



Negative Declaration & Notice Of Determination

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

ENVIRONMENTAL DETERMINATION NO. ED Number 19-273

DATE: December 3, 2020

PROJECT/ENTITLEMENT: Engrained LLC Minor Use Permit; DRC2020-00115

APPLICANT NAME: Engrained LLC
Email: mitchellttt@gmail.com

ADDRESS: 5430 Sunny Ridge Place, Paso Robles, CA 93446

CONTACT PERSON: Tyler Mitchell

Telephone: 530-333-3658

PROPOSED USES/INTENT: A request by Engrained LLC for a Minor Use Permit (DRC2020-00115, previously DRC2018-00188) to establish 2 acres of outdoor cannabis cultivation, 15,576 square feet of indoor (mixed-light) ancillary cannabis nursery, ancillary processing, and ancillary transportation on a 77-acre parcel. Ancillary cannabis nursery cultivation would occur within 3 new greenhouses totaling 13,608-square feet and a 4,690 square-foot area within the proposed 20,000 square-foot building for ancillary nursery cloning. Processing activities (including drying, curing, and packaging of cannabis grown on-site) would occur within a 14,880 square-foot area within the proposed 20,000-square-foot building. The project also includes improvements to the existing property driveway, installation of four 320-square-foot seartrain containers for the storage of supplies, installation of a new 100 square-foot shed for security and irrigation control, installation of 12 5,000-gallon water tanks, and the installation of one 20,000-gallon water tank for fire water storage. The project would result in approximately 9.29 acres of site disturbance on the 77 acre parcel, and 1.53 acres of offsite site disturbance, totaling 10.2 acres of site disturbance, and includes 10,610 cubic yards of cut and 8,778 cubic yards of fill (net total of 19,388 cubic yards of earthwork) related to access improvements, to be balanced on-site. The project site is located within the Agriculture land use designation at 4150 North Ryan Road, approximately 2.25 miles northeast of the community of Creston in the El Pomar-Estrella sub-area of the North County Planning Area.

LOCATION: 4150 North Ryan Road, approximately 2.25 miles northeast of the community of Creston.

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

STATE CLEARINGHOUSE REVIEW: YES ☒ NO ☐

OTHER POTENTIAL PERMITTING AGENCIES: Air Pollution Control District
California Department of Fish and Wildlife, Environmental Health, CDFA, RWQCB

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 4:30 p.m. (2 wks from above DATE)

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

Notice of Determination

State Clearinghouse No. 2020030752

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

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

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

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

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



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

PLN-2039
04/2019

Project Title & No. Engrained LLC Minor Use Permit ED19-273 DRC2020-00115

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

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

DETERMINATION: (To be completed by the Lead Agency)

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


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

Brandi Cummings
Prepared by (Print)


Signature

11/19/2020
Date

David Moran
Reviewed by (Print)


Signature

For Xzandrea Fowler,
Environmental Coordinator

11/19/2020
Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: A request by Engrained LLC for a Minor Use Permit (DRC2020-00115, previously DRC2018-00188) to establish 2 acres of outdoor cannabis cultivation, 15,576 square feet of indoor (mixed-light) ancillary cannabis nursery, ancillary processing, and ancillary transportation on a 77-acre parcel. Ancillary cannabis nursery cultivation would occur within 3 new greenhouses totaling 13,608-square feet and a 4,690 square-foot area within the proposed 20,000 square-foot building for ancillary nursery cloning. Processing activities (including drying, curing, and packaging of cannabis grown on-site) would occur within a 14,880 square-foot area within the proposed 20,000-square-foot building. The project also includes improvements to the existing property driveway, installation of four 320-square-foot seartrain containers for the storage of supplies, installation of a new 100 square-foot shed for security and irrigation control, installation of 12 5,000-gallon water tanks, and the installation of one 20,000-gallon water tank for fire water storage. The project would result in approximately 9.29 acres of site disturbance on the 77 acre parcel, and 1.53 acres of offsite site disturbance, totaling 10.2 acres of site disturbance, and includes 10,610 cubic yards of cut and 8,778 cubic yards of fill (net total of 19,388 cubic yards of earthwork) related to access improvements, to be balanced on-site. The project site is located within the Agriculture land use designation at 4150 North Ryan Road, approximately 2.25 miles northeast of the community of Creston in the El Pomar-Estrella sub-area of the North County Planning Area, Supervisorial District 5.

The project property currently supports a rural single-family residence and a 1,500-square-foot accessory structure. Surrounding land uses include agricultural crop production and grazing, rural residential uses, and accessory structures (Figure 2).

The proposed cannabis activities would be implemented in two phases, as detailed in Table 1, below.

Initial Study – Environmental Checklist

Table 1. Proposed Project Components and Phasing.

Phase	Project Components	Canopy Area/Floor Area
Phase I	Establish 2.0 acres of outdoor cannabis cultivation areas.	Within hoop structures: 1.01 acres Open air: 0.99 acres
	Install four seatrain containers, two for pesticide storage and two for fertilizer/nutrition storage.	1,280 square feet total
	Installation of two portable restrooms.	N/A
	Implement existing on-site access road improvements to the Phase I project components.	N/A
	Installation of one shed for security and irrigation controls	100 square feet
	Installation of 12 5,000-gallon water tanks for outdoor cultivation	N/A
	Installation of perimeter fencing around outdoor cultivation areas, compost area, and western property line	N/A
	Ancillary transport	N/A
Phase II	Establish ancillary indoor (mixed-light) cannabis nursery cultivation within three proposed greenhouse structures (13,608 sf.) to be used to support on-site cultivation.	10,886 square feet of ancillary nursery canopy; 13,608 square feet of floor area
	Construct new steel building to be used for processing of cannabis grown onsite and nursery cloning.	<u>Processing:</u> 14,880 square feet <u>Ancillary nursery cloning:</u> 4,690 square feet, with a maximum canopy of 4,690 square feet <u>Other area (restrooms, break room, etc.):</u> 430 square feet <u>Total area:</u> 20,000 square feet
	Installation of new grounded power lines with connections to existing PG&E infrastructure.	N/A
	Implement on-site and off-site access road improvements to the Phase II project components.	N/A
	Installation of new 20,000 square-foot water tank for fire water storage	N/A

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While the timeframe between each of the proposed phases has not been determined, for the purposes of this document, both phases of proposed development are evaluated herein as the whole of the project.

Outdoor Cultivation

Approximately 0.99 acres (43,120 square feet) of the proposed outdoor cannabis canopy would occur in-ground in open air within a 1.24-acre (53,900-square-foot) cultivation area, and approximately 1.01 acres (44,000 square feet) of the proposed outdoor cannabis canopy would occur in raised beds within a total of 88 cannabis hoop structures within a 1.01-acre (44,000-square-foot) cultivation area (see Exhibit C). The open-air outdoor cultivation area would be harvested once per year, around mid-October. The outdoor cultivation area within hoop structures would be harvested two to three times per year, in June, August, and October.

Indoor (Mixed-Light) Ancillary Nursery

The project includes the construction of three 4,536-square-foot greenhouses to be utilized for indoor mixed-light ancillary cannabis nursery cultivation to be used to support on-site cultivation activities (see Exhibit C). The plants would be located on moveable benches and would include a total canopy area of 10,886 square feet. Additional area would be provided within the greenhouses for walkways and worker clearance, totaling 907.3 square feet in each 4,536-square-foot greenhouse. Plants within the nursery greenhouses would remain in their vegetative stage until they are transferred to an outdoor cultivation area on-site following a harvest. These plants would occasionally be pruned, in which clippings would be transferred to the nursery cloning room within the proposed 20,000-square-foot building on-site. Each nursery greenhouse would be equipped with a heater unit, gable fans, horizontal air flow (HAF) fans, louvers, wall fans, cooling systems, odor control system, 432-watt grow lights, and internal blackout material systems.

Ancillary Nursery Cloning

The project includes a 4,690-square-foot area within the proposed 20,000-square-foot building to be utilized for an ancillary nursery cloning room, with up to 4,690 square feet of additional ancillary cannabis nursery canopy (see Exhibit C). Pruned branches of nursery plants grown on-site would be planted into individual rooting cubes and then placed within rooting trays, with approximately 50 cuttings per tray. These trays would then be placed beneath grow lights and watered for approximately a two-week time period until the roots protrude through the bottom of the rooting cubes. The plants would then be transplanted into larger pots and transferred to the ancillary cannabis nursery greenhouses on-site.

Ancillary Processing

The proposed 20,000-square-foot building would include a 14,880-square-foot area for the processing of cannabis products. All cannabis products processed within this building would be from cannabis grown on-site. Proposed trimming activities would include use of a Mother Bucker Trimming Machine. Once cannabis products grown onsite are processed, they would be transported off-site for testing, distribution, and sale. The building would also include two American Disability Act (ADA) compliant permanent restrooms, a breakroom, and an ancillary nursery cloning room, described below.

Ancillary Transport

The applicant would obtain a Type 13 Transport Only license from the Bureau of Cannabis Control. This license would allow the applicant to transport their cannabis goods between their individual state licenses (i.e. nursery to outdoor cultivation) and would allow the transportation of their cannabis goods offsite to a licensed facility for further processing, packaging, testing, and distribution. This license type does not allow the

Initial Study – Environmental Checklist

transportation of cannabis goods to a retailer or end user. Product transport is anticipated after each harvest, consisting of one passenger van or utility vehicle accessing the site over the course of one week to transport the product to a State licensed facility for further trimming, packaging, and distribution.

Pesticide and Fertilizer Application

A pesticide product can legally be applied to cannabis under state law if the active ingredients found in the product are exempt from residue tolerance requirements and the product is either exempt from registration requirements or registered for a use that is broad enough to include use on cannabis (CDPR 2017).

The following pesticides would be used: Monterey BT, Flying Skull/ nuke em, Green Cleaner, Vital Earth/ Grandevo, Venerate, SaferGro/ mildew cure, Serenade garden, Regalia, and Green cure.

The following fertilizers would be used: Age Old Organics / grow, Age Old Organics / bloom, Vital Earth / grow, Vital Earth / bloom, Vital Earth / fish powder, Vital Earth / flower powder, Vital Earth / mega worm castings, Vital Earth / bat guano, Vital Earth / high phos sea bird guano, Sea Pal / fish emulsion, Stutzman / chicken manure, Roots Organics / nitrogen bat guano, Roots Organics / super phos bat guano, Sparetime / molasses, Sparetime / mocha bat guano, Baseline / humic acid, PCG / seabird guano, Earthjuice / bloom, The Guano Company / Budswel, and Mission Fertilizer / CrayZ Swell.

Security

The project parcel is accessed from North Ryan Road, a public County-maintained road that terminates at the project site. The project includes installation of one new entry gates. An existing 3-strand wire fence runs along the northern, eastern, and southern property boundaries and is proposed along the western property boundary. Additional 6-foot chain link fence with security slats would be installed to enclose each outdoor cannabis cultivation area and the compost area. Security cameras would be installed at all outdoor cultivation area access points, along with locations providing an overall view of each cannabis cultivation area. Each of the proposed greenhouses for ancillary nursery would be equipped with locking doors and exterior security cameras. A 100-square-foot shed is proposed in Phase 1 of the project for security and irrigation control. A 110-square-foot security room would also be included within the proposed 20,000 square-foot building in Phase II of the project. The project does not include any new exterior lighting.

Odor Management

Each of the proposed outdoor cultivation areas would be located a minimum of 300 feet from all property lines. Odor from the outdoor cultivation areas are further mitigated by the distance to the nearest offsite residence, which is located approximately 880 feet south of the project site (approximately 2,163 feet south of the project area).

The proposed 20,000-square-foot building would be equipped with carbon scrubbers in order to treat cannabis odors as they exit the structure and prevent adverse odors from being detected offsite. The carbon filters would operate continuously for approximately three months each year, coinciding with the three flowering and harvest periods proposed for the outdoor cultivation areas on-site.

Water Management

Based on the Water Demand Analysis prepared for the project, project cultivation irrigation activities would result in approximately 4.10 acre-feet of water demand per year. Domestic water use for 5 full-time employees has been estimated to result in an additional 0.07 acre-foot per year. The project also includes the planting of 11 new blue oak trees around the perimeter of the property and landscaping plantings around

Initial Study – Environmental Checklist

the proposed 20,000 square-foot building, which would require marginal additional water supplies to establish until they reach maturity. The project water demand would be served by two existing groundwater wells. A total of 12 5,000-gallon water tanks would be installed on the property for seasonal storage of irrigation water, and an additional 20,000-gallon water tank and new fire hydrant and pump would be installed on the property for fire suppression purposes.

Waste Management

All cannabis plant waste and soil would be composted onsite within a fenced compost area located between the two outdoor cultivation areas. Non-compostable solid waste and recycling would be collected in a garbage receptacle located near the site entrance and would be hauled weekly using San Miguel Roll-Off Co Inc. or another certified waste removal company.

Two portable restrooms would be installed and utilized on-site during Phase 1 of the project and would be serviced regularly. A permanent restroom facility and shower would be included within the proposed 20,000 square-foot building when constructed, which would require the installation of a new on-site septic system.

Operations

Upon completion of both project phases, the project would employ up to 5 full-time employees (FTE) and up to 13 seasonal employees to assist with harvesting activities. Employees would maintain the operation 6 days a week year-round between the hours of 7:00 a.m. and 4:00 p.m. Operational machinery, such as carbon scrubbers and irrigation, may operate outside the hours that employees are present.

Modifications: The applicant is seeking a modification from the fencing standards set forth in Land Use Ordinance (LUO) Section 22.10.080 to allow the proposed greenhouse walls and new barn-like structure for ancillary processing and ancillary cloning nursery to supplement fencing. The applicant is also seeking a modification from the parking standards set forth in Land Use Ordinance (LUO) Section 22.18 to reduce the required spaces from 52 to 28.

ASSESSOR PARCEL NUMBER(S): 042-211-014

Latitude: 35°32'06"N

Longitude: 120°28'56"W

SUPERVISORIAL DISTRICT # 5

Other Public Agencies Whose Approval is Required

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

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

Initial Study – Environmental Checklist

B. Existing Setting

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

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 77 acres

Topography: Gently sloping to moderately sloping

Vegetation: Grassland, shrubland, Valley oak woodland

Existing Uses: Single-family residence(s)

Surrounding Land Use Categories and Uses:

North: Agriculture; agricultural uses, rural residences, accessory structures **East:** Agriculture; agricultural uses

South: Agriculture; agricultural uses, rural residences, accessory structures **West:** Agriculture; agricultural uses

Baseline Conditions: The project site is located in a rural area and currently supports a rural single-family residence and a 1,500-square-foot accessory structure on the southernmost area of the property. Topography within the project property and surrounding region generally consists of moderate to steeply rolling hills supporting grassland, shrubland, and scattered oak woodland vegetation. Land uses in the surrounding areas consist primarily of agricultural uses including row crops and grazing, as well as rural residential uses. Aside from scattered single-family residences, hoop houses and pole barns are the most visible development as viewed from La Panza Road or Ryan Road/North Ryan Road.

The project site is accessed by North Ryan Road. North Ryan Road is a dead-end road accessed from Ryan Road via La Panza Road, an arterial, which connects to State Route 41. According to County GIS information, North Ryan Road ends at the western property boundary of APN: 042-211-016. From the terminus the project site is accessed via a 0.35-mile unimproved driveway that crosses a neighboring parcel (APN: 042-211-016) to the south via an access easement.

The project site and surrounding vicinity supports grassland, shrubland, and scattered oak woodland vegetation. The nearest documented water features include one unnamed ephemeral drainage immediately west of the project site, and two man-made stock ponds to the south (0.36 mile) and southwest (0.6 mile). No direct connectivity exists between these features and the project site. The project site is underlain by pebble, gravel, sand and clay from Monterey shale of the Paso Robles Formation (CGS 2015, Diblee 2004).

The subject property is located within the Agriculture land use designation and the property is classified as Grazing Land by the California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP). The project property is generally surrounded by active agricultural operations including row crops, dry farming, and grazing but does not currently support any of these uses onsite. The project site is not located on or is adjacent to a property subject to a Williamson Act contract.

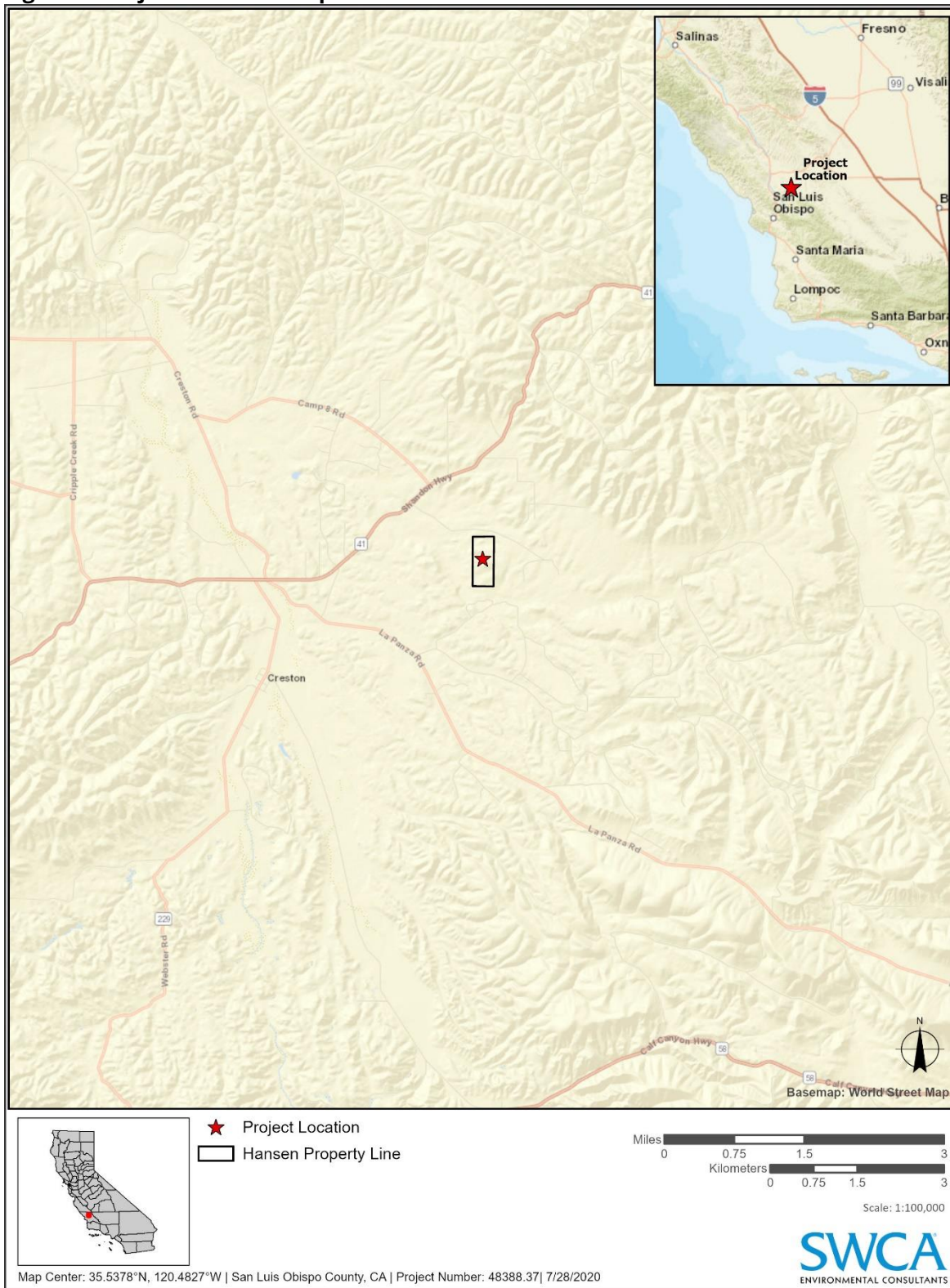
The nearest sensitive receptor location to the project site is a single-family residence located on-site, and an off-site single-family residence located approximately 880 feet south of the project site (approximately 2,163 feet south of the project area).

