and a follow-up survey conducted on December 7, 2018. The study area consists of approximately 8.83 acres of the property, which includes the area of potential effects as well as adjacent areas.

Habitat types on site include: 1) Annual grassland, 2) Agricultural 2) Oak woodland, 3) Chaparral, 4) Red willow thicket, and 5) Disturbed/Developed. These are shown in Figure 4 below. Los Osos Creek bisects the northeastern corner of the property, located approximately 395 feet from the cultivation footprint.

The project vicinity is known to support numerous special-status plant species in a variety of microhabitats (CNDDB 2018). 21 special-status plant species have the potential to occur in suitable habitat within the study area, including:

- Hoover's bentgrass (*Agrostis hooven*)
- Santa Lucia manzanita (*Arctostaphylos luciana*)
- Santa Margarita manzanita (*Arctostaphylos pilosula*)
- Miles' milk-vetch (*Astragalus didymocarpus var. milesianus*)
- Coulter's saltbrush (*Atriplex coulteri*)
- Hardham's evening-primrose (*Camissoniopsis hardhamiae*)
- Congdon's tarplant (*Centromadia parryi ssp. congdonii*)
- Brewer's spineflower (*Chorizanthe breweri*)
- Straight-awned spineflower (*Chorizanthe rectispina*)
- Compact cobwebby thistle (*Cirsium occidentale var. compactum*)
- Pismo clarkia (*Clarkia speciosa ssp. immaculata*)
- Dark larkspur (*Delphinium parryi ssp. blochmaniae*)
- Blochman's leafy daisy (*Eriodictyon altissimum*)
- Indian Knob mountainbalm (*Erigeron blochmaniae*)
- San Joaquin spearscale (*Extriplex joaquinana*)
- Jone's layia (*Layia jonesii*)
- San Luis Obispo County lupine (*Lupinus ludovicanus*)
- Southern curly-leaved monardella (*Monardella sinuata ssp. sinuata*)
- Adobe sanicle (*Sanicula maritima*)
- Saline clover (*Trifolium hydrophilum*)
- Chaparral ragwort (*Senecio aphanctis*)

The project vicinity is known to support numerous special-status wildlife species in a variety of microhabitats (CNDDB 2018). 15 special-status wildlife species have the potential to occur in suitable habitat within the study area, including:

- Coast range newt (*Taricha torosa*)
- Coast horned lizard (*Phrynosoma blainvillei*)
- Two-striped garter snake (*Thamnophis hammondii*)

- Burrowing owl (*Athene cunicularia*)
- California mastiff bat (*Eumops perotis californicus*)
- American badger (*Taxidea taxa*)
- California legless lizard (*Anniella pulchra*)
- Purple martin (*Progne subis)*
- Southern California rufous-crowned sparrow (*Aimophila ruficeps canascnes*)
- Northern harrier (*Circus hudsonius*)
- Ferruginous hawk (*Buteo regalis*)
- Cooper's hawk (*Accipiter cooperi*)
- Tri-colored blackbird (*Agelaius tricolor*)
- Golden eagle (*Aquila chrysaetos*)
- California horned lark (*Eromophila alpestris actia*)

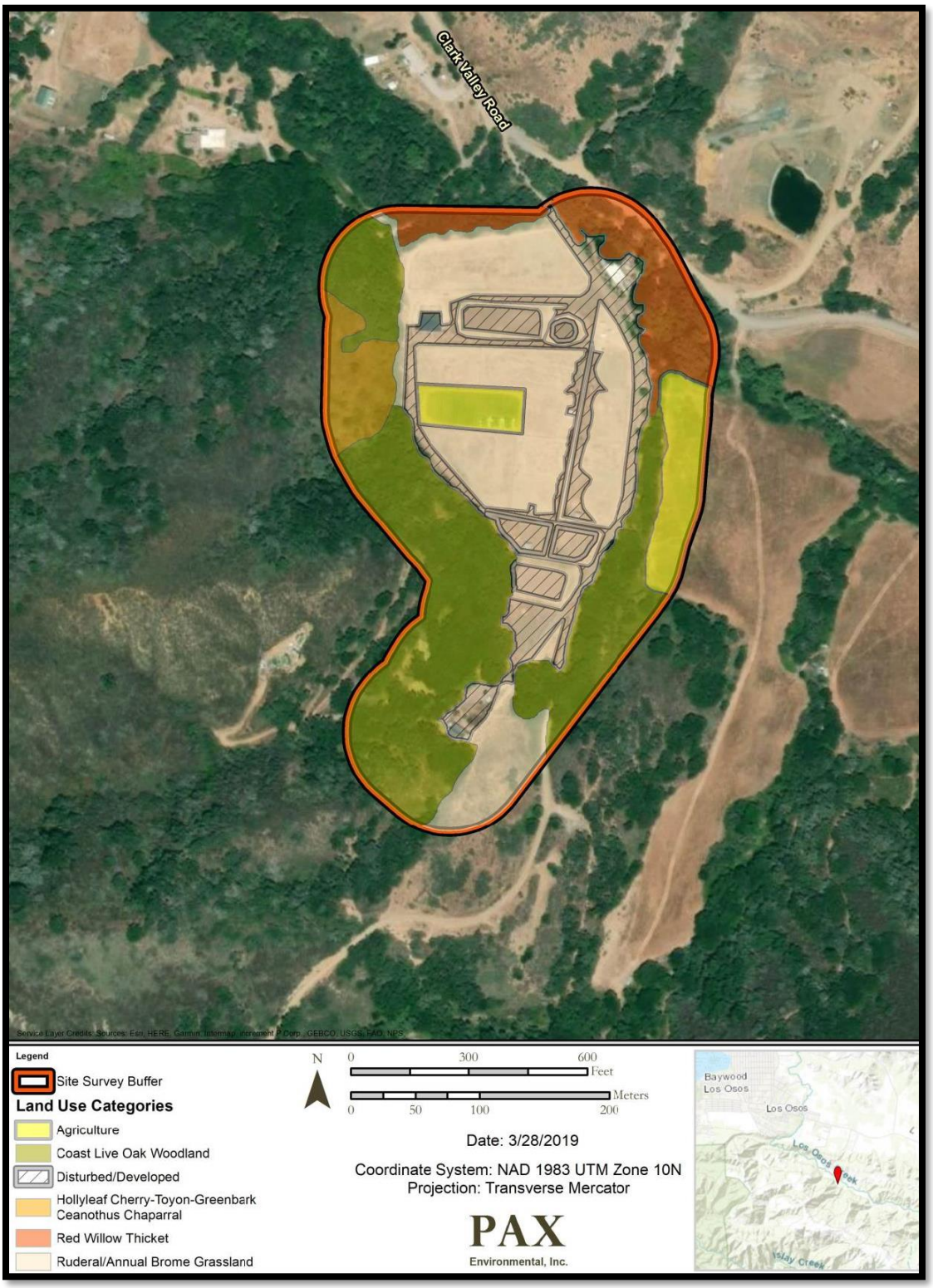

Figure 5 –Habitat Types

Discussion

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

Special-status plants may occur in the on-site grasslands and could be impacted as a result of project implementation. To ensure that project impacts are avoided or reduced to below a significant level, mitigation measures are required (see MM BIO-1 and MM BIO-2).

Conditions are considered marginally suitable for several Species of Special Concern, including coast range newt, coast horned lizard, burrowing owl, California horned lark, California mastiff bat and American badger. These species are considered to have a low to moderate potential. If one or more of these species occurs on the project site, potentially significant impacts could occur as a result of project implementation. Mitigation Measures MM BIO-3, MM BIO-4, MM BIO-5, MM BIO-7, and MM BIO-8 below would be expected to reduce potential impacts to Species of Special Concern to a less than significant level.

(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?*

Los Osos creek is federally designated critical habitat for steelhead trout (Oncorhynchus mykiss); however, there are no CNDDB records within or near the project site for this species. In addition, the cultivation footprint would be located approximately 395 feet from Los Osos Creek, thereby avoiding impacts to critical habitat.

The CNDDB records search identified central dune scrub, central foredunes, central maritime chaparral, coastal and valley freshwater marsh, coastal brackish marsh, northern coastal salt marsh, northern interior cypress forest, serpentine bunchgrass, and valley needlegrass grassland as sensitive natural communities occurring within the vicinity of the project. The cultivation footprint consists of annual brome grassland vegetation that is dominated by ruderal, weedy species. The aforementioned sensitive natural communities were not observed during the field survey, and are not expected to occur.

As discussed above, impacts to sensitive natural communities are not expected to occur due to the lack of current and historical presence on-site. The CDFW has initiated a cannabis cultivation permitting program that requires all applicants obtaining an Annual License from the California Department of Food and Agriculture to have a Lake and Streambed Alteration Agreement or written verification that one is not needed. If all project components are set outside the 1600 jurisdiction, a Self-Certification can be submitted online. Compliance with the California Code would further reduce the severity of potential impacts." Impacts would be less than significant.

(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?*

One drainage feature (Los Osos Creek) is located northeast of the proposed project footprint. The drainage feature may be subject to regulation under Fish and Game code 1600, and the U.S. Army Corps of Engineers (Clean Water Act section 404) and the Regional Water Quality Control Board (Clean Water Act section 401). The proposed project would not have any direct or indirect impacts to potentially jurisdictional drainages and no permits would be required under Clean Water Act sections 404 or 401. Therefore, impacts would be less than significant.

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

Suitable foraging and nesting habitat is present for migratory birds on the subject property. If migratory birds are present at the time of ground disturbing and construction activities, impacts could be significant. Mitigation measures are required to avoid or minimize such impacts (see MM BIO-6).

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

Coastal live oak woodland exists along the outer edges of the property, including adjacent to existing disturbed areas and the proposed cultivation area. No oak tree removals and/or trimming are proposed. Therefore, no direct or indirect impacts are expected within the existing disturbed areas.

(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. No trees would be removed, trimmed, or relocated, and therefore the project would not conflict with any applicable tree preservation/protection policies. The project would not conflict with the provisions of any applicable habitat or natural community conservation plans and no impacts would result.

Conclusion

Potential impacts to biological resources would be reduced to a less than significant level with incorporation of mitigation measures BIO-1 through BIO-8, as described below and in Exhibit B. These measures require: avoidance of special-status plant species; prevention of noxious weed species; worker environmental awareness training; pre-construction surveys for American Badger; special-status herpetofauna avoidance and minimization; preconstruction surveys for nesting raptors and birds; burrowing owl avoidance and minimization; and lighting minimization.

Mitigation

BIO-1 Special-Status Plant Species Avoidance and Minimization Measures. Prior to initial ground disturbance and staging activities in areas of suitable habitat for special-status plants, focused surveys shall be completed by a qualified biologist. The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the blooming period of the target species. Surveys shall be conducted in accordance with the most current protocols established by the CDFW and USFWS, and consistent with the County's policies. All special-status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Survey results shall be submitted to the County Department of Planning and Building prior to initiation of construction. If special-status plant species, specifically Hoover's bentgrass, Santa Lucia manzanita, Santa Margarita manzanita, Miles' milk-vetch, Coulter's saltbush, Hardham's evening-primrose, Congdon's tarplant, Brewer's spineflower, straight-awned spineflower, compact cobwebby thistle, Pismo clarkia, dark larkspur, Blochman's leafy daisy, Indian Knob mountainbalm, San Joaquin spearscale, Jone's layia, San Luis Obispo County lupine, southern curly-leaved monardella, adobe sanicle, and saline clover, are identified within the proposed development footprint, impacts to these species will be minimized to the extent feasible to avoid impacting 90% of the plants observed. If special-status plant species are identified on the project site and direct impacts to special-status plants cannot be avoided, a salvage and relocation plan will be prepared to compensate for significant impacts on special-status plant species. The salvage and relocation plan will identify suitable locations, methods, and success criteria for special-status

plant mitigation through direct seeding and restoration of suitable unoccupied habitat. The plan shall, at a minimum, require replacement through collection of seed and topsoil from impact sites, a monitoring and management component that outlines weed management and monitoring techniques, and success criteria that require successful establishment of the target species over the acreage and numbers of impacted plants within five years. If onsite salvage and restoration is not feasible, the plan will identify areas that contain verified extant populations of the special-status plant species, of similar size and quality, and equal or greater density to the population(s) that would be impacted by the project proposed for preservation as compensatory mitigation for special-status plant impacts. Offsite habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and at least one occupied acre preserved for each occupied acre affected. The restoration plan will be prepared and submitted to the County Department of Planning and Building for approval prior to initial site disturbance.

BIO-2 Noxious Weed Species Minimization. To prevent the potential spread of invasive botanical species identified within the project site, all vehicles and equipment used at the site shall be cleaned of all dirt, mud, and plant debris prior to entering or exiting the site (e.g., driven over rumble strips) to prevent tracking of potential seed stock to or from the property. Rumble strips will also be regularly cleaned and maintained to prevent the accumulation of seed stock.

BIO-3 Worker Environmental Awareness Program (WEAP). Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend WEAP training, conducted by a qualified biologist, to aid workers in recognizing special-status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form documenting that they have attended the WEAP and understand the information presented to them. The form shall be submitted to the County Department of Planning.