Initial Study – Environmental Checklist

The project site is located within the State Responsibility Area in a high fire hazard severity zone. The project is located within the Paso Robles Groundwater Basin, which is categorized as being in a state of critical overdraft, and is located outside the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018)

Initial Study – Environmental Checklist

Figure 1. Project Location Map



Initial Study – Environmental Checklist

Figure 2. Project Location Map



Initial Study – Environmental Checklist

C. Environmental Analysis

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

I. AESTHETICS

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

Setting

The project site is located on a 77-acre parcel (property) located off the terminus of North Ryan Road, approximately 2.25 miles northeast of the community of Creston. According to County GIS information, North Ryan Road ends at the western property boundary of APN: 042-211-016. From the terminus the project site is accessed via a private easement along the western property boundary of 042-211-016. Topography within the project property and surrounding region generally consists of moderate to steeply rolling hills supporting grassland, shrubland, and scattered oak woodland vegetation. Land uses in the surrounding areas consist primarily of agricultural uses including row crops and grazing, as well as rural residential uses. Aside from scattered single-family residences, hoop houses and pole barns are the most visible development as viewed from La Panza Road or Ryan Road/North Ryan Road (see Exhibit F, Visual Character Exhibit).

The project property currently supports a rural single-family residence and a 1,500-square-foot accessory structure on the southernmost area of the property.

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

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

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

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

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

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

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

Discussion

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

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

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

Initial Study – Environmental Checklist

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

The project site is not located along nor visible from a designated state scenic highway or eligible state scenic highway (Caltrans 2019). Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and *no impacts would occur*.

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

The project is located in a rural, non-urbanized area. Public views of this property are very limited due to its location beyond the terminus of North Ryan Road, which provides access to several large rural parcels ranging between 25 and 80 acres in size; neither North Ryan Road nor the property currently experience a substantial number of public viewers.

The project proposes to erect 88 hoop houses over a portion of the outdoor cultivation area. The hoop houses would be 100' x 5' and would be 9'1" in height. The hoop frames would be constructed of grey 12-gauge 1.66" pipe and would be covered with white/clear polyethylene film. (See Exhibit D, Project Site Plan.)

The project would construct three new greenhouses for the ancillary nursery use. The greenhouses would be 42' x 108' and would be 21'10" in height. The greenhouses would be constructed from grey corrugated metal siding with a clear twin-wall poly carbonate roof. Each greenhouse would include a gable fan on the front and rear faces and two wall fans on the front faces of the structures. A pressure-relief damper would be installed on each roof. (See Exhibit D, Project Site Plan.)

A 20,000 square-foot steel shop (100' x 200') would be constructed for ancillary nursery cloning, ancillary processing, security, and restroom/breakroom. The structure would be 37'2" in height to the top of the building ridge, with three cupolas that would extend to 45'11". The structure would be agrarian in design and would resemble an agricultural/barn building typical to the region. The body of the shop would be constructed of rust-colored corrugated corten steel and would have a light grey standing seam metal roof with dark metal trim. (See Exhibit D, Project Site Plan.)

Additional structures would include four 320-square-foot seatrain containers, a 100-square-foot 9'-tall Tuff shed, twelve 5,000-gallon water tanks (approximately 12' in height), a 20,000-gallon water tank (approximately 20' in height), two portable restrooms, and solid waste and recycling receptacles. (See Exhibit D, Project Site Plan.)

Perimeter fencing would be installed around the outdoor cultivation areas and compost area and would consist of 6-foot-tall chain link fencing with dark green privacy slats. 3-strand barbwire fencing exists along the northern, southern, and eastern property lines and would be installed along the western property line. Grading would be limited to access improvements on-site for the driveway to North Ryan Road offsite. Hoop houses and outdoor cannabis plantings would be placed on-grade and follow the existing contours.

The majority of proposed project components are located towards the northern end of the 77-acre property. This portion of the project site is not visible from North Ryan Road due to intervening topography, including a large sloping knoll at the center of the property, and existing riparian vegetation associated with blue line streams on the two parcels to the south (APNs: 042-211-015 and

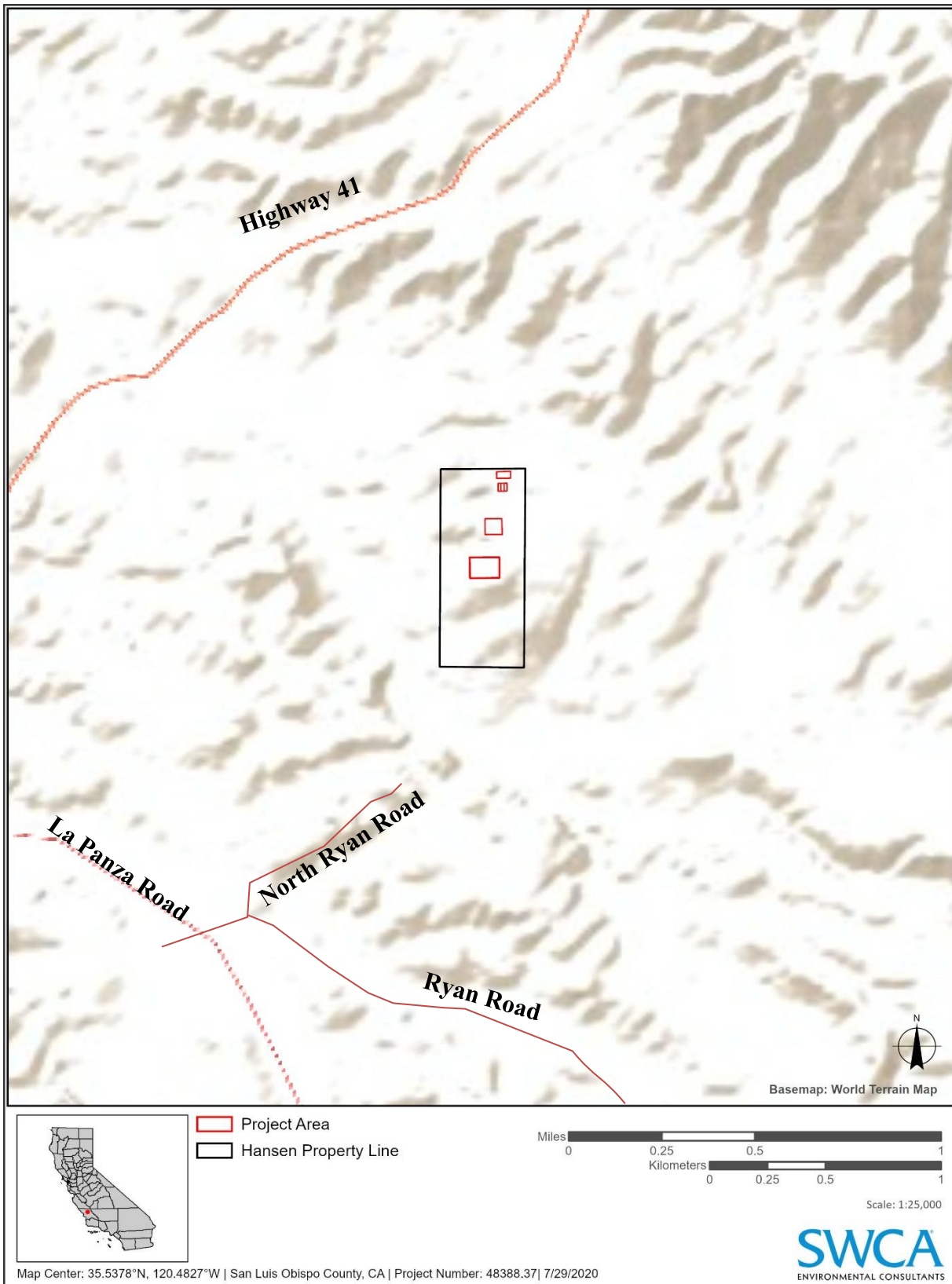
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042-211-016). Likewise, the project site is not visible from Highway 41 or La Panza Road due to intervening rolling hills, vineyards, and vegetation. (See Figure 3)

The project also includes planting of 11 blue oak trees around the perimeter of the property, which, when they reach maturity, would provide additional screening of project components visible from private properties located off North Ryan Road. Therefore, the project would not substantially degrade the existing visual character or quality of public views of the site or its surroundings, and impacts would be *less than significant*.

Figure 3. Vicinity Terrain Map

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

Due to the remote nature of the project and relative distance to the nearest urbanized area, the project is located in an area with moderate existing levels of light pollution (Darksitefinder.com 2019). The project includes mixed-light cannabis and nursery cultivation within proposed greenhouses, which include cultivation techniques such as light deprivation and artificial light simulation. During this process, grow lights may be used in the evenings and nighttime to simulate artificial daylight. The proposed greenhouses would be constructed with materials with relatively high translucency to allow sunlight to be absorbed by the plants inside. Without appropriate light shielding and prevention, nighttime lighting within these structures would have the potential to affect nighttime views in the area. Mitigation measure AES-1 would require that each greenhouse be equipped with a blackout system to be engaged between dusk and dawn when the grow lights are on.

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

Conclusion

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

Mitigation

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

- a. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping; and
- b. All exterior lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. All exterior lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions.

Sources

See Exhibit A.

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II. AGRICULTURE AND FORESTRY RESOURCES

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

Setting

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

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Farmland of Local Importance, and Grazing Land are considered “agricultural land.” Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water. Based on the FMMP, soils at the project site are within the Grazing Land designation (CDOC 2016).

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

Soils within the project disturbance area are described in detail below:

102. Arbuckle-Positas complex, 9-15% slopes. This soil unit occurs within the southwestern quarter of the property as well as the area of the property that is currently developed with an existing rural residence and 1,500 accessory structure proposed to be converted to a non-storefront dispensary. This complex is very deep, well drained, has medium surface runoff, moderate erodibility, and high shrink-swell potential. The major uses include cultivated crops, rangeland, and urban land. Management considerations include paying attention to the low strength and shrink-swell factor. The very slow absorption of effluent in septic tank absorption fields severely limits these soils for use as septic tank absorption fields. This soil unit is designated as Prime Farmland in the COSE Table SL-2 – Important Agricultural Soils of San Luis Obispo County.

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

114. Balcom-Nacimiento association, moderately steep. This soil occurs within the majority of the project property and proposed development areas. This moderately deep, well drained soil has rapid surface runoff potential, high erodibility, and moderately slow to moderate permeability. The major uses include cultivated crops and range. Management considerations include paying special attention to erosion hazard and surface compaction. This soil unit is designated as Other Productive Soils in the COSE Table SL-2 – Important Agricultural Soils of San Luis Obispo County.

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

According to California Public Resources Code (PRC) Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial

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species used to produce lumber and other forest products, including Christmas trees. There is a stand of valley oak woodland in the northwest portion of the project property, and several individual valley oaks are scattered throughout the remaining areas of the property. All oak trees on the property are healthy, mature, and larger than 12 inches in diameter at breast height (dbh).

- (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 property is classified as Grazing Land by the FMMP. The project site does not contain land classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP (California Department of Conservation [DOC] 2016). The County COSE designates two of the three soil units onsite as being Prime Farmland based only upon a rating of 80 to 100 or an “Excellent” rating in the California Storie Index.

In order to be shown on FMMP’s maps as Prime Farmland or Farmland of Statewide Importance, land must have been used for irrigated agricultural production at some time during the four years prior to FMMP designation, and the soil must meet the physical and chemical criteria for Prime Farmland or Farmland of Statewide Importance as determined by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS). Since none of the soils onsite meet both of these criteria, the project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP to non-agricultural use, and impacts would be *less than significant*.

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

The subject property is located within the Agriculture land use designation and cannabis cultivation activities including the proposed outdoor cultivation, ancillary nursery, and ancillary processing activities are allowed uses within this land use designation (LUO Section 22.06.030). Neither the project site nor any of the adjacent properties are currently under a Williamson Act contract. Therefore, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract and *no impacts would occur*.

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

The project site does not include land use designations or zoning for forest land or timberland; *no impacts would occur*.

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

There is a stand of valley oak woodland in the northwest portion of the project property, and several individual valley oaks are scattered throughout the remaining areas of the property. All oak trees on the property are healthy, mature, and larger than 12 inches in diameter at breast height (dbh). The project would have the potential to require the trimming, access road improvements, irrigation, compaction, or other impacts within the critical root zone of several of the scattered individual trees located on the property. Based on current project plans, no tree removal would be required. Based on the limited nature of impacts to oak trees and the relatively small number of trees with the potential to be impacted, potential impacts to individual oak trees would not result in the loss or

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conversion of forest land and impacts would be *less than significant*. See Section IV. Biological Resources for discussion of biological impacts associated with potential impacts to oak trees.

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

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

As discussed in threshold b) above, cannabis cultivation activities including the proposed outdoor cultivation, ancillary nursery, and ancillary processing of cannabis grown on-site are allowed uses within the property's Agriculture land use designation (LUO Section 22.06.030, 22.40.070). Based on the lack of existing agricultural resources on the property and overall compatibility with surrounding agricultural activities, the project would not involve other changes in the environment that would result in conversion of Farmland to non-agricultural use or forest land to non-forest use; therefore, *potential impacts would be less than significant*.

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

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III. AIR QUALITY

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

Setting

San Luis Obispo County Clean Air Plan

The San Luis Obispo County Air Pollution Control District (SLOAPCD) San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term air pollutant emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and particulate matter 10 micrometers or less in diameter (PM₁₀). The CAP presents a detailed description of the sources and pollutants that impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality. In order to be considered consistent with the San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP.

SLOAPCD Criteria Pollutant Thresholds

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

Use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NO_x), reactive organic gases (ROG), greenhouse gases (GHG), and diesel particulate matter (DPM), are most significant when using large, diesel-

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fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. The SLOAPCD has established thresholds of significance for each of these contaminants.

Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial, and industrial development. Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (referred to as stationary source emissions). General screening criteria is used by the SLOAPCD to determine the type and scope of air quality assessment required for a particular project (Table 1-1 in the SLOAPCD's CEQA Air Quality Handbook). These criteria are based on project size in an urban setting and are designed to identify those projects with the potential to exceed the SLOAPCD's significance thresholds. A more refined analysis of air quality impacts specific to a given project is necessary for projects that exceed the screening criteria below or are within 10% of exceeding the screening criteria.

Sensitive Receptors

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest sensitive receptor location to the project site is an on-site single family residence and an off-site single family residence located approximately 880 feet south of the project site (approximately 2,163 feet south of the project area).

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. Based on SLOAPCD's NOA Screening Map, the project site is not located in an area identified as having potential for soils containing NOA.

Developmental Burning

As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application.

Discussion

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

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would

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be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to 5 full-time regular employees and 13 seasonal employees. The project would likely draw from the local labor pool and would not require a significant number of employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. The voluntary commute options program targets employers in the county with more than 20 full time employees; because the project would employ up to a maximum of 5 full-time employees, this program would generally not be applicable to the project. The project would not conflict with regional plans for transit system or bikeway improvements. Project employees would generally be performing manual tasks such as planting, harvesting, and monitoring the irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program.

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

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

The County is currently designated as non-attainment for ozone and PM₁₀ under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO_x) as well as fugitive dust emissions (PM₁₀).

The project site is developed with a single-family residence and has been used periodically for livestock grazing. Therefore, the project site currently generates a level of emissions associated motor vehicle trips typical of a rural residence.

Construction Emissions

As proposed, the project will result in approximately 9.29 acres (404,672 square feet) of ground disturbance, including 10,610 cubic yards of cut and 8,778 cubic yards of fill (net total of 19,388 cubic yards of earthwork) associated with access improvements, to be balanced on-site. This will result in the creation of construction dust, as well as short-term construction vehicle emissions. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), estimated construction-related emissions were calculated and are shown in Table 2 below.

Table 2. Proposed Project Estimated Construction Emissions

Pollutant	Total Estimated Project Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO _x) (combined)	2,206.4 lbs. (1.1 tons) ¹	137 lbs./day 2.5 tons/quarter	Yes
Diesel Particulate Matter (DPM)	95 lbs. (0.05 tons) ²	7 lbs./day 0.13 tons/quarter	Yes
Fugitive Particulate Matter (PM ₁₀)	7.0 tons ³	2.5 tons/quarter	Yes

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Notes:

1. Based on 19,388 cubic yards of material moved and 0.113 pounds of combined ROG and NO_x emissions per cubic yard of material moved.
2. Based 19,388 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved.
3. Based on 9.29 acres of disturbance and 0.75 tons of PM₁₀ generated per acre of disturbance per month and 22 days of construction.