BIO-4 American Badger Avoidance and Minimization. A qualified biologist shall complete a preconstruction survey for these species no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure American badger is not present within proposed work areas. If dens are discovered, they shall be inspected to determine if they are currently occupied. If active badger dens are found, a minimum of a 50-foot, no-activity buffer shall be implemented in the den vicinity.

BIO-5 Special-Status Herpetofauna Avoidance and Minimization. Within 30 days prior to initiation of ground disturbance, a focused survey for special-status herpetofauna, including northern coast range newt, California legless lizard, and coast horned lizard, and California red-legged frog shall be performed by a qualified biologist. Sandy soils within the impact footprint will be surveyed for California legless lizard by a qualified biologist utilizing a raking survey methodology. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing the survey. A qualified biologist shall monitor initial vegetation clearing and ground disturbance to salvage and relocate individuals. Any sightings of California Species of Special Concern shall be documented and reported to County and CDFW staff and the CNDDB. A monitoring report summarizing results of the

monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for these species.

BIO-6 Nesting Raptors and Birds Avoidance and Minimization. The applicant shall ensure the following actions are undertaken to avoid and minimize potential impacts to nesting birds: To the extent feasible, removal of vegetation within suitable nesting bird habitats will be scheduled to avoid the nesting season and occur between September and January. For activities that cannot avoid the nesting season (February 15 to August 31), not more than 30 days prior to initiation of construction activities (e.g. mobilization and staging), a qualified biologist shall conduct preconstruction surveys for nesting raptors and other native nesting birds. The survey for the presence of nesting raptors shall cover all areas within the disturbance footprint plus a 500-foot buffer where access can be secured. Survey reports shall be submitted to the County Department of Planning and Building at least one week prior to initiating construction, and within one week of completing surveys for ongoing activities. If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest, and 500 feet for nests of fully protected species (such as white-tailed kite) and raptors. All buffers shall be marked using high-visibility flagging, fencing, and/or signage. No construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails, unless approved by the qualified biologist. The qualified biologist shall confirm that breeding/nesting is complete and young have fledged the nest prior to removal of the buffer. Encroachment into the buffer shall be conducted at the discretion of the qualified biologist. Monitoring reports summarizing nest avoidance measures, including buffers, fledge dates, and documentation of the avoidance of fully protected species, if applicable, shall be submitted to the County Department of Planning and Building on a monthly basis while nest buffers are in place or while activities are occurring within the specified buffer of an inactive nest of a fully protected species.

BIO-7 Burrowing Owl Avoidance and Minimization. If work is planned to occur within 150 meters (approximately 492 feet) of burrowing owl habitat, within the breeding or no-breeding seasons, a qualified biologist shall conduct a preconstruction survey for the species within 14 days of the onset of construction. A second survey shall be completed immediately prior to construction (e.g., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on Burrowing Owl Mitigation (Staff Report), walking 7 to 20 meter transects through the survey area and scanning the entire visible project area for sign and individuals. These surveys may be completed concurrently with any necessary San Joaquin kit fox, American badger, or other special-status species surveys. If occupied burrowing owl burrows are identified the following buffer distances shall be observed by construction, unless otherwise authorized by CDFW:

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

If avoidance of active burrows is infeasible, the owls can be passively displaced from their burrows according to recommendations made in the Staff Report, and in coordination with CDFW.

BIO-8 Lighting. Any temporary construction lighting or permanent lighting introduced for the project shall avoid night time illumination of potentially suitable habitat features for special-status species (i.e., off-site adjacent woodlands or riparian habitat). Temporary construction lighting will be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages. To minimize the effects of future exterior lighting on special-status wildlife species, all outdoor lighting fixtures shall be positioned and/or shielded to avoid direct lighting of off-site natural habitat areas.

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

No historic structures are present and no paleontological resources are known to exist in the area.

Los Osos Creek bisects the northernmost corner of the property. However, per US Geographical Survey maps, the project footprint is not within 300 feet of a National Hydrography Dataset (NHD) stream or other features which would be indicative of prehistoric human occupation.

Discussion

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

No historic resources are located on site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5. There would be no impact.

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

Padre Associates, Inc. conducted and prepared a Phase I Archaeological Inventory Survey/Report in November 2018, which included a records and literature search, as well as a field inspection of the site.

The literature and records search was conducted at the Central Coast Information Center (CCIC), University of California, Santa Barbara. The searches did not reveal any listed environment properties or any archaeological sites within the study area or within a 500-foot radius of the project site. A field inspection conducted by Padre Associates, Inc. in November 2018 did not indicate the presence of any cultural resources.

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

In compliance with AB52 Cultural Resources requirements, outreach to four Native American tribes groups was conducted (Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council). Comments were received from the Northern Chumash Tribal Council on November 27, 2018. In the comment letter, the Northern Chumash Tribal Council requested copies of any archaeological reports and records searches. The report and record search was sent on March 8, 2019. The Northern Chumash Tribal Council had no further comment.

Conclusion

The record search and field inspection did not identify any prehistoric or historic materials located on or near the project site. No tribal cultural resources were identified during AB 52 consultation. Therefore, significant impacts are not anticipated.

Per County CLUO Section 23.05.140, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area shall halt until they can be examined by a qualified archaeologist and appropriate recommendations made. No significant impacts to cultural resources are expected to occur, and no additional mitigation measures are necessary.

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 project would be served by an existing electrical service provider, Pacific Gas & Electric. The project would

involve the use of energy during construction and operation. Energy during the construction phase would be primarily in the form of fuel consumption to operate equipment and machinery for construction of the proposed road. Project operation would result in the consumption of 100 kilowatt hours of energy per year for the use of generator. The project would only incrementally increase energy consumption, and would therefore not result in the wasteful or inefficient use of energy resources.

Discussion

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

The project proposes outdoor cultivation. Approximately 100 kilowatt-hours per year would be needed for the project. The project is not expected to result in wasteful, inefficient or unnecessary consumption of energy resources because:

- The project consists of outdoor cultivation, only, and will not significantly increase energy use associated with the project site.
- The project will be conditioned to meter electricity used for cannabis activities and to provide the Department of Planning and Building with quarterly energy usage monitoring reports based on those meter readings. Ongoing monitoring will ensure that project energy consumption remains consistent with the energy use estimate provided in the application.

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

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

- Encouraging the use of energy efficient equipment in new development;
- Reducing methane emissions associated with solid waste through recycling and composting of green waste;
- The promotion of water conservation to reduce emissions associated with potable water use;
- Use of Best Management Practices in cultivation. These BMPs address water conservation, solid waste recycling, greenwaste composting, and the use of equipment that meets current energy conservation standards.
- Increasing opportunities for sequestration;

Conclusion

Potential impacts related to energy would be less than significant. Thus, no mitigation measures are necessary.

Sources

See Exhibit A.

VII. GEOLOGY AND SOILS

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

Setting

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

Topography: Gently sloping

Within County's Geologic Study Area?: Yes

Landslide Risk Potential: Moderate to high

Liquefaction Potential: Low to high

Nearby potentially active faults?: No Distance? Not applicable

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

Shrink/Swell potential of soil: Not known

Other notable geologic features? None

Geology and Soils: The project site is located within the Geologic Study Area designation and portions of the site are within a high liquefaction area. The Setting in Section 2, Agricultural Resources, describes the soil types and characteristics on the project site. The site's potential for liquefaction hazards are considered low (southern areas) to high (northern areas). The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site (CGS 2018).

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize impacts. The plan must be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are also subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Discussion

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

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

The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site (CGS 2018).

(a-ii) Strong seismic ground shaking?

The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site (CGS 2018). A fault zone exists approximately 2,500 feet to the north; however, the project does not propose any structures that would be affected by ground shaking. All habitable structures are subject to compliance with relevant provisions of the California Building Code and may be informed by a soils engineering analysis as determined by the Building Division. The project site does not present any dangers associated with seismic activity, ground failure or liquefaction that cannot be addressed through the application of appropriate building codes. Impacts would be less than significant.

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

The site's potential for liquefaction hazards is mapped as "high" in the area where the cultivation would take place. However, no new structures are proposed other than hoop houses and storage containers. Should building permits be required, the applicant would be required to submit a geotechnical report. Additional measures beyond compliance with code requirements are not needed. Implementation of plan and ordinance requirements reduce potential impacts associated with liquefaction to a less than significant level.

(a-iv) Landslides?

The site's potential for landslides is considered moderate in the area where the cultivation is proposed. The outdoor cultivation site would be located on relatively level ground and no development is proposed on the steeper slopes of the site. The project would not exacerbate any existing hazards related to landslides; impacts would be less than significant.

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

The project proposes minimal site disturbance and negligible grading. Impacts 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?

As discussed in the setting, the proposed footprint of the project consists of gentle slopes where the existing cultivation and developed areas are located. The soils associated with the project site are described in Section II Agriculture. No new structures are proposed that would be at risk or would exacerbate existing hazardous conditions. If building permits are needed, the relevant provisions of the California Building Code would ensure potential risks associated with site landslide, lateral spreading, subsidence, liquefaction or collapse would be avoided. Impacts would be less than significant.

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

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

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

Municipal sewer systems are not available at the site. According to the NRCS Web Soil Survey, soils of the project site present significant limitations for the use of septic leach fields. The proposed project would include the installation of a portable restroom and would not include septic tanks or alternative methods of waste water disposal. Therefore, no mitigations would be necessary.

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

There are no unique geologic features on site. No paleontological resources are known to exist in the area. The record search and field survey conducted as part of the Cultural Resources Survey did not identify any prehistoric materials located on the project site (Padre Associates, Inc. 2018). Therefore, significant impacts are not anticipated.

Conclusion

Compliance with ordinance requirements will ensure that potential impacts associated with geology and soils are less than significant. Therefore, no mitigation measures are necessary.

Sources

See Exhibit A.

VIII. GREENHOUSE GAS EMISSIONS

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

Setting

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

In 2006, the State of California passed the Global Warming Solutions Act of 2006, commonly referred to as Assembly Bill (AB) 32, which set the GHG emissions reduction goal for the State into law. The law requires that by 2020, State emissions must be reduced to 1990 levels by reducing GHG emissions from significant sources via regulation, market mechanisms, and other actions. Senate Bill (SB) 32, passed in 2016, set a statewide GHG reduction target of 40 percent below 1990 levels by 2030.

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

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

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

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions,

large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

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

Discussion

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

No land use for cannabis cultivation/operations exists in the SLO County CEQA Air Quality Handbook, so for the purpose of estimating operational GHG emissions, this project may be considered an Industrial Project (sub-category: General Light Industry). Using the GHG threshold information described in the Setting section, the project would generate less than the Bright-Line Threshold stationary source (industrial) projects of 10,000 MT CO2e/year. Therefore, the project's potential direct and cumulative GHG emissions are found to be less than significant and would not be a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provides guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not "cumulatively considerable," no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required. Impacts would be less than significant.

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

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

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

The project would not have a significant impact related GHG emissions, and would not conflict with any plans, policies or regulations adopted for the purpose of reducing emissions. Impacts would be less than significant.

Conclusion

Impacts would be less than significant. No mitigation measures are necessary.

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?	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 project applicant consulted the following databases/lists to determine if the project site contains hazardous waste or substances:

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

Discussion

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

Construction activities: Construction activities may involve the use of oils, fuels and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by the Department of Toxic Substances Control (DTSC) (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations. In addition, compliance with best management practice would also address impacts.

Operational Activities: 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 CLUO 23.08.416.k. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan.

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

Construction activities: Construction activities may involve the use of oils, fuels, and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by the Department of Toxic Substances Control (DTSC)

(22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations. In addition, compliance with best management practice would also address impacts. In addition, compliance with best management practices (BMPs) for the use and storage of hazardous materials would also address impacts. These BMPs may include, but are not limited to, the following:

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

Construction impacts would be less than significant.

Operational activities: Project operations would involve the intermittent use of small amounts fertilizer and pesticides that are not expected to be acutely hazardous. The project will be conditioned to conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required County permits, State licenses, County ordinance, and State law and regulation. In accordance with CLUO 23.08.416.k. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan. Operational impacts would be less than significant.

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

No schools are located within a quarter-mile of the project site.

(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?

The "Cortese list" database consultation concluded that the project site is not located in an area of known hazardous material contamination.

(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 within the Airport Review area.

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

No adopted emergency response or evacuation plans pertain to the project site. Therefore, no impacts are anticipated.

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

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a state responsibility area and a "very high" severity risk area for fire. The closest fire station to the project site is CalFire/South Bay Station 15, which is approximately 2.6 miles from the site. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 5 and 10 minutes (San Luis Obispo County 1999). Per Cal Fire Standard 4, Access Roads and Driveways, a new aggregate 16-foot wide fire access road and hammerhead turnaround would be required and constructed. The development footprint is less than 5% slope throughout, therefore only all-weather roads are proposed. As designed, the operation would be entirely located on flat, unvegetated areas and would be required to meet Building Code and County standards for drainage, stormwater, and flood hazards. None of the operations or structures would be located on slopes. Therefore, the project would not expose people or structures to significant risks such as flooding or landslides, as a result of runoff or post-fire instability. The project would not require the installation or maintenance of associated infrastructure that would risk exacerbating fire risk in the area.