Based on the total estimated project emissions identified in Table 2 above, the project has the potential to exceed applicable SLOAPCD daily and quarterly emissions thresholds for ozone precursors ROG and NO_x, DPM, and PM₁₀. As of October 2016, the SLOAPCD has determined that projects shall implement Standard Mitigation Measures anytime a project exceeds the 137 pounds per day threshold for combined reactive organic gases and nitrogen oxides (ROG + NO_x), regardless of whether or not the project timeline is over 90 days (1 quarter; SLOAPCD 2017). Mitigation measures AQ-1 through AQ-4 have been identified to reduce ROG and NO_x and DPM emissions associated with project construction activities through maintenance of all construction equipment to the manufacturer's specifications, use of California Air Resources Board (CARB) certified fuel and engines, restrictions on diesel idling, and other measures. Mitigation measures AQ-5 and AQ-6 have been identified to reduce project construction emissions of fugitive dust (PM₁₀) through minimization of disturbance area where possible, use of water trucks or sprinkler systems, regular watering of dirt stockpiles, and other measures and reduce operational emissions of PM₁₀ through maintenance of the unpaved access road project-related vehicles would utilize to access the site.

Upon implementation of measures AQ-1 through AQ-6 identified below, the project's ROG and NO_x, DPM, and PM₁₀ emissions would be reduced to below the SLOAPCD's daily and quarterly emissions thresholds.

Operation-Related Emissions

The project would result in the use of 34,988 square feet of new and retrofitted structures for the proposed cannabis cultivation, nursery, materials storage, processing, manufacturing, and non-storefront dispensary.

Table 1-1 of SLOAPCD's Air Quality Handbook (2017) identifies general light industry project that approach or exceed 172,000 square feet in size would have the potential to exceed SLOAPCD's ozone precursor significance threshold of 25 lbs. of ROG + NO_x per day. Based on the size and scope of proposed operations, the project would not exceed SLOAPCD's operational threshold for ozone precursors.

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

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

The project site is located in a sparsely developed area and the nearest sensitive receptor location to the project site is an on-site single-family residence and an off-site single family residence located approximately 880 feet south of the project site (approximately 2,163 feet south of the project area). The project would result in temporary increases in air pollutant emissions, including emissions of fugitive dust (PM₁₀) and diesel-exhaust particulate matter (DPM) during project construction. These

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pollutants are known to be hazardous to health, particularly when exposed to a sensitive receptor; therefore, due to the proximity of sensitive receptors near the new facility, this impact is considered potentially significant. As discussed above, the project would require ground disturbance within 1,000 feet of a sensitive receptor and standard diesel fuel idling and dust control mitigation has been identified to reduce fugitive DPM and PM₁₀ emissions during construction activities. Implementation of mitigation measures AQ-1 through AQ-6 would effectively reduce the concentrations of pollutant emissions in proximity to sensitive receptors; therefore, potential impacts would be *less than significant with mitigation*.

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

The project site is not located in an area identified as containing NOA by the SLOAPCD. The project does not propose to burn any onsite vegetative materials and would be subject to SLOAPCD restrictions on developmental burning of vegetative material; therefore, the project would not result in substantial air pollutant emissions from such activities.

The project includes outdoor cannabis cultivation, as well as ancillary nursery cultivation and ancillary processing and storage of cannabis grown on-site. These activities often produce potentially objectionable odors during the flowering, harvest, processing, manufacturing, and storage phases of the proposed operations and could disperse through the air and be detected by surrounding receptors.

All proposed outdoor cultivation areas, including open air areas and within hoop structures, would be located at a minimum of 300 feet from all property lines as required by LUO 22.40.50.D.3. This cultivation area could produce objectionable odors during the maturing and harvest season, which would occur up to three times a year for the hoop structure cultivation area, and once a year for the open-air cultivation area. Based on the location of the proposed outdoor cultivation areas and compliance with required setbacks, the outdoor cultivation areas would not result in detectable offsite cannabis nuisance odors, in accordance with LUO 22.40.050.D.8.

The proposed indoor (mixed-light) ancillary nursery areas would be located 200 feet from the northern property line, 265 feet from the eastern property line, 832 feet from the western property line, and 2,508 feet from the rear property line, in compliance with LUO 22.40.050.D.3. Each of the proposed greenhouses for ancillary nursery cultivation would be required to be equipped with carbon scrubbers, in addition to ventilation fans, in order to treat cannabis odors as they exit the structures and prevent nuisance odors from being detected offsite.

The proposed 20,000-square-foot building to be used for ancillary processing and nursery cloning of cannabis grown on-site would be located 39 feet from the northern property line, 216 feet from the eastern property line, 807 feet from the western property line, and 2,677 feet from the southern property line, in accordance with LUO 22.40.060, 22.40.065, and 22.40.070. This proposed building would be equipped with carbon scrubbers, in addition to ventilation fans, in order to treat cannabis odors as they exit the structures and prevent nuisance odors from being detected offsite.

Construction could generate odors from heavy diesel machinery, equipment, and/or materials. The generation of odors during the construction period would be temporary, would be consistent with odors commonly associated with construction, and would dissipate within a short distance from the active work area. The project has been located and designed to prevent any long-term operational

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nuisance odor emissions from affecting surrounding properties. Therefore, potential impacts associated with other emissions, such as odors, would be *less than significant*.

Conclusion

The project would be consistent with the SLOAPCD's Clean Air Plan and thresholds for operational emissions. The project would have the potential exceed the SLOAPCD's construction thresholds for ozone precursors, DPM, and fugitive dust emissions and would be subject to standard mitigation measures to reduce associated impacts to less than significant. The project could potentially expose sensitive receptors to substantial pollutant concentrations and would require mitigation to reduce DPM and PM₁₀ emissions during construction activities. The project has been located and designed to prevent any long-term operational nuisance odor emissions from affecting surrounding properties. Therefore, potential impacts to air quality would be less than significant with mitigation.

Mitigation

- AQ-1 Construction Equipment Emissions Controls.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
- Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - Fuel all off-road and portable diesel powered equipment with CARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
 - Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
 - Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
 - All on and off-road diesel equipment shall not idle for more than 5 minutes.
 - Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
 - Diesel idling within 1,000 feet of sensitive receptors is not permitted;
 - Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - Electrify equipment when feasible;
 - Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
 - Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.
- AQ-2 Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment.** During all site disturbance and construction activities of all project phases:

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

AQ-3

Idling Restrictions for On-Road Vehicles. During all site disturbance and construction activities of all project phases: Section 2485 of Title 13, the California Code of Regulations limits diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

- a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
- b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit.

AQ-4

Idling Restrictions for Off-Road Equipment. During all site disturbance and construction activities of all project phases: Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(3) of the CARB's In-Use Off-Road Diesel regulation: www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf. Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the 5-minute idling limit.

AQ-5

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

- a. Reduce the amount of the disturbed area where possible;
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock-pile areas shall be sprayed daily as needed;
- d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and

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- f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

AQ-6

Fugitive Dust Access Road Control Measures. Prior to issuance of grading, demolition, or construction permits or site disturbance activities, whichever occurs first, the applicant shall prepare a Dust and Air Quality Plan that shall include, at a minimum, the following components:

- a. A mitigation plan for continuing dust control from the property frontage to the nearest County of San Luis Obispo-maintained road. The plan may be modified to adjust for changed conditions or to improve the effectiveness of the dust-reducing technology. Such dust control measures may include, but are not limited to, limiting traffic speed to 15 mph or less, the application of dust suppressant, etc. The plan and all modifications to the plan are subject to review and approval by the Review Authority.
- b. Evidence of road maintenance provided by the County of San Luis Obispo, State of California, special district, homeowners association, or other organized maintenance, such as a road maintenance agreement.
- c. An agreement, to support and not protest; the formation of an assessment district; or the creation of another funding mechanism. The consenting person(s) retains all due process rights as to any term or condition that was unknown at the time of application approval. The consenting person(s) may contest the specific proportionality.
- d. The Dust and Air Quality Plan shall be submitted to the County of San Luis Obispo Planning and Building Department for review and approval. All measures identified in the final approved Dust and Air Quality Plan shall be adhered to for the life of the project.

Sources

See Exhibit A.

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IV. BIOLOGICAL RESOURCES

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

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Setting

The County of San Luis Obispo Oak Woodland Ordinance was adopted in April 2017 to regulate the clear-cutting of oak woodlands. This ordinance applies to sites located outside of Urban or Village areas within the inland portions of the county (not within the Coastal Zone). “Clear-cutting” is defined as the removal of one acre or more of contiguous trees within an oak woodland from a site or portion of a site for any reason, including harvesting of wood, or to enable the conversion of land to other land uses. “Oak woodland” includes the following species: Blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizeni*), valley oak (*Quercus labata*), and California black oak (*Quercus kelloggii*). The ordinance applies to clear-cutting of oak woodland only and does not apply to the removal of other species of trees, individual oak trees (except for Heritage Oaks), or the thinning, tree trimming, or removal of oak woodland trees that are diseased, dead, or creating a hazardous condition. Heritage oaks are any individual oak species, as defined in the Oak Woodland Ordinance, of 48 inches diameter at breast height (dbh) or greater, separated from all Stands and Oak Woodlands by at least 500 feet. Minor Use Permit approval is required to remove any Heritage Oak.

The project site is located on a 77-acre parcel (property) located at the terminus of North Ryan Road, approximately 2.25 miles northeast of the community of Creston. Topography within the project property and surrounding region generally consists of moderate to steeply rolling hills supporting grassland, shrubland, and scattered oak woodland vegetation. The nearest documented wetland features include one unnamed ephemeral drainage immediately west of the project site, and two man-made stock ponds to the south (0.36 mile) and southwest (0.6 mile). No direct connectivity exists between these features and the Project Site; however, it is likely that the Project Site directs water to the unnamed ephemeral drainage to the west (Padre Associates 2019).

The California Natural Diversity Database (CNDDDB) was queried for sensitive plant species within the vicinity of the proposed project and 17 sensitive plant species were identified to have documented occurrences within 5 miles, listed below (Padre Associates 2019, see Appendix D of Exhibit G, Biological Resources Assessment and Update Memorandum):

- Miles’ milk-vetch (*Astragalus didymocarpus* var. *milesianus*);
- La Panza mariposa-lily (*Calochortus simulans*);
- Dwarf calycadenia (*Calycadenia villosa*);
- Hardham’s evening-primrose (*Camissoniopsis hardhamiae*);
- San Luis Obispo owl’s clover (*Castilleja densiflora* var. *obispoensis*);
- Lemmon’s jewelflower (*Caulanthus lemmonii*);
- Brewer’s spineflower (*Chorizanthe breweri*);
- Straight-awned spineflower (*Chorizanthe rectispina*);
- Yellow-flowered eriastrum (*Eriastrum luteum*);
- Kellog’s horkelia (*Horkelia cuneata* var. *sericea*);
- Santa Lucia dwarf rush (*Juncus luciensis*);
- Pale-yellow layia (*Layia heterotricha*);
- California linderiella (*Linderiella occidentalis*);

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- Spreading navarretia (*Navarretia fossalis*);
- Shining navarretia (*Navarretia nigelliformis* ssp. *radians*);
- Hooked popcorn flower (*Plagiobothrys uncinatus*); and
- Chaparral ragwort (*Senecio aphanactis*).

The CNDDDB was queried for sensitive and special-status wildlife species within the vicinity of the proposed project and 17 wildlife species were identified to have documented occurrences within 5 miles, listed below (Padre Associates 2019, see Appendix D of Exhibit G, Biological Resources Assessment and Update Memorandum):

- Tricolor blackbird (*Agelaius tricolor*);
- Grasshopper sparrow (*Ammodramus savannarum*);
- Northern California legless lizard (*Anniella pulchra*);
- Great blue heron (*Ardea herodias*);
- California glossy snake (*Arizona elegans occidentalis*);
- Crotch bumble bee (*Bombus crotchii*);
- Vernal pool fairy shrimp (*Branchinecta lynchi*);
- Ferruginous hawk (*Buteo regalis*);
- Townsend's big-eared bat (*Corynorhinus townsendii*);
- White-tailed kite (*Corynorhinus townsendii*);
- Western pond turtle (*Emys marmorata*);
- Foothill yellow-legged frog (*Rana boylei*);
- California red-legged frog (*Rana draytonii*);
- Western spadefoot (*Spea hammondi*);
- American badger (*Taxidea taxus*); and
- San Joaquin Kit Fox (*Vulpes macrotis mutica*).

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

- Comply with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife; and
- Comply with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code.

Discussion

- 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?

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Special-Status Plants

A survey of the project site was conducted on May 3, 2019 and determined that the project site contained suitable soils, elevations, and other habitat features to support three special-status plant species: La Panza Mariposa lily (*Calochortus simulans*), Lemmon's jewelflower (*Caulanthus lemmonii*), and pale yellow layia (*Layia heterotrichia*). Occurrences of each of these species had been observed at reference sites during the period in which the field survey took place, confirming that each of these species were in bloom at the time. No special-status plant species were observed during the field survey. Therefore, the project would not result in impacts to special status plant species.

Special-Status Wildlife

The CNDDDB was queried for sensitive and special-status wildlife species within the vicinity of the proposed project and 17 wildlife species were identified to have documented occurrences within 5 miles.

Crotch Bumble Bee (*Bombus crotchii*) is considered a Special Animal and is tracked by the CNDDDB. Crotch bumble bee is known from California and western Nevada and inhabits open grassland and scrub habitats. In general, bumble bees forage from a diversity of plants, although individual species can vary greatly in their plant preferences, largely due to differences in tongue length (Hatfield et al. 2015). Crotch bumble bees are classified as a short-tongued species, whose food plants include *Asclepias*, *Chaenactis*, *Lupinus*, *Medicago*, *Phacelia*, and *Salvia* (Williams et al. 2014). The species is primarily active in the spring and summer. Nesting occurs underground, often in abandoned rodent burrows.

In response to recent consultations regarding this species, CDFW has recommended pre-construction surveys and the implementation of avoidance and minimization measures where a project may adversely impact areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows. The BRA assessed the suitability of habitats on the project site to support CBB. The closest reported occurrence of Crotch bumble bee is approximately about 4.8 miles northeast of the property. Based on the Biological Resources Assessment prepared for this project and associated field surveys (Padres Associates, 2019), crotch bumble bee was determined not have the potential to occur within the area of project disturbance due to the existing disturbance of the project area, lack of bunch grass occurrence, and lack of appropriate food plants, including *Antirrhinum*, *Clarkia*, *Dendromecon*, *Erigonum*, and *Phacelia*.

No vernal pool habitat was observed within or adjacent to proposed project disturbance areas. Therefore, the project would not result in impacts to vernal pool fairy shrimp.

American badger (*Taxidea taxus*) have been documented within five miles of the project site and several potentially active American badger burrows were observed within grassland habitat adjacent to the project footprint. Potential project impacts to American badger include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, and vegetation removal within the project site, if this species is present within proposed impact areas. Indirect impacts of construction activities, including destruction or modification of habitat/burrows and generation of noise, vibration, and dust may cause temporary disturbance to these species, which may cause them to leave burrows and migrate to adjacent work areas. The indirect effects of erosion and sedimentation could also impact American badger through destruction of burrows. Mitigation measures BIO-1 and BIO-2 have been identified below to avoid and/or reduce impacts to American badger.

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The upland habitat within and around the project site provides suitable habitat for other potentially occurring special status species including northern California legless lizard (*Anniella pulchra*), California glossy snake (*Arizona elegans occidentalis*), and San Joaquin pocket mouse (*Perognathus inornatus*). Silvery legless lizard is a fossorial species that spends most of its life underground; therefore, they are difficult to detect without shallow excavation of the soil surface. Although these species were not observed in the project site during the surveys, the project site has potential to support these species due to the presence of suitable habitat and inability to rule out the species from occurring at the project site. Potential project impacts to these species include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, vegetation and/or tree removal, and worker foot traffic. Indirect impacts of construction activities, including destruction or modification of habitat and generation of noise, vibration, and dust may cause temporary disturbance to these species, if present. Mitigation measures BIO-3 and BIO-4 have been identified to require the applicant to require pre-disturbance surveys for these species, monitoring for these species during initial ground disturbance activities, and relocation of individuals of these species outside of work areas if found.

Man-made ponds and small ephemeral drainages in the vicinity of the project site may also provide suitable habitat for aquatic and semi-aquatic special-status species such as California red-legged frog (*Rana draytonii*), foothill yellow-legged frog (*Rana boylei*), western pond turtle (*Emys marmorata*), and western spadefoot (*Spea hammondi*). Potential project impacts to these species include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, vegetation and/or tree removal, and worker foot traffic. Indirect impacts of construction activities, including destruction or modification of habitat and generation of noise, vibration, and dust may cause temporary disturbance to these species, if present. Mitigation measures BIO-5 through BIO-9 have been identified to require pre-disturbance surveys, construction worker awareness training, trash removal, and other measures to avoid and/or reduce potential impacts to California red-legged frog, foothill yellow-legged frog, western pond turtle, and western spadefoot.

San Joaquin kit fox (SJKF) was determined to have the potential to occur within the project site due to suitable grassland and oak woodland habitats, and presence of prey species. The project site is located within the mapped County San Joaquin Kit Fox Standard Habitat Mitigation Ratio area, which requires projects proposing impacts to suitable SJKF habitat to conserve existing SJKF habitat elsewhere in the county through conservation easement, in-lieu fee, or conservation bank credit. A San Joaquin Kit Fox Habitat Evaluation Form was prepared for the project by Padre Associates and determined that the appropriate mitigation ratio for the project site was 1:1, which was consistent with the project site's predetermined mitigation ratio based on the County San Joaquin Kit Fox Standard Habitat Mitigation Ratio Map. This mitigation ratio will ultimately be determined by the California Department of Fish and Wildlife (CDFW). Potential project impacts to SJKF include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, and vegetation and/or tree removal within the project site, if this species is present within proposed impact areas. Indirect impacts of construction activities, including destruction of burrows and generation of noise, vibration, and dust may cause temporary disturbance to these species, if present. Mitigation measures BIO-10 through BIO-19 have been identified to avoid and/or reduce impacts to SJKF.

The project provides suitable nesting habitat for a variety of bird species that are protected by the U.S. Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, including the tricolored blackbird, grasshopper sparrow, great blue heron, ferruginous hawk, and the white-tailed kite.

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Passerines may use the trees onsite for nesting and/or foraging. The nesting habitat, if present onsite, could be impacted by project activities including grading, construction activities, site disturbance, and vegetation removal. If the project activities are conducted between March and September, the typical nesting bird season, birds may be nesting within or adjacent to the affected area and the individuals could be indirectly impacted. Noise or other disturbances may cause an individual to abandon a nest resulting in an indirect impact. Mitigation measures BIO-20 and BIO-21 have been identified to require construction activities to occur outside of the typical nesting season, if feasible, and to require pre-disturbance surveys if project disturbance activities are to occur within the typical nesting season. Mitigation measure BIO-21 also identifies the appropriate procedure for construction employees and the project biological monitor to follow if active nests are observed on-site prior to or during project site disturbance activities.