Conclusion

All requirements would be in accordance with County Ordinances and Cal Fire/San Luis Obispo Fire Department Standards. No significant impacts related to hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

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:	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(i)	Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
(ii)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
(iii)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
(iv)	Impede or redirect flood flows?	☐	☐	☒	☐
(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Setting

WATER SUPPLY— The project proposes to use an on-site well as its water source.

The topography of the project is nearly level. The closest creek from the proposed development is Los Osos Creek, located approximately 395 feet north of the proposed cultivation site. As described in the NRCS Soil Survey, the soil surface is considered to have low to high erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

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

Within the 100-year Flood Hazard designation? The northern portion of the property is located within the 100-year Flood Hazard designation. However, the project footprint is located outside of the designation (Figure 5).

Closest creek? Los Osos Creek Distance? Approximately 395 feet north of the proposed cultivation site

Soil drainage characteristics: Well drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts

than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Low to high

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120, CZLUO Sec. 23.05.036) 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 extension who monitors this program.

WATER DEMAND -- CLUO Section 23.08.418.D.5 requires all applications for cannabis cultivation to include a detailed water management plan that discusses the proposed water supply, conservation measures and any water offset requirements. In addition, the CLUO requires that a cultivation project located within a groundwater basin with a Level of Severity III (LOS III) provide an estimate of water demand prepared by a licensed professional or other expert, and a description of how the new water demand will be offset.

The project site is not located within a LOS III groundwater basin.

Figure 6 –100 Year Flood Hazard Designation

Imagery provided by Microsoft Bing and its licensors © 2019.
Floodplain data provided by FEMA 2018.

Discussion

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

With regards to project impacts on water quality the following conditions apply:

- The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- The project will be disturbing over one acre and will be required to prepare a SWPPP, including Best Management Practices for water quality control which will be implemented during construction;
- The proposed cultivation area is not on highly erodible soils, nor on moderate to steep slopes;
- The project is not within a 100-year Flood Hazard designation;
- The project is more than 100 feet from the closest creek or surface water body;
- All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;
- All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur.

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

Water Quantity

The proposed project would use approximately 1.18 acre-feet per year for cannabis cultivation, with a combination of drip and sprinkler irrigation, as well as hand watering. The project would aim to conserve water wherever possible, by limiting watering to morning hours and testing soil moisture levels.

On the project site, an existing well has served the property and has been used for the existing residence and past agricultural uses. The well produces five gallons per minute (GPM), with a recovery time of four hours (Farm Supply Company 2018). The well pump test and water quality analysis from 2018 conclude that the well produces sufficient water to meet the project's water demand. The project would not substantially decrease groundwater supplies. Further, the project would not result in the addition of impervious surfaces that would interfere substantially with groundwater recharge. Impacts to water supply would be less than significant.

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

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

A sedimentation and erosion control plan is required for all construction and grading projects to minimize impacts. The plan is required to be prepared by a civil engineer to address both temporary and long-term

sedimentation and erosion impacts. Projects involving more than one acre of disturbance are 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 responsible for monitoring this program. The project would comply with the Land Use Ordinance. Therefore, erosion and siltation would be addressed and impacts 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?

(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 does not propose new paving or structures, other than hoop houses and storage containers. The property will primarily remain as open, natural conditions that would accommodate storm flows and would not exacerbate runoff that would affect any nearby stormwater drainage systems or cause polluted runoff; impacts would be less than significant.

(c-iv) Impede or redirect flood flows?

As shown in Figure 5, the 100-year flood designation is mapped on the northerly portion of the property; however, no improvements are proposed in that area. The project footprint would be located over 100 feet from Los Osos Creek and well outside of the flood zone. Further, the project would only incrementally increase impervious surfaces, through the placement of storage. As such, the project would not impede or redirect flood flows. Therefore, impacts would be less than significant.

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

The project site is located approximately 4.76 miles inland from the Pacific Ocean and is located in the Coastal Zone. Therefore, there is no risk from tsunami or seiche. Since the project site is relatively flat, and is not located adjacent to hillsides, mudflow risks are insignificant.

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

The proposed project involves outdoor cultivation; therefore, impervious surfaces would be minimal. While the project would use groundwater, it would not affect any impacted groundwater basins. The project will be conditioned to comply with relevant provisions of the Central Coast Regional Water Quality Control Board Basin Plan. Therefore, potential impacts related to water quality and groundwater management would be less than significant.

Conclusion

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

Sources

See Exhibit A.

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 Coastal Land Use Ordinance:

1) LUO Chapter 22.98 – Estero Planning Area

2) CLUO Section 23.07.060 – Flood Hazard Area

3) CLUO Section 23.07.080 – Geologic Study Area

Under the County's Cannabis Activities Ordinance (Ordinance 3358), Cannabis Cultivation is allowed within the Agricultural land use category with a minimum parcel size of ten acres. 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.

Discussion

(a) Physically divide an established community?

The project site is primarily undeveloped, with one existing single-family residence and existing accessory structures in an agricultural and rural area. It is not located near an established community and the operation's proposed footprint would not create any barriers. 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 is surrounded by agricultural uses. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County CLUO, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, California Fish and Wildlife for the Fish and Game Code, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project would be required to adhere to all regulations and development standards as listed in the County CLUO Section 23.08.423. This includes the receipt of all necessary permits, submittal of plans, adherence to application requirements, and limitations on use and cultivation.

The project is not within or adjacent to a Habitat Conservation Plan area. Since the project proposes cultivation and ancillary uses, it is consistent and compatible with the surrounding uses for agriculture and rural residential.

Conclusion

No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

Sources

See 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 San Luis Obispo County Mineral Designation Maps indicate the site is not located in a Mining Disclosure Zone or Energy/Extractive Area.

Discussion

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

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

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

Conclusion

The project site is not located within an area of known mineral resources. There would be no impact.

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 project is not within close proximity of loud noise sources other than road noise from Clark Valley Road, as the project site and surrounding area consist of agricultural uses and scattered rural residential homes on agricultural land. The nearest sensitive receptor to the project site includes a single family residence to the northeast, located approximately 330 feet away from the proposed cultivation area. The Noise Element of the County's General Plan includes projections for future noise levels from known stationary and vehicle-generated noise sources.

The project is subject to the County's standards for exterior noise provided in LUO Section 22.10.120 (Table 3). Section 22.10.120 B. sets forth standards that apply to sensitive land uses that include (but are not limited to) residences.

Table 3 - 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.

Discussion

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

Construction Impacts: Construction activities can sometimes involve the use of heavy equipment for grading and for the delivery and movement of materials on the project site. The use of construction machinery would also be a source of noise and vibration. 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. The project does not include the use of wall- or roof-mounted HVAC and odor mitigation equipment. The project is located within an agricultural area and based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. Noise generated by vehicular traffic on Clark Valley Road would be comparable to background noise levels generated by surrounding agricultural operations and existing vehicular traffic.