The project site has the potential to support Townsend's big-eared bat on-site. While no roosting bats were observed during the preliminary survey of the project area, the existing structures and mature valley oak trees within and adjacent to the project site have the potential to support roosting Townsend's big-eared bat. Based on suitable roosting and foraging habitat within the project site and existing uses on the property, Townsend's big-eared bat is considered to have potential to roost onsite. The project does not propose trimming or removal of existing structures or oak trees onsite; therefore, the project would not result in direct loss of roosting habitat. However, the project would result in temporary noise and dust disturbance associated with construction, and the loss of foraging habitat for these species within the project development site. Measure BIO-22 has been identified to avoid impacts to Townsend's big-eared bat through pre-disturbance surveys and identification of appropriate protocol if found roosting within or adjacent to the project site.

The project has the potential to result in impacts to 15 special-status wildlife species and/or their habitats. Mitigation measures BIO-1 through BIO-22 have been identified below to avoid and reduce all potential project impacts to these species; therefore, potential impacts associated with substantial adverse effects on any special status species would be *less than significance with mitigation*.

- (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?*

Based on the Biological Resources Assessment Report prepared for the project, no special-status plant communities, USFWS-designated critical habitat, or riparian habitat occurs within the project site or the immediate project vicinity (Padre Associates 2019). Therefore, potential impacts to riparian habitat or other sensitive natural communities 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?*

The nearest documented wetland features include one unnamed ephemeral drainage immediately west of the project site, and two man-made stock ponds to the south (0.36 miles) and southwest (0.6 miles). No direct connectivity exists between these features and the project site; however, it is likely that water within the project site drains to the unnamed ephemeral drainage to the west. The project does not include direct work to be done in any of these areas and includes a preliminary drainage and erosion control plan to avoid indirect impacts to offsite water features. This drainage and erosion control plan would be subject to County Public Works review and approval in accordance with standard County construction and stormwater control requirements. Therefore, potential impacts to state or federally protected wetlands would be *less than significant*.

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- (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?*

As described in threshold c above, the project disturbance area would not directly impact proximate natural water features and therefore would have no impact on resident or migratory fish species. The project is located within an area that has historically supported San Joaquin kit fox, which are a migratory species. Mitigation measure BIO-19 has been identified to require all proposed fencing to be modified to include ground-level gaps every 100 yards to allow for SJKF passage. Therefore, impacts related to interference with the movement of migratory fish or wildlife would be less than significant with mitigation.

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

Scattered mature valley oak trees occur within and around the proposed development area on-site, which are considered a sensitive resource by the County and are endemic to California. Based on the current site plans, it appears several mature oak trees are located within close proximity to proposed disturbance activities. While no tree removal is proposed, project activities have the potential to result in impacts to mature valley oaks on-site if disturbance activities, such as compaction, grading, tilling, or year-round irrigation, are located within a tree's critical root zone (measured to be a radius of 1.5 times the dripline of the tree). Mitigation measures BIO-23 through BIO 25 have been identified to require the applicant to identify on final site plans any valley oak trees that would be impacted as a result of project implementation, protect native oak trees in proximity to construction activities, and require preparation of an Oak Tree Replacement Plan to mitigate those impacts through planting of replacement plantings if applicable. Measure BIO-26 has also been identified to ensure any trees not identified as impacted would be maintained for the life of the project. Therefore, impacts associated with conflict with local ordinances or policies protecting biological resources would be *less than significant with mitigation*.

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

The project is not located within an area under an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would not conflict with the provisions of an adopted plan and impacts would be *less than significant*.

Conclusion

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

Mitigation

- BIO-1** **Qualified Biologist Retention.** Prior to issuance of construction or grading permits for any and all project phases or establishment of use of any and all project phases, whichever occurs first, the applicant shall provide evidence to the County that they have retained a County-

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approved qualified biologist. The scope of work shall include preconstruction surveys, training, monitoring, and reporting, as detailed in the mitigation measures listed below.

BIO-2

American Badger Surveys and Avoidance. Between 2 and 4 weeks prior to initiation of construction activities or site disturbance activities of any and all project phases, a County-qualified biologist shall conduct a survey for American badger dens within the impact footprint and surrounding accessible areas of the property. The biologist shall evaluate all dens found to determine whether or not they are active. In order to avoid potential impacts to adults and nursing young, no project activities shall occur within 50 feet of an active badger den as determined by the County-approved biologist between March 1st and July 31st (during the breeding and rearing season). Construction activities occurring between July 31st and February 28th shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers through the forced abandonment of dens:

- a. A County-approved biologist shall conduct a biological survey at least 2 weeks prior to the start of construction to identify any potential badger dens. The survey shall cover the entire area proposed for development, including roadways.
- b. If dens are too long to see the end, a fiber optic scope (or other acceptable method such as using tracking medium for a consecutive 3-night period) shall be used to assess the presence of badgers.
- c. Inactive dens shall be excavated by hand with a shovel to prevent badgers from re-using them during construction.
- d. Currently active den entrances shall be partially blocked with sticks, debris, and soil for 3–5 days to discourage badgers from continuing to use them. Access to the den shall be incrementally blocked to a greater degree over this period. After badgers have stopped using previously active den(s) within the project disturbance site, the den(s) shall be excavated by hand with a shovel to prevent re-entry.
- e. The County-approved biologist shall be present during the initial clearing and grading activity. If additional badger dens are found at this time, all work shall cease until the biologist completes the measures described above for inactive and active dens. Once all badger dens have been excavated, work may resume.

BIO-3

Silvery Legless Lizard and California Glossy Snake Surveys and Avoidance. Between 2 and 4 weeks prior to initiation of construction activities or site disturbance activities of all project phase and during initial grading activities of all project phases, a County-approved biologist shall conduct surveys for silvery legless lizards (*Anniella pulchra*) and California glossy snake (*Arizona elegans occidentalis*). The surveyor shall utilize hand search or cover board methods in areas of disturbance where legless lizards and/or California glossy snake are expected to be found (e.g., under shrubs, other vegetation, or debris). If cover board methods are used, they shall commence at least 30 days prior to the start of construction. Hand search surveys shall be completed immediately prior to and during grading activities. During grading activities, the County-approved biologist shall walk behind the grading equipment to capture silvery legless lizards and California glossy snakes that are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards, California glossy snakes, or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the site but outside of the work area.

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Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of silvery legless lizards, California glossy snakes, and other reptiles captured and relocated, and the number of legless lizards or other reptiles taken during grading activities. Observations of these species or other special-status species shall be documented on CNDDB forms and submitted to CDFW upon project completion.

BIO-4

San Joaquin Pocket Mouse Surveys and Avoidance. Between 2 and 4 weeks prior to initiation of construction activities or site disturbance activities of all project phases and during initial grading activities of all project phases, a County-approved biologist shall conduct surveys for San Joaquin pocket mouse in all areas of proposed disturbance. Any San Joaquin pocket mice observed during the pre-disturbance surveys or grading activities shall be captured and relocated from the construction area and placed in suitable habitat on the site but outside of the work area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of San Joaquin pocket mice captured and relocated. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of San Joaquin pocket mice captured and relocated, and the number of San Joaquin pocket mice taken during grading activities. Observations of these species or other special-status species shall be documented on CNDDB forms and submitted to CDFW upon project completion.

BIO-5

(a) California Red-Legged Frog and Foothill Yellow-Legged Frog Surveys and Avoidance. A United States Fish and Wildlife Service-approved and CDFW-approved biologist shall survey the project area no more than 48 hours before the onset of project site disturbance activities of all project phases. If any life stage of the California red-legged frog or foothill yellow-legged frog is found and these individuals are likely to be killed or injured by work activities, the approved biologist will be allowed sufficient time to move them from the site before work activities begin. The United States Fish and Wildlife Service-approved and CDFW-approved biologist shall relocate the California red-legged frogs and/or foothill yellow-legged frogs the shortest distance possible to a location that contains suitable habitat and will not be affected by the activities associated with the project, preferably within the same drainage. The relocation site shall be in the same drainage to the extent practicable. The project biologist shall coordinate with the CDFW to discuss site-specific, full avoidance measures, or the relocation or take of California red-legged frogs or foothill yellow-legged frogs, prior to species capture.

(b) California Red-Legged Frog and Foothill Yellow-Legged Frog Surveys and Avoidance During Ongoing Operations. The applicant shall make every effort to schedule work activities during the dry season when impacts to CRLF and FYLF would be minimal. This would include the following:

- Avoid work during the rainy season (November 1 through March 31). If work must occur in the rainy season, no work shall occur during or immediately after rain events of 0.25 inches or greater.
- A follow-up survey shall be conducted prior to the start of work following any rain event of 0.25 inches or greater.

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- Avoid nighttime work. If nighttime work is deemed necessary, a qualified biologist shall be on site until it is determined that no potential impacts to CRLF or FYLF would occur based on conditions and the scope of work.

If operational activities such as planting or harvesting are necessary during the rainy season, an Operational Management Plan for the avoidance of amphibians shall be prepared by a qualified biologist. The project's Management Plan will be subject to the review and approval of the United States Fish & Wildlife Service (USFWS) and San Luis Obispo County Planning & Building Department prior to operational activities during the rainy season.

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

- BIO-6 California Red-Legged Frog and Foothill Yellow-Legged Frog Worker Awareness Training.** Before any activities begin on each project phase, a United States Fish and Wildlife Service-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog, the foothill yellow-legged frog and their habitats, the specific measures that are being implemented to conserve the California red-legged frog for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
- BIO-7 Aquatic Habitat Protection.** During project construction and site disturbance activities of all project phases, all refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from riparian habitat or water bodies and in a location from where a spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water). The monitor will ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the applicant shall submit a plan detailing prompt and effective response to any accidental spills to the County Planning and Building Department for review and approval. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
- BIO-8 California Red-Legged Frog and Foothill Yellow-Legged Frog Trash Management.** During project activities of each project phase, trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly. Following construction, trash and construction debris will be removed from work areas.
- BIO-9 Western Spadefoot and Western Pond Turtle Surveys and Avoidance.** Between 2 to 4 weeks prior to initiation of construction or site disturbance activities of each project phase, a qualified biologist shall survey the project site and, if present, capture and relocate any western spadefoot or western pond turtles to suitable habitat outside of proposed disturbance areas. Observations of these or other special-status species shall be documented on California Natural Diversity Database forms and submitted to the California Department of Fish and Wildlife upon phase completion. The project biologist shall submit a survey report to

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the County Department of Planning and Building documenting the number of observations of these or other special-status species (even if none are observed) as well as the areas in which individuals were relocated, if applicable.

BIO-10

San Joaquin Kit Fox Habitat Conservation and Compensation. Prior to issuance of grading and/or construction permits for each project phase, the applicant shall submit evidence to the County Department of Planning and Building (County) that satisfactorily demonstrates one or a combination of the following San Joaquin kit fox mitigation measure options has been implemented to offset the project's calculated compensatory impacts:

- a. Habitat Set Aside: Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, the number of acres of required mitigation of suitable habitat in the kit fox corridor area, as determined by CDFW, (e.g., within the San Luis Obispo kit fox habitat area northwest of Highway 58), either on-site or off-site, and provide for a nonwasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the CDFW and the County.
- b. In-Lieu Fee: Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area located primarily within San Luis Obispo County and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Funds would be provided to The Nature Conservancy pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. Total fees determined by the CDFW calculated based on the current cost-per-unit is \$2,500 per acre of mitigation. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.
- c. Conservation Bank Credit: Purchase the number of credits required by CDFW in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Credits can be purchased through the CDFW approved conservation bank, the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BIO-11

San Joaquin Kit Fox Preconstruction Surveys and Monitoring Activities. In accordance with BIO-1, the qualified biologist shall perform the following monitoring activities for all project phases:

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction of each project phase, the qualified

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biologist shall conduct a pre-activity (i.e., pre-construction) transect survey of the work area and 250-foot buffer around the proposed disturbance areas for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within 250 feet of the work area.

- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., grading, disking, excavation, stock piling of dirt or gravel, etc.) of each project phase that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-8 through BIO-12. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (e.g., Mitigation Measure BIO-4diii). When weekly monitoring is required, the qualified biologist shall submit weekly monitoring reports to the County within 14 days of project site disturbance initiation of each project phase.
- c. Prior to and during project activities of all project phases, if any observations are made of SJKF, or any known or potential SJKF dens are discovered within the project limits, the qualified biologist shall reassess the probability of incidental take (e.g., harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the USFWS and CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS and CDFW determine it is appropriate to resume work. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and CDFW. The results of this consultation may require the applicant to obtain a federal and/or state permit for incidental take during project activities. The applicant shall be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.
- d. In addition, the qualified biologist shall implement the following measures:
 - i. Within 30 days prior to initiation of site disturbance and/or construction of all project phases, fenced exclusion zones shall be established around all known and potential kit fox dens. Dens will be avoided by the following distances: 50 feet for potential or atypical dens, 100 feet for known dens, and 250 feet for pupping dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey lath or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e., potential, known, active, or natal den), to be determined by the kit fox biologist.
 - ii. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones.

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Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

- iii. If kit foxes or known or potential kit fox dens are found on-site, daily monitoring by a qualified biologist shall be required during ground-disturbing activities.

BIO-12 Kit Fox Speed Limit Signage. Prior to issuance of grading and/or construction permits for each project phase, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction of each project phase.

BIO-13 Kit Fox Night Construction Limitations. During the site disturbance and/or construction of each project phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BIO-14 Kit Fox Worker Education Training program. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction of each project phase, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g., SJKF). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the County, and any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program and distributed at the training program to all contractors, employers, and other personnel involved with the construction of each phase of the project.

BIO-15 Kit Fox Entrapment Avoidance. During the site-disturbance and/or construction of each project phase, to prevent entrapment of the SJKF, all excavations, steep-walled holes, and trenches in excess of 2 feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume or be removed from the trench or hole by a qualified biologist with appropriate State and Federal permits allowing for removal of an entrapped kit fox, and allowed to escape unimpeded.

In addition, during site disturbance and/or construction of each project phase, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site shall be thoroughly inspected for trapped SJKF before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.

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- BIO-16** **Kit Fox Trash Removal Procedures.** During the site-disturbance and/or construction of each project phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract SJKF onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BIO-17** **Pesticide and Herbicide Minimization Procedures.** Prior to, during, and after the site-disturbance and/or construction of each project phase, use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which SJKF depend.
- BIO-18** **Kit Fox Mortality Procedures.** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures an SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the USFWS and CDFW for care, analysis, or disposition.
- BIO-19** **Kit Fox Fencing Requirements.** Prior to final inspection or establishment of the use, whichever occurs first, all proposed fencing (chain link with security slats) shall be installed to provide for kit fox passage and 8 x 12-inch openings near the ground shall be provided every 100 yards. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines and shall be inspected during quarterly monitoring by the County.
- BIO-20** **Nesting Bird Breeding Season Avoidance.** To the maximum extent possible, all site preparation, ground-disturbing, and construction activities of each project phase shall be conducted outside of the migratory bird breeding season (February 1 through September 15). any site preparation, ground disturbing, or construction activities associated with any project phase are required during the migratory bird breeding season (February 1 through September 15), Mitigation Measure BIO-21 shall apply.
- BIO-21** **Nesting Bird Avoidance.** If any site preparation, ground disturbing, or construction activities associated with any project phase are required during the migratory bird breeding season (February 1 through September 15), the qualified biologist shall conduct a nesting bird survey no sooner than 10 days prior to site disturbance activities. If nesting activity is detected, the following measures shall be implemented:
- a. The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA and/or California Fish and Game Code;
 - b. If an active tricolored blackbird nesting colony is found, a minimum 300-foot exclusion zone shall be observed in accordance with “Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015”

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(CDFW 2015). The exclusion zone shall encircle the nesting colony and have a radius of 300 feet from the outside border of the colony. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained for the duration of the breeding season or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival.

If 10 days lapse between project phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the tricolored blackbird survey shall be repeated.

- c. The qualified biologist shall contact the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to determine the appropriate biological buffer zone around active nest sites. Standard CDFW guidelines recommend a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and
- d. The qualified biologist shall document all active nests and submit a letter report to the County, USFWS, and CDFW, documenting project compliance with the MBTA, California Fish and Game Code, and applicable project mitigation measures within 14 days of survey completion.

In the event that a TRBL nesting colony is detected during surveys, the applicant shall consult with CDFW to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire a State Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b), prior to project implementation.

BIO-22

Roosting Bat Avoidance. Site preparation, ground disturbance, and construction activities of each project phase including any tree trimming and/or vegetation removal shall be conducted outside of the typical bat maternity roosting and pupping season (from February 1st to August 31st), if feasible. If site disturbance activities of any project phase are to occur within this season, the applicant shall retain a County-qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County Planning and Building Department within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed, and no further mitigation is required.

BIO-23

Native Tree Impacts. Prior to issuance of construction or grading permits or prior to any site disturbance of project phases 1 and 2, whichever occurs first, a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees would be impacted by project activities, such as compaction (e.g., regular use of vehicles), grading (includes cutting and filling of material), tilling, placement of impermeable surfaces (e.g., pavement), or year-

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round irrigation within the critical root zone (measured to be a radius of 1.5 times the dripline of the tree), and which trees are to remain unimpacted.

BIO-24 Native Tree Protection. Throughout all project phases' site disturbance and construction activities, native oak trees located within 20 feet of proposed grading, trenching, building construction, road improvements, tilling, year-round irrigation, or other impactful activities shall be protected by placement of protective fencing until site disturbance activities of that phase is complete.

BIO-25 Oak Tree Replacement Plan. Prior to issuance of construction or grading permits or prior to site disturbance of all project phases, whichever occurs first, the qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement native oak trees on the project parcel and surrounding parcels owned by the Applicant and shall be reviewed and approved by the County Department of Planning and Building. Mitigation replacement plantings for each oak tree removed shall be at a 4:1 ratio and at a 2:1 ratio for each oak tree impacted (e.g., if nine trees are impacted, 18 trees shall be planted). The Oak Tree Replacement Plan shall include the following components:

- a. A brief narrative of the project location, description, and purpose;
- b. Clearly identified parties responsible for the mitigation program and their contact information;
- c. A landscape map showing and quantifying all oak tree planting areas;
- d. A requirement that all replacement oak trees be located at least 50 feet from the proposed aboveground power connection and from existing powerlines.
- e. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
- f. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
- g. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.
- h. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
- i. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and
- j. Methods for removing nonnative species from the replanting areas.