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

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

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

The project is not located within an Airport Review designation. Therefore, aviation-related noise impacts are not applicable.

Conclusion

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

Sources

See Exhibit A.

XIV. POPULATION AND HOUSING

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

Setting

In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the County. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions. As of 2018, per the Department of Finance's Population and Housing estimates, the County of San Luis Obispo contains approximately 280,101 persons, and approximately 121,661 total housing units (DOF 2018).

Discussion

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

The project site includes one existing single-family residence. The residence would continue to be used as a residential use and would not be used for cannabis activities. The proposed project would not result in the removal or construction of any housing. The project is expected to employ up to three people. This increase in employment would not result in a substantial increase in employment in the County. Therefore, the project would not result in a need for a significant amount of new housing and would not displace existing housing.

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

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.

Conclusion

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

Sources

See Exhibit A.

XV. PUBLIC SERVICES

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

Setting

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

Police: County Sheriff Location: Los Osos (Approximately 2.7 miles to the west)

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

Location: Approximately 2.6 miles to the west

School District: San Luis Coastal Unified School District.

Discussion

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

Fire protection?
The California Department of Forestry and Fire Protection (CalFire) provides mutual and automatic aid supporting the County of San Luis Obispo. The nearest CalFire station (Station 15) is located 2.6 miles to the west at 2315 Bayview Heights Drive. According to the San Luis Obispo County General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 5 and 10 minutes (San Luis Obispo County 1999). According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a "very high" severity risk area for fire.

Per Cal Fire Standard 4, Access Roads and Driveways, a new aggregate 16-foot wide fire access road and hammerhead turnaround would be required and constructed. The project's incremental impacts to Fire Department services would be less than significant.

Police protection?
The project site is in the existing service range for the County Sheriff Department. Construction on-site would not normally require services from the Sheriff's Department, except in cases of trespassing, theft, and/or vandalism. The project includes a detailed security plan that must be reviewed by the County Sheriff. The plan includes details on access, alarm systems, and video surveillance. Incorporation of security techniques would serve to reduce the need for police/sheriff enforcement. Since the site is currently in the existing service range, it would not require additional police protection or law enforcement services and would not trigger changes that would affect police protection services. Therefore, this impact would be less than significant.

Schools?
As discussed in Section 9, *Population/Housing*, the project does not include the construction of any habitable structures and would not increase population. As such, the project would not generate new demand for schooling. Since 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?
As discussed in Section 9, *Population/Housing*, the project does not include the construction of any habitable structures and would not increase population. As such, the project would not generate new demand for park services, or other governmental facilities. Since 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 parks.

Other public facilities?
As discussed in Section 9, *Population/Housing*, the project does not include the construction of any habitable structures and would not increase population. As such, the project would not generate new demand for other governmental facilities. Since 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 other governmental facilities.

Conclusion

Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address the project's contribution to cumulative impacts and will reduce potential cumulative impacts to less than significant levels. No significant public service impacts are anticipated, and no mitigation measures are necessary.

Sources

See Exhibit A.

XVI. RECREATION

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

Setting

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

Discussion

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

The proposed project is not a residential project or large-scale employer and would not result in a significant population increase. The proposed project would not create a significant need for additional park, Natural Area, and/or recreational resources.

(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?

Construction and operation of the proposed project would not have any adverse effects on existing or planned recreational opportunities in the County

Conclusion

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

Sources

See Exhibit A.

XVII. TRANSPORTATION

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

Setting

The project is located along Clark Valley Road. The County has established the acceptable Level of Service (LOS) on roads for rural areas as "C" or better. Clark Valley Road is a County maintained road The project site is not located within the County's road improvement fee area.

Discussion

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

The project would not involve construction or operational activities that would adversely affect public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities. No impact would occur.

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

Construction: Project construction would temporarily add vehicle miles traveled to County roadways in the project vicinity through the duration of construction activities. This minimal level of vehicle miles would

not have an adverse effect on traffic operations or increase congestion on area roadways in the long-term. Therefore, potential impacts related to construction would be less than significant.

Operation: Once operational, the project is expected to result in four average daily trips (ADT), with no AM or PM peak hour trips (Grim 2018). Project employees would carpool to the project site to minimize trips and parking needs. As such, operational trip generation would be minimal and impacts would be less than significant.

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

The project does not propose any features that would delay, disrupt, or result in unsafe conditions. The project does not propose any features or incompatible uses that would delay, disrupt, or result in unsafe conditions. Impacts would be less than significant.

(d) Result in inadequate emergency access?

The applicant would construct a fire access road 16 feet in width in accordance with Cal Fire standards. As discussed in the Project Description, a hammerhead turnaround would be constructed adhering to County of San Luis Obispo/Cal Fire design specifications, which would ensure that access to the cultivation site is maintained for emergency response vehicles. The existing grade and widths of the access roads and driveways are permissible per CalFire standards. Therefore, the project would not result in inadequate emergency access. Impacts would be less than significant.

Conclusion

The project would not conflict with applicable transportation plans or significantly increase vehicle miles traveled to the circulation system. The project will also be required to maintain adequate sight distance and emergency access. Therefore, the project's transportation impacts would be less than significant with the applied project design features, and no mitigation measures are necessary.

Sources

See Exhibit A.

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:				

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(i)	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
(ii)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Setting

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

Discussion

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

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

No historic resources are located on site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5. There would be no impact.

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

In compliance with AB52 Cultural Resources requirements, outreach to four Native American tribes was conducted (Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council). Comments were received from the Northern Chumash Tribal Council on November 27, 2018. In the comment letter, the Northern Chumash Tribal Council requested copies of any archaeological reports and records searches. The report and record search was sent on March 8, 2019. The

Northern Chumash Tribal Council had no further comment. No significant resources have been identified on the project site.

Conclusion

Per County LUO Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, the Department of Building and Planning shall be notified, work in the area shall halt until these materials can be examined by a qualified archaeologist, and appropriate recommendations made. 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?	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting

Construction and operation-related wastewater would be accommodated by licensed on-site portable restroom and hand-washing facilities and disposed of in accordance with existing regulations.

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?

No new water or wastewater treatment facilities would be constructed, nor would existing facilities be expanded as a result of the project construction or operations. Further, the project does not propose the construction or expansion of stormwater drainage, electric power, natural gas, or telecommunications facilities. Impacts would be less than significant.

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

As discussed in Section X, Hydrology and Water Quality, the proposed project would use approximately 1.18 acre feet per year of water for cannabis cultivation, with a combination of drip and sprinkler irrigation, as well as hand watering. The project would aim to conserve water wherever possible, by limiting watering to morning hours and testing soil moisture levels.

On the project site, an existing well has served the property and has been used for the existing residence and past agricultural uses. The well produces five gallons per minute (GPM), with a recovery time of four hours (Farm Supply Company 2018). The well pump test and water quality analysis from 2018 conclude that the well produces sufficient water to meet the project's water demand. In addition, the project site is not located over an impacted groundwater basin. The project will be conditioned such that water usage will be metered and reports will be provided to the Planning and Building Department demonstrating that the project does not exceed the projected water demand of 1.18 acre feet per year. Based on the application information and the standard conditions, impacts would be less than significant.

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

The project will not be served by a wastewater treatment provider.

(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 applicant proposes recycling and on-site green-waste composting. Cannabis waste material consisting of organic material discarded from the harvesting of the plant (e.g. twigs, stems, trim waste, stalks, roots, and soil containing roots) would be ground/chipped into compostable sized material and

stockpiled in an on-site composting yard. Composted material would be mixed together with on-site soil for re-use in future cultivation. The composting area would not allow runoff of water or any waste concentrate, and Best Management Practices (BMP) would be implemented to reduce or eliminate runoff, dust, and odor. Solid waste would be stored on site and self-hauled to Cold Canyon Landfill. Agricultural plastics would be stored on site and recycled at Bedford Enterprises. Since the project would not generate a substantial amount of solid waste, impacts are considered insignificant.

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

Cold Canyon Landfill provides solid waste disposal for the Los Osos area. Currently, the maximum permitted throughput to the landfill is limited to 1,650 tons per day (CalRecycle 2016). However, the Cold Canyon Landfill recently received approvals from the County and the state in 2013 to allow continued waste expansion and disposal operations through 2040. With planned expansions through 2040, the maximum total throughput would increase to 2,050 tons (City of San Luis Obispo 2014). The landfill has a design capacity of 23,900,000 cubic yards (cy) and a remaining capacity of 14,500,000 cy, or 60.7 percent which is more than enough to serve the project. The project will recycle and compost greenwaste before disposal. Non-compostable solid waste would be stored in a 250-square foot area adjacent to the proposed hoop houses. Solid waste, including recyclables, would be self-hauled to Cold Canyon Landfill and Bedford Enterprises as needed.

Conclusion

Potential impacts to utilities and service systems would be less than significant. No mitigation measures are necessary.

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?	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
(d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Setting

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a state responsibility area and a "very high" severity risk area for fire. The closest fire station to the project site is CalFire/South Bay Station 15, which is approximately 2.6 miles from the site. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 5 and 10 minutes (San Luis Obispo County 1999).

Discussion

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

The project is not expected to conflict with any regional emergency response or evacuation plan, as the cultivation area would be set back from Clark Valley Road, and a hammerhead turnaround is proposed for emergency response vehicles to adequately access the cultivation site.

(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 Minor Use Permit will be conditioned to meet the general requirements of CalFire, including the preparation of a safety plan and final inspection by CalFire. Moreover, the project proposes outdoor cultivation in a flat area cleared from native vegetation and does not include any specific fire hazards that would exacerbate wildfire risks. Given the proposed design and the application of standard conditions, potential impacts would be less than significant.

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

Per Cal Fire Standard 4, Access Roads and Driveways, a new aggregate 16-foot wide fire access road and hammerhead turnaround would be required and constructed. The development footprint is less than 5% slope throughout, therefore only all-weather roads are proposed. The project would not require the installation or maintenance of associated infrastructure that would exacerbate fire risk in the area.

(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?

As designed, the operation would be entirely located on flat, unvegetated areas and would be required to meet Building Code and County standards for drainage, stormwater, and flood hazards. None of the operations would be located on slopes. Therefore, the project would not expose people or structures to significant risks such as flooding or landslides, as a result of runoff or post-fire instability. Moreover, the project would not exacerbate any existing hazards. Impacts would be less than significant.

Conclusion

All requirements would be in accordance with County Ordinances and CalFire/San Luis Obispo Fire Department Standards. This would reduce fire related impacts to less than significant levels and no mitigation measures are necessary.

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)?	☐	☒	☐	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Setting

Discussion

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

The proposed project does not have the potential to substantially degrade the quality of the environment. Potential impacts to biological resources have been identified but would mitigated to a level below significant. Compliance with all the mitigation measures identified in Exhibit B will ensure that project implementation will not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. Implementation of the project will not eliminate important examples of the major periods of California history or pre-history. Therefore, with incorporation of the mitigation measures included in Exhibit B the anticipated project-related impacts are less than significant.

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

The potential for adverse cumulative effects were considered in the response to each question in Sections 1 through 15 of this document. No other cannabis projects are proposed within one mile of the project site. In addition to project specific impacts, this evaluation considered the project's potential for incremental effects that are cumulatively considerable. As described in Section 4 above, there were determined to be potentially significant effects related to biological resources. However, the mitigation measures included in Exhibit B would reduce the effects to a level below significance. As a result of this evaluation, there is no substantial evidence that, after mitigation, there are cumulative effects associated with this project. Therefore, impacts would be less than significant with incorporation of mitigation measures included in Exhibit B.

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

In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in Sections 3. Air Quality,

6. Geology & Soils, 7. Hazards & Hazardous Materials, 8. Noise, 9. Population & Housing, 10. Public Services and Utilities, 12. Transportation & Circulation, 13. Wastewater, 14. Water & Hydrology, and 15. Land Use. There is no substantial evidence that adverse effects to human beings are associated with this project. Therefore, a less than significant impact would result.

Conclusion

The project has been determined not to meet the Mandatory Findings of Significance with implementation of mitigation measure for biological resources (Exhibit B).

Mitigation

See Exhibit B for full list of mitigation measures.

Sources

See Exhibit A.

Exhibit A - Initial Study References and Agency Contacts

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

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

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

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

☒ Project File for the Subject Application

County Documents

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

☒ Land Use Ordinance (Inland/Coastal)
☐ Building and Construction Ordinance
☒ Public Facilities Fee Ordinance
☐ Real Property Division Ordinance
☒ Affordable Housing Fund
☐ Airport Land Use Plan
☐ Energy Wise Plan
☒ Estero Area Plan Coastal Zone
☐ 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:

- Padre Associates, Inc. Phase I Archaeological Study, November 2018
- Pax Environmental, Inc. Biological Assessment, March 2019
- Farm Supply Company, Well Test Report, April 2018
- BSK Associates, Water Quality Analysis, April 2018

Other County References

- California Department of Conservation (CDOC). 2015.CGS Information Warehouse: Regulatory Maps http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps accessed November 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 September 2018).
- San Luis Obispo County.1999.General Plan Safety Element. https://www.slocounty.ca.gov/getattachment/893b6c58-7550-4113-911c-3ef46d22b7c8/Safety-Element.aspx accessed November 2018

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.