BIO-26 Unimpacted Oak Tree Maintenance. For the life of the project, the following activities are not allowed within the critical root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).

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Sources

See Exhibit A.

V. CULTURAL RESOURCES

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

Setting

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

As defined by CEQA, a historical resource includes:

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

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

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

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Discussion

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

An Archaeological Surface Survey Report was prepared for the project (Heritage Discoveries 2020) and included a Phase I Archaeological surface survey and a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System. Based on the results of the field survey and literature searches, project site does not contain, nor is it located near, any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would not result in an adverse change in the significance of a historical resources and *impacts would be less than significant*.

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

An Archaeological Surface Survey Report was prepared for the project (Heritage Discoveries 2020) and included a Phase I Archaeological surface survey and a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System. The records search identified no previous archaeological surveys had been conducted within the project site or surrounding areas within 0.5-mile of the project site. The Phase I archaeological surface survey produced negative results for the presence of cultural resources. Based on the results of the records search and surface survey, the project site has low potential for containing archaeological or cultural resources.

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

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

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

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Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

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VI. ENERGY

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

Setting

Local Utilities

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

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

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

Local Energy Plans and Policies

The Conservation and Open Space Element (COSE) establishes goals and policies that aim to reduce vehicle miles traveled (VMT), conserve water, increase energy efficiency and the use of renewable energy, and reduce GHG emissions. The COES provides the policy framework for development of the County's EnergyWise Plan (EWP), which describes in greater detail the County's strategy to reduce government and

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community-wide GHG emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

State Building Code Requirements

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

Vehicle Fuel Economy Standards

In October 2012, the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA), on behalf of the Department of Transportation, issued final rules to further reduce GHG emissions and improve corporate average fuel economy (CAFE) standards for light duty vehicles for model years 2017 and beyond. NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon (mpg) limiting vehicle emissions to 163 grams of carbon dioxide (CO₂) per mile for the fleet of cars and light-duty trucks by the model year 2025.

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

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

In January 2012, CARB approved the Advanced Clean Cars Program which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission

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vehicle regulation requires a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

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

Energy Use in Cannabis Operations

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

The total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, location of the project, and the types of equipment required. Outdoor cultivation involves minimal equipment and has relatively low energy demands, while indoor cultivation involves more equipment that tends to have much higher energy demands (e.g., high-intensity light fixtures, climate and odor control systems) (County of Santa Barbara 2017). Specific energy uses in indoor grow operations include high-intensity lighting, dehumidification to remove water vapor and avoid mold formation, space heating or cooling during non-illuminated periods and drying processes, preheating of irrigation water, generation of carbon dioxide (CO₂) from fossil fuel combustion, and ventilation and air conditioning to remove waste heat. Reliance on equipment can vary widely as a result of factors such as plant spacing, layout, and the surrounding climate of a given facility (CDFA 2017).

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

Depending on the site and type of activities, cannabis operations may incorporate a range of measures that promote the conservation of energy resources. For instance, several current operators are known to engage in practices that promote energy conservation and reduce overall energy demands using high-efficiency

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

Discussion

- (a) *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*
- (b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Construction Activities

During the construction and implementation of each proposed project phase, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the county. Based on the size and scope of proposed earthwork and building construction, the project would have the potential to result in adverse environmental impacts through its use of diesel fuel for construction equipment. Mitigation measures AQ-1 through AQ-4 have been identified to reduce potentially significant air quality impacts associated with use of diesel fuel equipment and would require the project contractor to avoid wasteful, inefficient, or unnecessary consumption of energy resources, such as idling. Upon implementation of these measures, potentially significant environmental impacts associated with the consumption of energy resources during construction would be reduced and project construction activities would not result in a conflict with a state or local plan for renewable energy or energy efficiency. Therefore, project construction impacts associated with energy use would be *less than significant with mitigation*.

Project Operations

Electricity and Natural Gas Use. The project's operational electricity needs would be met by a connection to existing PG&E infrastructure. Current energy demand associated with the project site is estimated Table 3.

Table 3. Estimated Existing Electricity Demand

Use	Quantity	Demand Factor	Total Demand (kWhr/year)
Single Family Dwellings	1	18,000 kWhr/year ¹	18,000
Accessory Buildings	1,500 sq.ft.	5.35 kWhr/sq/ft/year ²	8,025
Total:			26,025

Sources:

1. Southern California Edison 2007; 6,000 kWhr/year electricity + 12,000 kWhr/sq.ft. natural gas equivalent.
2. Itron, Inc. March 2006; 4.45 kWhr/sq.ft. year electricity + 0.90 kWhr/sq.ft. natural gas equivalent.

Based on an analysis of cannabis cultivation operations throughout the county, it is assumed that cannabis cultivation projects typically use an insignificant amount of natural gas. Natural gas use is typically associated with cooking appliances and space heating. Cooking appliances are not proposed

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as a part of the project, and all proposed space heating units would run on electricity. Accordingly, this assessment of impacts is based on electricity use.

The project's operational electricity needs would be met by a connection to existing PG&E infrastructure. Current energy demand associated with the project site is estimated to be about 26,000 kWhr per year from the existing single family residence and accessory building.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards. The project's proposed 20,000-square-foot ancillary processing building would be subject to the CBC 2019 Building Energy Efficiency Standards, except for the area devoted to indoor cloning; therefore, the energy demand associated with the 15,310 sq.ft. processing portion of the building would not be wasteful, inefficient, or unnecessary.

U-occupancy structures, such as greenhouses used for nursery cultivation activities, are exempt from CBC standards and therefore would not be subject to state-mandated energy efficiency design requirements or practices. As a result, these uses have the potential to result in wasteful, inefficient, or unnecessary energy consumption. Proposed indoor mixed-light cannabis cultivation activities would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation if it utilizes significantly more energy (greater than 20%) than a typical commercial building of the same size. Based on a study prepared for California Energy Commission prepared by Itron, Inc. (March 2006), commercial buildings utilize an average of 21.25 kWh per square foot (kWh/sf) annually (13.63 kWh from electricity and 7.62 kWh from natural gas). Therefore, a project that generates more than 25.5 kWh per square foot per year of energy demand is considered to have energy use that is wasteful, inefficient and unnecessary.

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

The proposed project would include 13,608 square feet of indoor mixed-light cannabis nursery within 3 proposed greenhouses plus 4,690 square feet of indoor cannabis cloning. Based on the energy consumption rates from the County of Santa Barbara Energy Calculation Form, the project's expected energy consumption for the mixed-light indoor nursery and cloning activities would be approximately 2,012,780 kWh per year (kWh/year; see Table 4 below).

Table 4. Estimate of Project Operational Energy Use

Project Component	Size (sf)	Rate (kWh/year-sf)	Projected Energy (kWh/year)
Typical Commercial Building of Comparable Size	18,298	21.25 ¹	388,833
Mixed-Light Indoor Ancillary Nursery and Cloning		110 ²	2,012,780

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Percent In Excess of Typical Commercial Building	417%
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Sources:

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

As shown in Table 4, it is expected the project's mixed-light indoor cultivation and cloning activities could potentially use up to 417% more energy than a typical non-cannabis commercial building of the same square footage. This amount of energy use would potentially be wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures and, depending on the project's proposed energy sources.

Mitigation Measures ENG-1 and ENG-2 are recommended which would reduce the project's individual and cumulative impacts associated with wasteful and inefficient energy use to a less than significant level through the preparation and implementation of an Energy Conservation Plan which would identify measures to be incorporated into the project to reduce or offset project energy demand that exceeds the demand associated with a typical commercial building of comparable floor area. ENG-1 requires the applicant to implement one or more of the measures identified in the Energy Conservation Plan until the project's energy demand is reduced and/or offset to within 20% of the energy use of a standard commercial building of the same size (466,599 kWh/year). This may be accomplished by enrollment in one of PG&E's renewable energy programs such as Solar Choice and Regional Renewable Choice. Under the Solar Choice Program, a customer may purchase electricity from a pool of solar generating projects within the PG&E service area. A customer may enroll by phone or by way of the internet. As of the date of this MND, there are a total of six dedicated solar generation facilities in this program with a combined generating capacity of 50.25 megawatts, plus one additional 1.5 MW facility under development.

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

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

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

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Fuel Use. Ongoing operation of the project would result in fuel use associated with employee motor vehicle trips and deliveries. The project would employ up to 18 employees, 5 full-time and 13 seasonal. All vehicles used by employees and deliveries during operation would be subject to applicable state and federal fuel economy standards and State-mandated smog inspections. Based on adherence to applicable state and federal vehicle fuel regulations and the size and scope of proposed activities, project fuel use would not result in a potentially significant environmental impact and would not be wasteful, inefficient, or unnecessary.

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

Conclusion

The project could result in a potentially significant energy demand and inefficient energy use during long-term operations, which could result in potentially significant environmental impacts. Inefficient energy use would potentially conflict with state or local renewable energy or energy efficiency plans. Potential impacts related to energy would be less than significant with implementation of mitigation measures ENG-1 and ENG-2.

Mitigation

Implement mitigation measures AQ-1 through AQ-4 and mitigation measure GHG-1.

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

- a. A detailed inventory of energy demand prepared by a certified energy analyst. The energy demand inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities, including, but not limited to, lighting, odor management, and climate control equipment. Such quantification shall be expressed in total kWh per year and non-electrical sources shall be converted to kWh per year.
- b. A program for providing a reduction or offset of all energy demand that is 20% or more above a typical commercial building of the same size. In this case, the estimated reduction or offset would be at least 2,012,780kWhr/yr – 466,599 kWhr/yr = 1,546,181 kWhr/yr; and the amount of energy not otherwise reduced or offset must not exceed 466,599 kWhr/yr. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (e.g., solar, wind, hydro). This

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can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.

- ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include the following:
 1. Participating in an annual energy audit.
 2. Upgrading and maintaining efficient heating/cooling/dehumidification systems.
 3. Implement energy efficient lighting, specifically LED over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 4. Implementing automated lighting systems.
 5. Utilizing natural light when possible.
 6. Utilizing an efficient circulation system.
 7. Ensuring that energy use is below or in-line with industry benchmarks.
 8. Implementing phase-out plans for the replacement of inefficient equipment.
 9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
- iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
- iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

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

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Sources

See Exhibit A.

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VII. GEOLOGY AND SOILS

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

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

Setting

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

The County Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the County. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code. The nearest potentially capable fault line is located approximately 1.6 miles to the southwest of the project site based on the County Land Use View mapping tool.

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

The project site is underlain by pebble, gravel, sand and clay from Monterey shale of the Paso Robles Formation (CGS 2015, Diblee 2004). This type of underlying geologic material is considered to have low to high paleontological sensitivity with sensitivity increasing with depth past surface soils, approximately 3 to 5 feet (County of Monterey 2014, SWCA Environmental Consultants 2019).

Discussion

- (a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
- (a-i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

The project site is not located within an Alquist-Priolo Fault Hazard Zone, and the nearest potentially capable fault line is located approximately 1.6 miles to the southwest of the project site based on the County Land Use View mapping tool. All proposed structures would follow the regulations set forth in

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

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

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

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

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

(a-iv) *Landslides?*

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

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

The project would result in approximately 9.29 acres (404,672 square feet) of site disturbance, including 10,610 cubic yards of cut and 8,778 cubic yards of fill (net total of 19,388 cubic yards of earthwork) associated with access improvements, to be balanced on-site. During grading activities, there would be a potential for erosion to occur. A sedimentation and erosion control plan has been prepared to minimize the potential for soil erosion, which would be subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120 to minimize potential impacts related to erosion, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project would be subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site erosion. Upon implementation of the above control measures, impacts related to soil erosion would be *less than significant*.

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

Based on the Safety Element Landslide Hazards Map, the project site is not located in an area with high landslide risk. Based on the Safety Element and U.S. Geological Survey (USGS) data, the project is not located in an area of historical or current land subsidence (USGS 2019) and is located in an area with low to moderate potential for liquefaction risk. Due to the distance to the nearest active fault

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zone and topography of the project site, lateral spreading is not likely to occur on-site. The project would be required to comply with the CBC standards designed to significantly reduce potential risks associated with unstable earth conditions. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse would be *less than significant*.

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

The project site is underlain by the following soil units: Arbuckle-Positas complex, 9-15% slopes, Arbuckle-San Ysidro complex, 2 to 9 percent slopes, and Balcom-Nacimiento association, moderately steep. Both the Arbuckle complexes have high shrink-well potential (USDA 2019), however, none of the proposed buildings would be located in these areas. The proposed greenhouses and 20,000-square-foot ancillary processing and nursery cloning building would be located on Balcom-Nacimiento soils, of which shrink-swell potential is not listed as a potential hazard (USDA 1983). In addition, the project would be required to comply with applicable CBC standards designed to reduce potential risks associated with expansive soils. Therefore, potential impacts associated with expansive soil would be *less than significant*.

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

The project includes the installation of a new septic system to serve proposed restroom facilities within the 20,000-square-foot ancillary processing and nursery cloning building. The proposed location of this septic system would be located within the Balcom-Nacimiento association, moderately steep soil unit. Based on the USDA soil survey for the Paso Robles Area, this soil unit has moderately slow to moderate permeability. Based on the proposed uses and location, the new septic system would meet Tier 1 minimum horizontal setbacks including distance from parcel property lines and structures, distance from existing wells unstable land masses and surface water bodies. Therefore, based on the physical traits of the soil unit on which the septic system is proposed, the project soils would be capable of adequately supporting the use of a septic tank. In order to demonstrate full compliance with Tier 1 minimum site evaluation and siting standards, the proposed septic system location would need to be evaluated by a qualified professional to perform all necessary soil and site evaluations including soil depth, level of groundwater, and percolation rates. This would be required through the building permit process. Therefore, potential impacts associated with having soils incapable of adequately supporting the use of septic tanks would be *less than significant*.

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

The project site does not contain any unique rock outcroppings or other unique geologic features. The project site is underlain by pebble, gravel, sand and clay from Monterey shale of the Paso Robles Formation (Diblee 2004). This type of underlying geologic material is considered to have low to high paleontological sensitivity with sensitivity increasing with depth past surface soils, approximately 3 to 5 feet (County of Monterey 2014, SWCA Environmental Consultants 2019). Based on the preliminary grading plans submitted by the applicant, the maximum depth of cut proposed would be 6 feet, and would therefore have the potential to destroy previously unknown paleontological resources within the Paso Robles formation. Mitigation measures GEO-1 and GEO-2 have been identified to require paleontological resource discovery awareness training for all construction workers and procedures for incidental discovery of paleontological resources. Upon implementation of these measures, potential impacts to paleontological resources would be *less than significant with mitigation*.

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Conclusion

Mitigation measures have been identified below, including awareness training and protocol for inadvertent discovery of paleontological resources. Upon implementation of mitigation measures GEO-1 and GEO-2, potential impacts to cultural resources would be less than significant.

Mitigation

GEO-1 Paleontological Resource Awareness Training. Prior to the initiation of ground-disturbing activities of Phase 1 or Phase 2, all construction personnel shall be trained by a County-qualified paleontologist regarding the recognition of possible subsurface paleontological resources and protection of all paleontological resources. The following items shall be addressed in training or in preparation for construction:

- a. All construction contracts shall include clauses that require grading personnel to attend training so that they are aware of the potential for inadvertently exposing subsurface paleontological resources, their responsibility to avoid and protect all such resources, and the penalties for collection, vandalism, or inadvertent destruction of paleontological resources.
- b. A County-approved paleontologist shall provide a background briefing for supervisory personnel describing the potential for exposing paleontological resources, the location of any potential paleontological resources, and procedures and notifications required in the event of discoveries by project personnel or paleontological monitors. Supervisory personnel shall enforce restrictions on collection or disturbance of fossils.
- c. All personnel shall be instructed that unauthorized collection or disturbance of protected fossils on- or off-site by the Applicant, its representatives, or employees will not be allowed. Violators shall be subject to prosecution under the appropriate State and federal laws. Unauthorized resource collection or disturbance may constitute grounds for the issuance of a stop work order.

During construction and site disturbance activities, compliance shall be verified by the County Planning and Building Department, including verification that appropriate training is developed and given to all grading personnel.

GEO-2 Paleontological Resource Discovery Protocol. Should any vertebrate fossils or potentially significant finds (e.g., numerous well-preserved invertebrate or plant fossils) be encountered during initial grading and/or soil excavation activities on site, all activities in the immediate vicinity of the find shall cease until a qualified paleontologist evaluates the find for its scientific value. If deemed significant, the paleontological resource(s) shall be salvaged and deposited in an accredited and permanent scientific institution where they shall be properly curated and preserved.

Sources

See Exhibit A.

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VIII. GREENHOUSE GAS EMISSIONS

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

Setting

GHGs are any gases that absorb infrared radiation in the atmosphere and are different from the criteria pollutants associated with the federal and State Clean Air Acts discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement).

CO₂ is the most abundant GHG and is estimated to represent approximately 80–90% of the principal GHGs that are currently affecting the earth's climate. According to the CARB, transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

In October 2008, the CARB published its *Climate Change Proposed Scoping Plan*, which is the state's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32, which codifies the Statewide goal of reducing emissions to 1990 levels by 2020 (essentially a 15% reduction below 2005 emission levels) and the adoption of regulations to require reporting and verification of statewide GHG emissions. The Scoping Plan included CARB-recommended GHG reductions for each sector of the state's GHG emissions inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, implementation of energy efficiency measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

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Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extend the state's GHG reduction goals and require CARB to regulate sources of GHGs to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40% below 1990 levels by 2030, and 80% below 1990 levels by 2050. The initial Scoping Plan was first approved by CARB on December 11, 2008 and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by CARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

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

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

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

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

In March 2012, the SLOAPCD approved thresholds for GHG emission impacts, and these thresholds were incorporated into their CEQA Air Quality Handbook. For GHG emissions, the Air Quality Handbook recommended applying a 1,150 MTCO₂e per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a 'gap analysis' and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with the AB32 and the 2008 Climate Change Scoping Plan. However, in 2015, the California Supreme Court issued an opinion in the *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch")ⁱ which determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the 2012 Handbook are AB 32 based and project horizons are now beyond 2020, the SLO County APCD no longer recommends the use of these thresholds in CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency:

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

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

- No-net Increase: The 2017 Scoping Plan states that no-net increase in GHG emissions relative to baseline conditions *"is an appropriate overall objective for new development"* and consistent with the Court's direction provided by the Newhall Ranch case. Although a desirable goal, the application of this threshold may not be appropriate for small projects where it can be clearly shown that it will not generate significant GHG emissions.
- Lead Agency Adopted Defensible GHG CEQA Thresholds: Under this approach, a lead agency may establish SB 32-based local operational thresholds. According to an update of the County's EnergyWise Plan prepared in 2016, overall GHG emissions in San Luis Obispo County decreased by approximately seven percent between 2006 and 2013, or about one-half of the year 2020 target of reducing greenhouse gas emissions by 15% relative to the 2006 baseline. According to the *California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators*, published in 2019 by the California Air Resources Board, in 2017, emissions from GHG emitting activities statewide were 424 million MMTCO₂e, which is 7 million MTCO₂e *below* the 2020 GHG Limit of 431 MMTCO₂e established by AB 32. Therefore, application of the 1,150 MTCO₂e Bright Line Threshold in San Luis Obispo County, together with other local and State-wide efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB32 for the year 2020.