Biological Resources

BIO-1 Special-Status Plant Species Avoidance and Minimization Measures. Prior to initial ground disturbance and staging activities in areas of suitable habitat for special-status plants, focused surveys shall be completed by a qualified biologist. The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the blooming period of the target species. Surveys shall be conducted in accordance with the most current protocols established by the CDFW and USFWS, and consistent with the County's policies. All special-status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Survey results shall be submitted to the County Department of Planning and Building prior to initiation of construction. If special-status plant species, specifically Hoover's bentgrass, Santa Lucia manzanita, Santa Margarita manzanita, Miles' milk-vetch, Coulter's saltbush, Hardham's evening-primrose, Congdon's tarplant, Brewer's spineflower, straight-awned spineflower, compact cobwebby thistle, Pismo clarkia, dark larkspur, Blochman's leafy daisy, Indian Knob mountainbalm, San Joaquin spearscale, Jone's layia, San Luis Obispo County lupine, southern curly-leaved monardella, adobe sanicle, and saline clover, are identified within the proposed development footprint, impacts to these species will be minimized to the extent feasible to avoid impacting 90% of the plants observed. If special-status plant species are identified on the project site and direct impacts to special-status plants cannot be avoided, a salvage and relocation plan will be prepared to compensate for significant impacts on special-status plant species. The salvage and relocation plan will identify suitable locations, methods, and success criteria for special-status plant mitigation through direct seeding and restoration of suitable unoccupied habitat. The plan shall, at a minimum, require replacement through collection of seed and topsoil from impact sites, a monitoring and management component that outlines weed management and monitoring techniques, and success criteria that require successful establishment of the target species over the acreage and numbers of impacted plants within five years. If onsite salvage and restoration is not feasible, the plan will identify areas that contain verified extant populations of the special-status plant species, of similar size and quality, and equal or greater density to the population(s) that would be impacted by the project proposed for preservation as compensatory mitigation for special-status plant impacts. Offsite habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and at least one occupied acre preserved for each occupied acre affected. The restoration plan will be prepared and submitted to the County Department of Planning and Building for approval prior to initial site disturbance.

BIO-2 Noxious Weed Species Minimization. To prevent the potential spread of invasive botanical species identified within the project site, all vehicles and equipment used at the site shall be cleaned of all dirt, mud, and plant debris prior to entering or exiting the site (e.g., driven over rumble strips) to prevent tracking of potential seed stock to or from the property. Rumble strips will also be regularly cleaned and maintained to prevent the accumulation of seed stock.

BIO-3 Worker Environmental Awareness Program (WEAP). Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend WEAP training, conducted by a qualified biologist, to aid workers in recognizing special-status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form documenting that they have attended the WEAP and understand the information presented to them. The form shall be submitted to the County Department of Planning.

BIO-4 American Badger Avoidance and Minimization. A qualified biologist shall complete a preconstruction survey for these species no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure American badger is not present within proposed work areas. If dens are discovered, they shall be inspected to determine if they are currently occupied. If active badger dens are found, a minimum of a 50-foot, no-activity buffer shall be implemented in the den vicinity.

BIO-5 Special-Status Herpetofauna Avoidance and Minimization. Within 30 days prior to initiation of ground disturbance, a focused survey for special-status herpetofauna, including northern coast range newt, California legless lizard, and coast horned lizard, and California red-legged frog shall be performed by a qualified biologist. Sandy soils within the impact footprint will be surveyed for California legless lizard by a qualified biologist utilizing a raking survey methodology. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing the survey. A qualified biologist shall monitor initial vegetation clearing and ground disturbance to salvage and relocate individuals. Any sightings of California Species of Special Concern shall be documented and reported to County and CDFW staff and the CNDDB. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for these species.

BIO-6 Nesting Raptors and Birds Avoidance and Minimization. The applicant shall ensure the following actions are undertaken to avoid and minimize potential impacts to nesting birds: To the extent feasible, removal of vegetation within suitable nesting bird habitats will be scheduled to avoid the nesting season and occur between September and January. For activities that cannot avoid the nesting season (February 15 to August 31), not more than 30 days prior to initiation of construction activities (e.g. mobilization and staging), a qualified biologist shall conduct preconstruction surveys for nesting raptors and other native nesting birds. The survey for the presence of nesting raptors shall cover all areas within the disturbance footprint plus a 500-foot buffer where access can be secured. Survey reports shall be submitted to the County Department of Planning and Building at least one week prior to initiating construction, and within one week of completing surveys for ongoing activities. If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest, and 500 feet for nests of fully protected species (such as white-tailed kite) and raptors. All buffers shall be marked using high-visibility flagging, fencing, and/or signage. No construction activities shall be allowed within the buffers until the young have fledged from the

nest or the nest fails, unless approved by the qualified biologist. The qualified biologist shall confirm that breeding/nesting is complete and young have fledged the nest prior to removal of the buffer. Encroachment into the buffer shall be conducted at the discretion of the qualified biologist. Monitoring reports summarizing nest avoidance measures, including buffers, fledge dates, and documentation of the avoidance of fully protected species, if applicable, shall be submitted to the County Department of Planning and Building on a monthly basis while nest buffers are in place or while activities are occurring within the specified buffer of an inactive nest of a fully protected species.

BIO-7 Burrowing Owl Avoidance and Minimization. If work is planned to occur within 150 meters (approximately 492 feet) of burrowing owl habitat, within the breeding or no-breeding seasons, a qualified biologist shall conduct a preconstruction survey for the species within 14 days of the onset of construction. A second survey shall be completed immediately prior to construction (e.g., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on Burrowing Owl Mitigation (Staff Report), walking 7 to 20 meter transects through the survey area and scanning the entire visible project area for sign and individuals. These surveys may be completed concurrently with any necessary San Joaquin kit fox, American badger, or other special-status species surveys. If occupied burrowing owl burrows are identified the following buffer distances shall be observed by construction, unless otherwise authorized by CDFW:

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

If avoidance of active burrows is infeasible, the owls can be passively displaced from their burrows according to recommendations made in the Staff Report, and in coordination with CDFW.

BIO-8 Lighting. Any temporary construction lighting or permanent lighting introduced for the project shall avoid night time illumination of potentially suitable habitat features for special-status species (i.e., off-site adjacent woodlands or riparian habitat). Temporary construction lighting will be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages. To minimize the effects of future exterior lighting on special-status wildlife species, all outdoor lighting fixtures shall be positioned and/or shielded to avoid direct lighting of off-site natural habitat areas.