As discussed above, Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extend the state's GHG reduction goals to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40% below 1990 levels by 2030, and 80% below 1990 levels by 2050. Since SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year, a reasonable interim SB 32-based working threshold would be 40 percent below the 1,150 MMTCO₂e Bright Line threshold, or $1,150 \times 0.6 = 690$ MMTCO₂e. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, a project estimated to generate 690 MMTCO₂e or more GHG is assumed to have a significant adverse impact that is cumulatively considerable unless mitigated.

Discussion

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

Energy inefficiency contributes to higher GHG emissions and would conflict with state and local plans for energy efficiency, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. The California Energy Emissions Model (CalEEMod) was used to determine the approximate GHG emissions per square foot associated with construction and operation of a mixed-light cultivation operation based on an energy use factor of 110 kWh/sf per year. These emission factors were then multiplied by the total floor area of the building proposed for mixed-light indoor cultivation and ancillary nursery to estimate the

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project's construction-related and annual operational carbon dioxide equivalent emissions in metric tons (MTCO₂e; Table 5).

Table 5. Projected Project GHG Emissions Without Mitigation

Project Component	Quantity	Emissions Rate (Annual MTCO ₂ e/sf)		Estimated Projected Annual CO ₂ Emissions (MT/year) Without Mitigation
		Construction ¹	Operation	
Existing single family residence	1 dwelling	n/a	4.2 ²	4.2
Ag Accessory Building	1,500 sq.ft.	n/a	0.0069 ⁴	10.35
Total Existing/Baseline Emissions:				14.55
Mixed-Light Cultivation and Cloning	18,298 sq.ft.	0.0022	0.036 ³	698.98
Processing	15,310 sq.ft.	0.0022	0.0116 ⁴	211.28
Net Change (Increase)				910.26

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

Notes:

1. Total construction related GHG emissions divided by the floor area of a typical indoor cannabis cultivation building (22,000 sq.ft.). Assumes 34 total construction days including site preparation, grading and building construction, 13 vehicle miles travelled per construction day for workers and 1,000 cubic yards of cut and fill.
2. Based on 18,000 kWhr/household/year.
3. CalEEMOD version 2016.3.2. Total operational GHG emissions based on an energy use factor of 110 kWhr/sq.ft./year and energy provided by Pacific Gas and Electric Co.
4. CalEEMOD version 2016.3.2

Table 6 provides an estimate of GHG emissions that accounts for the reduction/offset of estimated energy demand associated with mitigation measure ENG-1 in Section VI. Energy. This measure requires the project to reduce or offset estimated energy demand to within 20% of the demand associated with a typical commercial building of comparable floor area, which in this case is 466,599 kWhr/year.

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Table 6. Estimate of Project Related GHG Emissions With Mitigation Measure ENG-1

Project Component	Quantity	Emissions Rate (Annual MTCO ₂ e/sf)		Estimated Projected Annual CO ₂ Emissions (MT/year) With Mitigation Measure ENG-1
		Construction ¹	Operation	
Existing single family residence	1 dwelling	n/a	4.200 ³	4.20
Ag Accessory Building	1,500 sq.ft.	n/a	0.00069	10.35
Existing Baseline GHG Emissions				14.55
Mixed-Light Nursery and Cloning	18,298 sq.ft.	0.0022	0.0116 ²	252.51
Processing	15,310 sq.ft.	0.0022	0.0116	211.27
Net Change (Increase)				463.79

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

Notes:

1. Total construction related GHG emissions divided by the floor area of a typical indoor cannabis cultivation building (22,000 sq.ft.). Assumes 34 total construction days including site preparation, grading and building construction, 13 vehicle miles travelled per construction day for workers and 1,000 cubic yards of cut and fill.
2. Total operational emissions based on an energy demand of 466,599 kWhr/year (See Section VI. Energy) and energy provided by Pacific Gas and Electric Co. Emission factor derived from CalEEMOD and includes emissions associated with energy use, vehicle miles traveled and water use.
3. Based on 18,000 kWhr/household/year.

As shown in Table 6, project related GHG emissions after the application of mitigation measure ENG-1 will fall below the interim working GHG threshold of 690 MTCO₂e per year. Accordingly, project impacts associated with GHG emissions are considered less than significant with mitigation, less than cumulatively considerable and consistent with the GHG reduction goals of SB32. Moreover, project-related GHG emissions are largely associated with the production of electricity and all electrical utilities in California will be subject to ongoing State-mandated GHG reduction requirements.

Therefore, potential impacts associated with GHG emissions and applicable plans and policies adopted for the purpose of reducing GHG emissions would be *less than significant with mitigation*.

Conclusion

The project could result in potentially significant GHG emissions during long-term operations and would potentially conflict with plans adopted to reduce GHG emissions under a no-net increase

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analysis. Implementation of ENG-1 and ENG-2 will reduce project GHG emissions below the interim working threshold of 690 MTCO₂e per year.

Mitigation

Implement measures ENG-1 and ENG-2.

Sources

See Exhibit A.

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IX. HAZARDS AND HAZARDOUS MATERIALS

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

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Setting

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

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

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County of San Luis Obispo General Plan provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high fire hazard severity zones. The project would be located within the State Responsibility Area in a high fire hazard severity zone. Based on CAL FIRE's referral response letter, it would take approximately 35 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

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

Discussion

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

The project does not propose the routine transport, use or disposal of hazardous substances. Any commonly used hazardous substances within the project site (e.g., cleaners, solvents, oils, paints, etc.) would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials. Impacts associated with the routine transport of hazardous materials would be less than significant.

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

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

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

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Therefore, potential impacts associated with hazards to the public or the environment through reasonably foreseeable upset or accident conditions would be *less than significant with mitigation*.

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

The closest school facility is located approximately 2.0 miles southwest of the project site. The project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

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

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

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

The nearest airstrip in proximity to the project site is the Bogdan Airport in Santa Margarita, located approximately 11.45 miles southwest of the site. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impacts would occur*.

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

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

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

The project is located in a High Fire Hazard Severity Zone. The project would be required to implement building and site improvements in accordance with the Fire Code, as detailed in the referral response letter, including, but not limited to, improvements to the existing access road and onsite road improvements to support emergency vehicle apparatuses, installation of fire sprinklers and smoke detectors within proposed structures, provision of fire suppression water tanks onsite, and installation of a new fire hydrant onsite. Therefore, potential impacts associated with exposure of people or structures to significant risk involving wildland fires would be *less than significant*.

Conclusion

The project includes the use of potentially hazardous materials during construction and operation. Mitigation measures have been identified below to reduce potential impacts associated with routine transport, use, and disposal of these materials, as well as potential hazards associated with upset and accident conditions and

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wildland fire risk. Upon implementation of measures HAZ-1 and HAZ-2, potential impacts associated with hazards and hazardous materials would be *less than significant with mitigation*.

Mitigation

HAZ-1 Equipment Maintenance and Refueling. During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

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

Sources

See Exhibit A.

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X. HYDROLOGY AND WATER QUALITY

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

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Setting

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

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

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

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

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

Discussion

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

The project would result in approximately 9.29 acres (404,672 square feet) of site disturbance, including 10,610 cubic yards of cut and 8,778 cubic yards of fill (net total of 19,388 cubic yards of

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earthwork) related to access improvements, to be balanced on-site. A sedimentation and erosion control plan has been prepared to minimize the potential for soil erosion, which would be subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120 to minimize potential impacts related to erosion, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project is located outside of a stormwater management area (MS4) and proposes a disturbance area greater than 1.0 acre, therefore, the project would be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) by a qualified SWPPP developer in order to demonstrate compliance with the Federal Clean Water Act which prohibits certain discharges of stormwater containing pollutants.

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

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

Based on the Water Demand Analysis prepared for the project, project cultivation irrigation activities would result in approximately 3.99 acre-feet of water demand per year. Domestic water use for 5 full-time employees has been estimated to result in an additional 0.07 acre-feet per year. The project also includes planting of 11 new blue oak trees around the perimeter of the property and landscaping plantings around the proposed processing and manufacturing building, which would require marginal additional water supplies to establish until they reach maturity. The project site is currently served by two existing groundwater wells; one well will continue to serve the residence and support cannabis operations, and the other well will serve only the cannabis operation.

The project is located within the Paso Robles Groundwater Basin, which is categorized as being in a state of critical overdraft, and is located outside the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018), and is required to offset water usage at a 1:1 ratio per LUO requirements. To achieve the offset, mitigation measures W-1 and W-2 are recommended which require the implementation of water use reduction/efficiency measures within the Paso Robles Groundwater Basin equal to twice the projected water demand associated with cannabis activities.

According to the 2014 Integrated Water Management Plan, water demand from irrigated crops within the PRGWB is, on average, about 1.9 AFY per acre over about 33,000 acres of irrigated crop land. According to studies performed by the non-profit Pacific Institute and others (CALFED, 2000 and 2006; Cooley et al., 2009) the installation of water conserving fixtures such as drip irrigation can reduce agricultural water demand by up to 17 to 22 percent when compared with spraying or flood irrigation. If the per acre demand on a target retrofit site is reduced by 17 percent (from 1.9 AFY to 1.57 AFY) through the implementation of water use efficiencies, the project would need to retrofit about: 3.99 AFY offset divided by 0.33 AFY/acre reduction = 12.0 acres.

Water use is required to be metered and this data will be provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity (3.99 AFY), the

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permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount. In addition, the project will be conditioned to apply Best Management Practices for water conservation to maintain water use at or below the water analysis projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

- The use of drip irrigation systems and mulch to conserve water and soil moisture. Watering to occur when evaporation losses are lowest;
- Ongoing monitoring and maintenance of the water supply system; and/or
- Installation of float valves on tanks to prevent tanks from overflowing.

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

therefore, impacts related to available surface or ground water would be *less than significant with mitigation*.

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

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

The project would result in approximately 9.29 acres (404,67 square feet) of site disturbance, including 10,610 cubic yards of cut and 8,778 cubic yards of fill (net total of 19,388 cubic yards of earthwork) relative to access improvements, to be balanced on-site. A sedimentation and erosion control plan has been prepared to minimize the potential for soil erosion, which would be subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120 to minimize potential impacts related to erosion, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation.

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

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

The project would result in an increase in impervious surface area on the project property as a result of installation of 1.01 acres of hoop structures with plastic covers, construction of a 20,000-square-foot building and associated flatwork, construction of 13,608 square feet square feet of greenhouses, installation of water tanks, and installation of four searain containers (1,280 square feet). This would result in approximately 1.8 acres of new impervious area on the 77-acre parcel.

The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. The preliminary grading, drainage, and erosion control plan prepared for the project also identifies measures such as hydroseeding of all disturbed surfaces and installation of fiber rolls throughout the site to slow runoff and capture sediment. Based on required

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compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in flooding on- or off-site would be *less than significant*.

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

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

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

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

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

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

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

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

Conclusion

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

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Mitigation

W-1 Water Demand Offset Requirements. Prior to issuance of building permits for each project phase (or prior to occupancy of each project phase if no building permits are required), the applicant shall provide to the Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050 D. 5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

- a. The quantification of water demand expressed in total acre-feet per year, for each project phase, consistent with the Water Management Plan required by LOU Sections 22.40.050 C. 1 and 22.40.060 C.1.
- b. A program for achieving a water demand offset for each project phase, for a total project water demand offset of **3.99 AFY**, as required by LUO Section 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:
 - i. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the Basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:
 1. Drip irrigation;
 2. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
 3. Installation of float valves on water tanks to prevent tanks from overflowing;
 4. Converting from using overhead sprinklers to wind machines for frost protection; [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.
 5. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.
 6. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
 7. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.

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- ii. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent, and shall not result in adverse environmental effects beyond those assessed by the CEQA compliance document for the proposed cannabis project.

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

Sources

See Exhibit A.

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XI. LAND USE AND PLANNING

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

Setting

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

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

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

Discussion

(a) Physically divide an established community?

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of

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development within the project vicinity and would not create, close, or impede any existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community and *impacts would be less than significant*.

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

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

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

Conclusion

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

Mitigation

Implement mitigation measures AES-1, AQ-1 through AQ-6, BIO-1 through BIO-26, ENG-1 and ENG-2, GEO-1 and GEO-2, HAZ-1 and HAZ-2, W-1 and W-2, N-1 through N-4, and TR-1 through TR-2.

Sources

See Exhibit A.

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XII. MINERAL RESOURCES

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

Setting

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

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

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

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

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

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

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Discussion

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

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

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

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

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

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XIII. NOISE

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

Setting

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

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

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

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- Outdoor sports and recreation
- Offices

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

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

Table 7. Maximum allowable exterior noise level standards⁽¹⁾

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime ⁽²⁾
Hourly Equivalent Sound Level (L _{eq} , dB)	50	45
Maximum level, dB	70	65

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

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

The existing ambient noise environment is characterized by marginal traffic on La Panza Road, Highway 41, and connecting roadways, as well as agricultural equipment from surrounding properties. The nearest existing noise-sensitive land use is a rural residence located approximately 0.42 miles to the south of the project area.

Discussion

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

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

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

The project proposes the use of an HVAC system that would be a permanent source of stationary noise. Noise associated with the use of wall- or roof-mounted HVAC and odor mitigation equipment associated with the proposed greenhouses and metal building would be expected to generate noise levels of approximately 65 dBA at distance of 25 feet from the source. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. As proposed, the ancillary processing structure is located 39 feet from the northern property line, and approximately 216 feet from the eastern property line,

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which would result in HVAC noise generation of approximately 65 dBA and 47 dBA, respectively at the property lines. Should the HVAC system be located at the northeastern corner of the structure, the hourly average equivalent noise level could exceed the limits for both daytime and nighttime at the northern property line. To ensure the HVAC in the ancillary processing structure meets the maximum allowable daytime and nighttime hourly average equivalent noise levels at the property line, Mitigation Measure N-1 is required to locate the HVAC at the southwestern corner of the proposed ancillary processing structure. This would result in the HVAC being located approximately 130 feet from the northern property line and 400 feet from the eastern property line, which would result in a HVAC noise generation of approximately 51 dBA and 41 dBA, respectively. Depending on the duration of use, the HVAC could still exceed the daytime and nighttime hourly average equivalent noise levels at the northern property line. Mitigation Measure N-2 would require additional buffering of the HVAC so that noise levels at the northern property line do not exceed 50 dBA, and Mitigation Measure N-3 would require that the HVAC be limited to no more than 1 hour of use during the hours of 10:00 p.m. and 7:00 a.m., unless Mitigation Measure N-2 is implemented so that noise levels at the northern property line do not exceed 45 dBA.

Similarly, the greenhouses are located approximately 200 feet from the northern property line and 265 feet from the eastern property line, which would result in noise levels of 47 dBA, which could exceed the hourly average equivalent noise level limits. Mitigation Measure N-4 would require the HVAC systems in the greenhouses to be located at least 300 feet from the northern and eastern property lines, or to provide buffering that would reduce noise from the HVAC to 45 dBA or less at the northern and eastern property lines.

Therefore, with mitigation, the resulting noise is not anticipated to exceed the maximum allowable nighttime level (65 dB) or the hourly average equivalent noise level (45 dB). Ambient noise levels at the project site and in surrounding areas after project implementation would not be significantly different than existing levels. Therefore, potential operational noise impacts would be *less than significant with mitigation*.

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

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

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

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

The nearest airstrip in proximity to the project site is the Bogdan Airport in Santa Margarita, located approximately 11.45 miles southwest of the site. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent

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to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impact would occur*.

Conclusion

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per LUO standards. Mitigation measure N-1 through N-4 has been identified reduce potential impacts associated with the exceedance of hourly average equivalent noise level standards set forth in the LUO to less than significant. No other potentially significant impacts were identified, and no other mitigation measures are necessary.

Mitigation

- N-1 HVAC Location Within Processing Building.** At time of application for construction permits for the ancillary processing structure, the applicant shall locate any HVAC system at the southwest corner of the structure.
- N-2 HVAC Noise Buffer.** At time of application for construction permits for the ancillary processing structure, the applicant shall demonstrate sufficient insulation or other buffer methods so that noise associated with the HVAC does not exceed 50 dBA at the northern property line. Prior to final inspection or occupancy, the applicant shall demonstrate implementation and compliance with this measure.
- N-3 HVAC Operation.** For the life of the project, operation of any HVAC system in the ancillary processing structure shall be limited to no more than 1 hour daily between the hours of 10:00 p.m. and 7:00 a.m., unless the applicant demonstrates, per Mitigation Measure N-2, that noise associated with the HVAC does not exceed 45 dBA at the northern property line.
- N-4 HVAC Location Within Greenhouses.** At time of application for construction permits for the greenhouse structures, the applicant shall locate any HVAC systems at least 300 feet from the northern and eastern property lines. In the event that any HVAC system must be located closer than 300 feet from the northern and eastern property lines, that applicant shall demonstrate sufficient insulation or other buffer methods so that noise associated with the HVAC does not exceed 50 dBA at the northern property line. In the event that any HVAC system must be located closer than 300 feet from the northern and eastern property lines, operation of such HVAC system in the greenhouses shall be limited to no more than 1 hour daily between the hours of 10:00 p.m. and 7:00 a.m., unless the applicant demonstrates that noise associated with the HVAC does not exceed 45 dBA at the northern property line. Prior to final inspection or occupancy, the applicant shall demonstrate implementation and compliance with this measure.

Sources

See Exhibit A.

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XIV. POPULATION AND HOUSING

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

Setting

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

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

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

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to 5 full-time employees and up to 13 additional part-time/temporary employees during harvest times. Workers would likely be sourced from the local labor pool and would not require new or additional housing as a result of the proposed project. The project would not generate a substantial number of new employment opportunities that would encourage population growth in the area. The project does not include the extension or establishment of roads, utilities, or other infrastructure that would induce development and population growth in new areas. In addition, the project would be subject to inclusionary housing fees to offset any potential increased need for housing in the area. Therefore,

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

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

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

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

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XV. PUBLIC SERVICES

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

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the project would be served by CAL FIRE station #43, located approximately 3 miles west of the project site. Based on the referral response letter received from CAL FIRE regarding the proposed project, emergency personnel would be able to reach the site within 10 minutes of receiving a call.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North Station in Templeton, and the South Station in Oceano. The project would be served by the County Sheriff's Office, and the nearest sheriff station is located approximately 16 miles west of the project site, in the community of Templeton.

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

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

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

Discussion

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

Fire protection?

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

Police protection?

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

Schools?

As discussed in Section XIV, Population/Housing, the project would not induce population growth and would not result in the need for additional school services or facilities. However, the project would be

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subject to school impact fees, pursuant to California Education Code Section 17620, to help fund construction or reconstruction of school facilities. Therefore, impacts would be *less than significant*.

Parks?

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

Other public facilities?

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

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

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XVI. RECREATION

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

Setting

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

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

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

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to 5 full-time employees and up to 13 additional part-time/temporary employees during harvest times. Workers would likely be sourced from the local labor pool and would not result in increased demand on existing or planned recreational facilities in the county. The project is not proposed in a location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The

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project would not result in a substantial growth within the area and would not substantially increase demand on any proximate existing neighborhood or regional park or other recreational facilities. Payment of standard development impact fees would ensure any incremental increase in use of existing parks and recreational facilities would be reduced to *less than significant*.

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

The project does not include the construction of new recreational facilities and would not result in a substantial increase in demand or use of parks and recreational facilities. Implementation of the project would not require the construction or expansion of recreational facilities; therefore, impacts would be *less than significant*.

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

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XVII. TRANSPORTATION

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

Setting

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

The County has established Level of Service (LOS) "C" or better for rural roadways. The project site currently has one residence and generates a very low volume of traffic. The project site is located in a rural area and is accessed by North Ryan Road in Creston. North Ryan Road is a dead-end road accessed from Ryan Road via La Panza Road, an arterial, which connects to State Route 41. Based on the North County Area Plan, no roads within the general vicinity have been identified as having congestion concerns or needing improvements (County of San Luis Obispo 2014). No privately maintained roads are used to access the project site; access from North Ryan Road is via a 0.35-mile unimproved driveway that crosses a neighboring parcel to the south via an access easement. A project referral package was sent to the County Public Works Department and no traffic-related concerns were identified.

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

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State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3 [b]). Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts must be implemented statewide. Also in December, 2018, the Office of Planning and Research (OPR) published a Technical Advisory On the Evaluation of Transportation Impacts In CEQA to assist local governments in implementing the new VMT requirements. The 2018 Technical Advisory states that a development project that generates less than 110 average daily trips (ADT) will not have a project-specific or cumulatively considerable impact with respect to vehicle miles travelled.

The San Luis Obispo Council of Governments (SLOCOG) holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA), SLOCOG is responsible for conducting a comprehensive, coordinated transportation program, preparation of a Regional Transportation Plan (RTP), programming of state funds for transportation projects, and the administration and allocation of transportation development act funds required by state statutes. As the Metropolitan Planning Organization (MPO), SLOCOG is also responsible for all transportation planning and programming activities required under federal law. This includes development of long-range transportation plans and funding programs, and the approval of transportation projects using federal funds.

The 2019 RTP, adopted June 5, 2019, is a long-term blueprint of San Luis Obispo County's transportation system. The plan identifies and analyzes transportation needs of the region and creates a framework for project priorities. SLOCOG represents and works with the County of San Luis Obispo as well as the Cities within the county in facilitating the development of the RTP.

The County Department of Public Works establishes bicycle paths and lanes in coordination with the RTP, which outlines how the region can establish an extensive bikeway network. County bikeway facilities are funded by state grants, local general funds, and developer contributions. The RTP also establishes goals and recommendations to develop, promote, and invest in the public transit systems, rail systems, air services, harbor improvements, and commodity movements within the county in order to meet the needs of transit-dependent individuals and encourage the increasing use of alternative modes by all travelers that choose public transportation. Local transit systems are presently in operation in the cities of Morro Bay and San Luis Obispo, and South County services are offered to Grover Beach, Arroyo Grande, Pismo Beach, and Oceano. Dial-a-ride systems provide intra-community transit in Morro Bay, Atascadero, and Los Osos. Inter-urban systems operate between the City of San Luis Obispo and South County, Los Osos, and the North Coast.

The County's Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County of San Luis Obispo General Plan. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities within 5 miles of the project site.

Discussion

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

The project does not propose the substantial temporary or long-term alteration of any proximate transportation facilities. According to the project's Traffic Generation Report (Orosz Engineering Group 2020), the project is estimated to generate approximately 11 trips per day, including 1 trip during the PM peak hour of 4:00 p.m. to 6:00 p.m. The majority of these trips would use La Panza Road and State Route 41. Projected trip generation from the project would be comparable with

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

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

The County of San Luis Obispo is developing a model and method for evaluating vehicle miles traveled for proposed land use development projects. This program will incorporate the State’s direction and recommended screening criteria for types of projects that would not have an impact to circulation due to Vehicle Miles Traveled (VMT). This screening criteria includes small projects that generate low levels of traffic or VMT. Based on the Traffic Generation Report (Orosz Engineering Group 2020), the project would not exceed 110 average daily trips. In operation, the project would generate vehicle trips from 5 regular full-time employees and 13 part-time/seasonal employees, as well as delivery of harvested cannabis to an off-site testing facility, and occasional deliveries of soil, supplies, and diesel fuel.

Based on the nature and location of the project, the project would not generate a significant increase in construction-related or operational traffic trips or vehicle miles traveled. The project would not substantially change existing land uses and would not result in the need for additional new or expanded transportation facilities. The project would be subject to standard development impact fees to offset the relative impacts on surrounding roadways. Therefore, potential impacts would be *less than significant*.

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

The project would not change roadway design and does not include geometric design features that would create new hazards or an incompatible use. Therefore, impacts would be *less than significant*.

(d) *Result in inadequate emergency access?*

The project would not result in road closures during short-term construction activities or long-term operations. Individual access to adjacent properties would be maintained during construction activities and throughout the project area. Project implementation would not affect long-term access through the project area and sufficient alternative access exists to accommodate regional trips. However, County Fire/CAL FIRE has identified that the existing condition of North Ryan Road presents a concern relative to vehicle access, as portions of the existing roadway do not provide sufficient width. County Fire/CAL FIRE requirements for improvements to North Ryan Road have been included in Mitigation Measure TR-1 and TR-2. Therefore, the project would not adversely affect existing emergency access and impacts would be *less than significant with mitigation*.

Conclusion

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

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to emergency access would be less than significant with improvements to North Ryan Road, as detailed in Mitigation Measure TR-1 and TR-2.

Mitigation

- TR-1. Improvements to North Ryan Road.** Prior to establishment of any use, the applicant shall confer with the Department of Public Works and County Fire/Cal Fire to determine the timing of road improvements to North Ryan Road. Prior to the timing identified by Department of Public Works and County Fire/Cal Fire, the applicant shall submit road improvement plans to the Department of Public Works for review and approval. Improvements shall include, but not be limited to, widening of North Ryan Road to a minimum of 24-feet and providing an all-weather surface capable of supporting a minimum of 75,000 pounds, per California Fire Code and County Public Works standards.
- TR-2. Road Maintenance.** Prior to establishment of the use, the applicant shall provide the Department of Planning and Building a copy of a road maintenance agreement entered into by the landowners that benefit from the private driveway that extend from North Ryan Road to the project site. In addition, the applicant shall submit for an encroachment permit for dust suppression on the unimproved portion of North Ryan Road and Ryan Road to La Panza Road, the nearest improved road. The encroachment permit and dust suppression shall be commensurate with the project related impacts and maintained for the life of the project.

Sources

See Exhibit A.

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XVIII. TRIBAL CULTURAL RESOURCES

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

Setting

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

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

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

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

In accordance with AB 52 Cultural Resources requirements, outreach to four Native American tribes has been conducted: Northern Salinan, Xolon Salinan, tiṭu tiṭu yak tịhini Northern Chumash, and Northern Chumash Tribal Council.

Discussion

- (a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
 - (a-i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

The County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52 and the project site does not contain any known tribal cultural resources that have been listed or been found eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1. Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. Therefore, impacts related to a substantial adverse change in the significance of tribal cultural resources would be *less than significant*.

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

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

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Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

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XIX. UTILITIES AND SERVICE SYSTEMS

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

Setting

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

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

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

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

Discussion

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

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

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

As discussed in Section X, Hydrology and Water Quality, the project cultivation irrigation activities would result in approximately 4 acre-feet of water demand per year, served by two existing groundwater wells. The project is located within the Paso Robles Groundwater Basin, which is categorized as being in a state of critical overdraft and is required to offset water usage at a 1:1 ratio per LUO requirements. Per the CWWCP, the project applicant would be required to offset this new water use at a 1:1 ratio through installation of efficient water systems and fixtures and/or participation in an approved water conservation program, as detailed in mitigation measures W-1 and W-2. Offsetting the water demand of the proposed project in accordance with the CWWCP would result in a net-neutral water demand on the groundwater basin, therefore, impacts related to water supplies would be *less than significant with mitigation*.

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

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

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

The nearest landfill to the site is the Chicago Grade Landfill, located approximately 11 miles to the west. The landfill has a remaining capacity of approximately four million cubic yards as of 2019. The incremental amount of greenwaste generated by the project that is not recycled/reused would be within the service capacity of the landfill. Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. Local landfills have adequate permit capacity to serve the project and the project does not propose to

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generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts would be *less than significant*.

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

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

Conclusion

The project would not result in significant increased demands on wastewater or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. Because the project is located in the Paso Robles Groundwater Basin, there is a potential for impacts related to groundwater supply. Mitigation is required to ensure the project offsets its water demand and net-neutral impact on the basin. Therefore, potential impacts to utilities and service systems would be *less than significant with mitigation*.

Mitigation

Implement W-1 and W-2.

Sources

See Exhibit A.

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XX. WILDFIRE

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

Setting

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. Fire Hazard Severity Zones (FHSZ) are defined by CALFIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project would be located within the State Responsibility Area in a high fire hazard severity zone. The project is located in a "High" fire hazard severity zone, and, based on CAL FIRE's referral response letter, it would take approximately 10 minutes to respond to a call regarding fire or life safety.

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

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

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

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

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

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

Discussion

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

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

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

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

The project is located within Very High Fire Hazard Severity Zone and is located on a parcel with open grassland and limited access. The site is located within a State Responsibility Area and, based on the County's fire response time map, it would take approximately 10 minutes to respond to a call regarding fire or life safety. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes improvements to North Ryan Road to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and installation of a water storage tank for fire protection. The County Fire Department/California Department of Forestry and Fire Protection (CAL FIRE) prepared a Fire Safety Plan letter for the project, and the applicant will be required to comply with the requirements of the plan for the life of the project.

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

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

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

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

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

The cannabis activities would be located on fairly level slopes. Winds in the area vary from 6-8 miles per hour and primarily come from the north (October-April) and west (April-October). As described in Section 6, Geology and Soils, the potential for landslides in the project area is low to moderate, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows in the nearby existing channels. The project does not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be *less than significant*.

Conclusion

The project would not expose people or structures to new or exacerbated wildfire risks and would not require the development of new or expanded infrastructure or maintenance to reduce wildfire risks. Therefore, potential impacts associated with wildfire would be less than significant and no mitigation measures are necessary.

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Mitigation

None 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Discussion

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

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

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

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

Existing and Reasonably Foreseeable Cannabis Facilities

In 2016, the County estimated that there were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming 0.5 acre per site, the canopy associated with these activities could be as high as 250 acres. County Code Enforcement officers have successfully abated 82 operations, and there are currently approximately 225 total operations under investigation to date (August, 2020). Unpermitted cannabis operations are expected to continue to be abated throughout the county.

Table 8 below provides a summary of the maximum possible cannabis cultivation activities that could be approved through permit applications that have been received by the County to date (August, 2020). Each of these proposed activities is considered a reasonably foreseeable future project for the purposes of this cumulative impact analysis. It is important to note, however, that many proposed activities are subject to change during the land use permit process and a portion of these applications may be withdrawn by the applicant or denied by the County approving body. Figure 4 shows the project site along with other approved and proposed cannabis project sites within about 5 miles of the proposed project site.

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Table 8. Summary of Cannabis Facility Applications for Unincorporated San Luis Obispo County¹

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

1. As of August, 2020

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

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

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

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

- a. 3 acres of outdoor cultivation;
- b. 0.5 acres of indoor cultivation;
- c. 19,000 square feet of ancillary nursery;
- d. A total of six full-time employees;
- e. A total of 4 part-time/seasonal employees
- f. A total of 25 average daily motor vehicle trips; and
- g. All sites would be served by a well and septic leach field.

Aesthetics

The analysis provided in Section I, Aesthetic and Visual Resources, provides an overview of the visual setting and concludes that the potential project-specific impacts would be less than significant with mitigation identified to eliminate off-site nighttime light overspill. The project site is located in an area with 7 potential cannabis facilities within 5 miles (as of July 31, 2020). Surrounding proposed cannabis cultivation operations would require discretionary permits if County staff determine they have the potential to result in potentially significant environmental effects, including potential impacts to visual resources. Based on the rural and agricultural visual character of the area, newly proposed structures visible from surrounding public

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roadways would undergo evaluation for consistency with the surrounding visual character and may be required to implement visual screening and/or other measures if County staff identify potential impacts to visual resources. Proposed cannabis cultivation projects, including use of mixed-light growing techniques, would be subject to standard County mitigation measures to eliminate off-site nighttime light overspill.

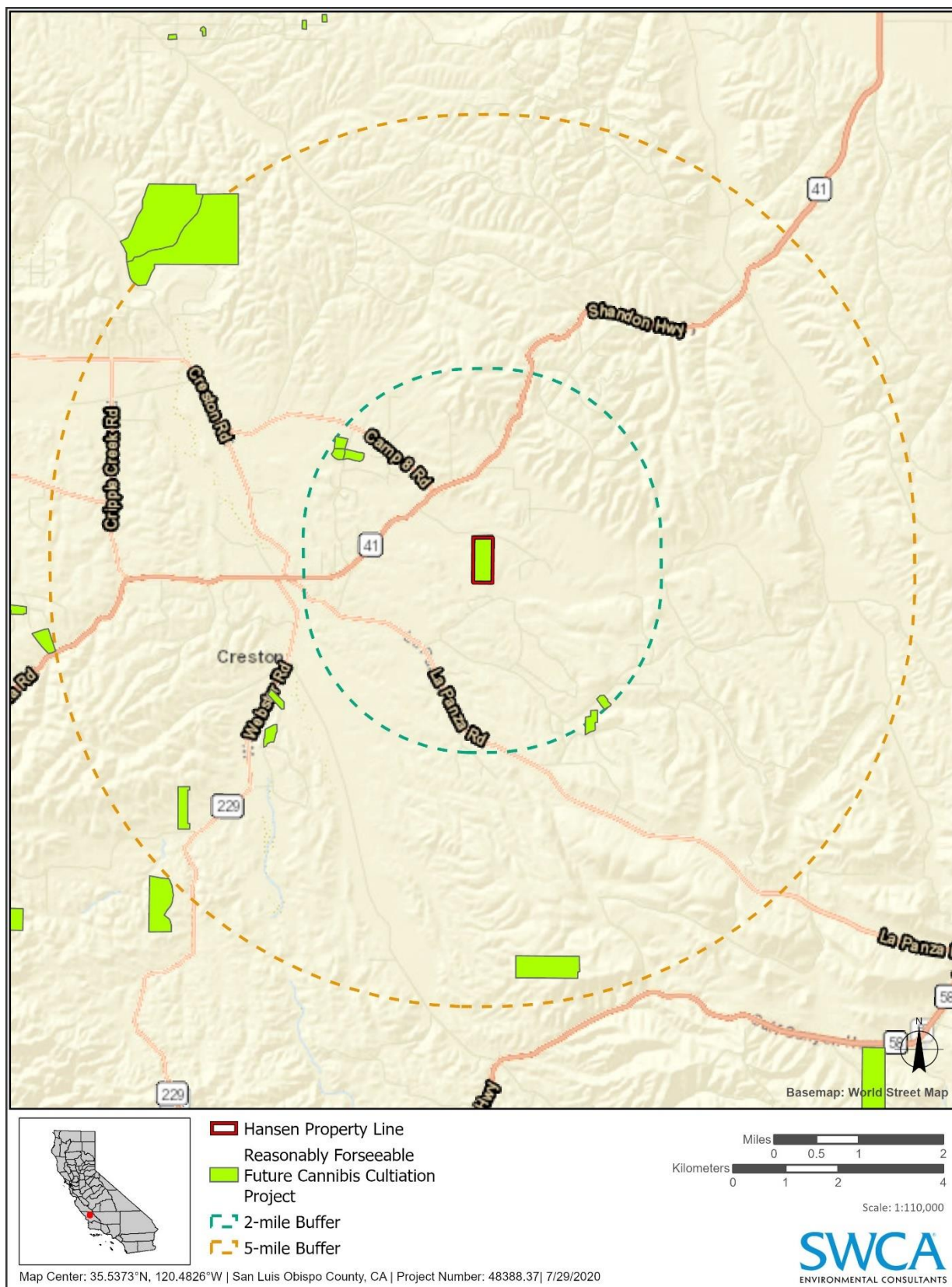
Based on the mitigation measures identified to reduce potential project impacts and discretionary review of surrounding proposed cannabis projects, the impacts to aesthetic and visual resources of this project, when considered with the potential impacts of other reasonably foreseeable development in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

Agriculture and Forestry Resources

The analysis provided in Section II, Agriculture and Forestry Resources, indicates that the project would not result in the permanent conversion of Prime Farmland, based on the FMMP, and no potential impacts to forest land or timberland would occur. The project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the project's potential impacts to agriculture and forestry resources is considered less than cumulatively considerable.

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Figure 4. Reasonably Foreseeable Future Development Scenario Map



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Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related emissions would have the potential to exceed SLOAPCD thresholds of significance for construction emissions, resulting in a potentially cumulatively considerable contribution to the county's non-attainment status under state air quality standards for ozone and fugitive dust. With implementation of recommended mitigation measures AQ-1 through AQ-6, project construction, operational, and cumulative impacts would be less than significant.

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

The project site is located in an area with six reasonably foreseeable future cannabis cultivation facilities within 5 miles (as of August, 2020). The analysis provided in Section III, Air Quality, concludes that the project's potential other emissions (such as those leading to odor) would be less than significant based on the distance of proposed odor-emitting uses from the project property lines and proposed odor control technology to be implemented within proposed structures. All surrounding proposed cannabis development projects would be required to comply with County LUO ordinance cannabis odor control requirements, including preparation of an odor control plan, minimum setback distances, and installation of sufficient ventilation controls to prevent odors from being detected off-site.

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

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project would have a less-than-significant impact upon implementation of the identified avoidance and mitigation measures for special-status wildlife species and their habitats, and avoidance and replacement of potentially impacted native trees. With implementation of measures BIO-1 through BIO-26, potential impacts to biological resources would be less than significant.

All surrounding proposed cannabis development projects would undergo evaluation for potential to impact biological resources. Proposed cannabis projects that are determined to have the potential to impact sensitive species and/or their habitats, sensitive natural communities, federal or state wetlands, migratory corridors, native trees, or conflict with state or local policies or habitat conservation plans would be required to implement mitigation measures to reduce these impacts.

Based on the mitigation measures identified to reduce potential project impacts and discretionary review of surrounding projects, when considered with the potential impacts of other reasonably

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foreseeable development in the area, project impacts associated with biological resources would be less than cumulatively considerable.

Energy

Cannabis cultivation operations typically use an insignificant amount of natural gas. Accordingly, this assessment of cumulative energy impacts is based on electricity use. The analysis provided in Section VI, Energy, states that the project could result in an annual energy demand of 2,012,780 kWh per year.

Table 9 provides a summary of the estimated worst-case scenario of total electricity demand associated with development of all 114 proposed and/or approved cannabis cultivation projects with 22,000 square feet (0.5 acre) of mixed-light (indoor) cannabis cultivation based on the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form.

Table 9. Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects

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

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

²Source: California Energy Commission 2019.

Table 9 indicates that electricity demand in San Luis Obispo County could increase by as much as 18% if all 114 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and are approved. PG&E is required by state law (the Renewable Portfolio Standard) to derive at least 60% of their electricity from renewable sources by 2030. These sources are “bundled” and offered for sale to other Load Serving Entities (utility providers). Table 10 shows the percent increase in the projected 2030 demand for these bundled sources of electricity throughout PG&E’s service area for, assuming all 114 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and approved.

Table 10. Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared With Projected PG&E 2030 Available Service Load

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

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

²Source: Pacific Gas and Electric 2018, Integrated Resource Plan.

The project's contribution to the overall increased demand for electricity would have the potential to result in potentially cumulatively considerable environmental impacts through GHG emissions. Mitigation measures ENG-1 and ENG-2, require the applicant to prepare and implement an Energy Conservation Plan to identify strategies to reduce or offset for cannabis-related electricity demand and GHG emissions. In addition, all proposed cannabis cultivation projects within the county would be subject to discretionary review by County staff. Indoor and mixed-light cultivation projects that are determined to have the potential to result in potentially significant impacts from their proposed energy use would be required to implement mitigation measures to reduce their energy demand and use sources that result in less GHG emissions. It is also important to note that while many proposed cannabis cultivation projects would result in new permitted facilities, a portion of these facilities are being proposed in existing buildings previously used for unpermitted cannabis cultivation activities or other uses. Therefore, the estimated increases in energy demand provided in Tables 9 and 10 are assumed to be overestimations.

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

Geology and Soils

As discussed in Section VII. Geology and Soils, the project is not located within an Alquist-Priolo Fault Hazard Zone and would be required to comply with the CBC and other applicable standards to ensure the effects of ground instability or a potential seismic event would be minimized through compliance with current engineering practices and techniques. Based on the volume and depth of proposed earthwork and potential sensitivity of the underlying geologic formation, the project's potential impacts to previously unknown paleontological resources would be reduced to less than significant through identified mitigation measures GEO-1 and GEO-2 requiring paleontologic resource training and discovery protocol during all initial soil disturbing activities.

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

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

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Greenhouse Gas Emissions

As discussed in Section VIII, Greenhouse Gas Emissions, the project is estimated to generate approximately 463 metric tons of CO₂ emissions per year after implementation of the energy reduction measures recommended by ENG-1 and ENG-2. Accordingly, the project will not exceed the interim working GHG threshold of 690 metric tons of CO₂ emissions per year and project emissions will be consistent with the GHG reduction measures set forth by SB 32 and the County's EnergyWise Plan.

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

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

Hazards and Hazardous Materials

As discussed in Section IX. Hazards and Hazardous Materials, the project includes use of potentially hazardous materials, including ethanol, which could result in potential hazards through routine transport, use, and disposal as well as under upset or accident conditions. Mitigation measures HAZ-1 and HAZ-2 have been identified to reduce potential impacts by requiring full inspection of all manufacturing and processing equipment and chemical storage by a registered FPE, restricting the location of equipment maintenance, refueling and other potentially hazardous activities, and identifying the appropriate response protocol for immediate cleanup of any spills.

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

Hydrology and Water Quality

As discussed in Section X. Hydrology and Water Quality, compliance with existing regulations and/or required plans in addition to implementation of mitigation measures WQ-1 through WQ-2 would adequately reduce potential impacts associated with hydrology and water quality to be less than significant.

All proposed cannabis cultivation projects located in the county would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. All

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potentially hazardous materials (e.g., pesticides, fertilizers, etc.) proposed to be utilized for these projects would be required to comply with the applicable storage, refilling, and dispensing County Department of Environmental Health standards. All cannabis cultivation projects within the county would also be required to comply with applicable riparian, wetland, and other waterway setbacks established by the Regional Water Quality Control Board.

The project is located within the Paso Robles Groundwater Basin (PRGWB), which is categorized as being in a state of critical overdraft, and is located outside the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018). A total of 32 applications for cannabis cultivation projects located within the PRGWB have been submitted to date (August, 2020).

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Table 11. Estimated Water Demand from Reasonably Foreseeable Cannabis Cultivation in PRGWB

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

¹ Source: California Department of Water Resources Bulletin 118.

² Includes 724 acres (12 projects) in the Area of Severe Decline.

³ Based on the assumptions for development and water demand outlined above.

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

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

Noise

As discussed in Section XIII, Noise, noise associated with proposed HVAC and odor management systems would be mitigated through implementation of mitigation measures N-1 through N-4 to a less than significant level.

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

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

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Population and Housing

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

Cannabis cultivation activities typically employ 5 full-time workers and up to 13 additional seasonal workers during the harvest. The 2050 employment forecast does not account for employment in the cannabis industry because of the formerly illegal status of the industry. However, assuming 114 cultivation projects, total employment associated with cannabis cultivation could result in as many as 920 workers. It is most likely that these workers will be sourced from the existing workforce in San Luis Obispo County. If all 920 workers are new residents to the county, it would represent a 2% increase in the projected growth in population between 2015 and 2050. The small increase in projected population is not expected to result in a substantial increased demand for housing throughout the county. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered less than cumulatively considerable.

Public Services

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

Transportation

As discussed in Section XVII, Transportation, the project would not result in a conflict with a plan or policy addressing the circulation system, or increase hazards due to a geometric design feature. Surrounding reasonably foreseeable future cannabis cultivation projects would be subject to discretionary review and potential impacts associated with these thresholds would be analyzed and required to be reduced on a case-by-case basis. Therefore, the project's potential impacts associated with these thresholds would be less than cumulatively considerable.

County Fire/CAL FIRE requirements for improvements to North Ryan Road have been included in Mitigation Measure TR-1 and TR-2 and would therefore reduce potential impacts associated with inadequate emergency access to less than significant.

The County Department of Public Works has derived trip generation rates for cannabis cultivation activities through the trip generation rates published by the Institute of Traffic Engineers. Table 12 provides an estimate of total average daily trips (ADT) and PM peak hour trips associated with buildout of the 114 currently proposed cannabis cultivation projects.

The County of San Luis Obispo is developing a model and method for evaluating vehicle miles traveled for proposed land use development projects. This program will incorporate the State's direction and

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recommended screening criteria for types of projects that would not have an impact to circulation due to Vehicle Miles Traveled (VMT). This screening criteria includes small projects that generate low levels of traffic or VMT. The State screening level equates to 110 average daily trips (ADT).

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**Table 12. Cumulative Average Daily Trips and Vehicle Miles Travelled
From Cannabis Cultivation**

Use	Unit	ADT per Unit ¹	Total Proposed Cannabis Cultivation Area	Total ADT	PM Peak Hour Trips ²	Total VMT ³
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000 sf	0.27	1,851,300 sf	500	50	13,695
Cultivation, Outdoor (includes hoop house)	Acres	2.00	225 acres	450	45	12,330
Seasonal Employees ⁴	Employee	2.00	570 employees	1,140	114	31,236
Total				2,090	209	57,261
Average Daily Trips Per Cultivation Project⁵				18.3	--	--

Notes:

1. Source: Department of Public Works.
2. Assumes 10 percent of ADT.
3. Based on a round trip length of 27.4 miles per trip.
4. Seasonal Trips are adjusted based on the annual frequency.
5. 2,090 average daily trips divided by 114 cultivation projects = 18.3 average daily trips.

The most recent estimate of total VMT for the county is from 2013, at which time total VMT per day was estimated to be 7,862,000 VMT. Assuming a 1% annual growth in VMT during the intervening 6 years, the current daily total is estimated to be around 8,333,720 VMT. Accordingly, the VMT associated with proposed cannabis cultivation projects throughout the county (57,261) is estimated to result in a 0.68 percent increase in the total county VMT. The marginal increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections. In addition, the total average daily trips associated with all 114 cannabis cultivation projects would generate an estimated 18.3 average daily trips which is well below the 110 ADT threshold identified by the 2018 *Technical Advisory* published by OPR.

Moreover, each project will be required to mitigate the project-specific impacts to the transportation network. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to serve the project and the payment of applicable road improvement fees. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to roadway impacts would be less than cumulatively considerable.

Other Impact Issue Areas

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

- Cultural Resources;
- Land Use Planning;

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

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

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. In addition, implementation of mitigation measures AQ-1 through AQ-6, HAZ-1 and HAZ-2, N-1 through N-4, and TR-1 and TR-2 identified in the resource sections above would reduce potential adverse effects on human beings to less than significant; therefore, impacts would be *less than significant with mitigation*.

Conclusion

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

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Exhibits

Exhibit A – Initial Study References and Agency Contacts

Exhibit B – Other Agency Approvals That May Be Required

Exhibit C – Developer’s Statement & Mitigation Monitoring Program

Exhibit D – Project Site Plan

Exhibit E – Project Grading Plan

Exhibit F – Visual Character Exhibit

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Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Services	None
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	None
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	None
<input checked="" type="checkbox"/>	County Sheriff's Department	None
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	None
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	In File**
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other Creston Advisory Body	In File**
<input checked="" type="checkbox"/>	Other AB 52 Tribes	In File**

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

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

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

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

Barros, Ana M.G., Jose M.C. Pereira, Max A. Moritz, and Scott L. Stephens. 2013. Spatial Characterization of Wildfire Orientation Patterns in California. *Forests* 2013, 4; Pp 197-217." 2013.

California Department of Conservation (CDOC). 2015. Fault Activity Map of California. Available at < <http://maps.conservation.ca.gov/cgs/fam/>>.

_____. 2016. California Important Farmland Finder. Available at: <<https://maps.conservation.ca.gov/DLRP/CIFF/>>.

_____. 2019. San Luis Obispo County Tsunami Inundation Maps. Available at <<https://www.conservation.ca.gov/cgs/tsunami/maps/San-Luis-Obispo>>

California Department of Forestry and Fire Protection (CAL FIRE). 2007. "Draft Fire Hazard Severity Zones in Local Responsibility Areas." Available at <http://frap.fire.ca.gov/webdata/maps/san_luis_obispo/fhszl06_1_map.40.pdf>

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

California Department of Transportation (Caltrans). 2019. California Scenic Highways Mapping Tool. Available at: <<https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=f0259b1ad0fe4093a5604c9b838a486a>>.

California Geological Survey (CGS). 2015. CGS Information Warehouse: Mineral Land Classification. Available at <<https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>>

Cleath-Harris Geologists, Inc. 2020. Water Demand Update for Cannabis Conditional Use Permit Application, 4150 N. Ryan Road, Creston, California.

County of Monterey. 2013. California Flats Solar Project EIR – Section 4.5 Cultural and Paleontological Resources. Available at: <<https://www.co.monterey.ca.us/home/showdocument?id=48164>>

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

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Exhibit B – Other Agency Approvals That May Be Required

California Department of Food and Agriculture, CalCannabis Cultivation Licensing Division

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

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

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

Section 8102 – Annual State License Application Requirements

- (p) For all cultivator license types except Processor, evidence of enrollment in an order or waiver of waste discharge requirements with the State Water Resources Control Board or the appropriate Regional Water Quality Control Board. Acceptable documentation for evidence of enrollment can be a Notice of Applicability letter. Acceptable documentation for a Processor that enrollment is not necessary can be a Notice of Non-Applicability;
- (q) Evidence that the applicant has conducted a hazardous materials record search of the EnviroStor database for the proposed premises. If hazardous sites were encountered, the applicant shall provide documentation of protocols implemented to protect employee health and safety;
- (s) For indoor and mixed-light license types, the application shall identify all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation;
- (v) Identification of all of the following applicable water sources used for cultivation activities and the applicable supplemental information for each source pursuant to section 8107;
- (w) A copy of any final lake or streambed alteration agreement issued by the California Department of Fish and Wildlife, pursuant to sections 1602 or 1617 of the Fish and Game Code, or written verification from the California Department of Fish and Wildlife that a lake and streambed alteration agreement is not required;
- (dd) If applicable, the applicant shall provide evidence that the proposed premises is not located in whole or in part in a watershed or other geographic area that the State Water Resources Control Board or the Department of Fish and Wildlife has determined to be significantly adversely impacted by cannabis cultivation pursuant to section 8216.

Section 8106 – Cultivation Plan Requirements

- (a) The cultivation plan for each Specialty Cottage, Specialty, Small, and Medium licenses shall include all of the following:
 - (3) A pest management plan.

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Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

- (a) Compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife;
- (b) Compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code;
- (c) All outdoor lighting used for security purposes shall be shielded and downward facing;
- (d) Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered;
- (e) Requirements for generators pursuant to section 8306 of this chapter;
- (f) Compliance with pesticide laws and regulations pursuant to section 8307 of this chapter;
- (g) Mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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

Federal Endangered Species Act

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

State Water Resources Control Board

The project may require issuance of a water rights permit for the diversion of surface water or proof of enrollment in, or an exemption from, either the SWRCB or RWQCB program for water quality protection.

California Department of Fish and Wildlife

Lake or Streambed Alteration

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

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

California Endangered Species Act

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

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

https://ceqaportal.org/ceqacase.cfm?cq_id=1612; <https://wildlife.ca.gov/Regions/5/Newhall>

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR ENGRAINED LLC MINOR USE PERMIT
(DRC2020-00115)**

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

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

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

AESTHETICS (AES)

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

- a. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping; and
- b. All exterior lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. All exterior lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions.

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

AIR QUALITY (AQ)

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

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment with CARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;

- d. Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes.
- g. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
- h. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- i. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- j. Electrify equipment when feasible;
- k. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- l. Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

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

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

AQ-3 Idling Restrictions for On-Road Vehicles. During all site disturbance and construction activities of all project phases: Section 2485 of Title 13, the California Code of Regulations limits diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

- a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
- b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit.

AQ-4 Idling Restrictions for Off-Road Equipment. During all site disturbance and construction activities of all project phases: Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(3) of the CARB's In-

Use Off-Road Diesel regulation: www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf. Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the 5-minute idling limit.

AQ-5 Fugitive Dust Construction Control Measures. Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

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

AQ-6 Fugitive Dust Access Road Control Measures. Prior to issuance of grading, demolition, or construction permits or site disturbance activities, whichever occurs first, the applicant shall prepare a Dust and Air Quality Plan that shall include, at a minimum, the following components:

- a. A mitigation plan for continuing dust control from the property frontage to the nearest County of San Luis Obispo-maintained road. The plan may be modified to adjust for changed conditions or to improve the effectiveness of the dust-reducing technology. Such dust control measures may include, but are not limited to, limiting traffic speed to 15 mph or less, the application of dust suppressant, etc. The plan and all modifications to the plan are subject to review and approval by the Review Authority.
- b. Evidence of road maintenance provided by the County of San Luis Obispo, State of California, special district, homeowners association, or other organized maintenance, such as a road maintenance agreement.
- c. An agreement, to support and not protest; the formation of an assessment district; or the creation of another funding mechanism. The consenting person(s) retains all due process rights as to any term or condition that was unknown at the time of application approval. The consenting person(s) may contest the specific proportionality.
- d. The Dust and Air Quality Plan shall be submitted to the County of San Luis Obispo Planning and Building Department for review and approval. All measures identified in the final approved Dust and Air Quality Plan shall be adhered to for the life of the project.

Monitoring: Required at time of application for construction permits. Compliance will be verified by the County Department of Planning and Building and San Luis Obispo County Air Pollution Control District.

BIOLOGICAL RESOURCES (BIO)

BIO-1 Qualified Biologist Retention. Prior to issuance of construction or grading permits for any and all project phases or establishment of use of any and all project phases, whichever occurs first, the applicant shall provide evidence to the County that they have retained a County-approved qualified biologist. The scope of work shall include preconstruction surveys, training, monitoring, and reporting, as detailed in the mitigation measures listed below.

BIO-2 American Badger Surveys and Avoidance. Between 2 and 4 weeks prior to initiation of construction activities or site disturbance activities of any and all project phases, a County-qualified biologist shall conduct a survey for American badger dens within the impact footprint and surrounding accessible areas of the property. The biologist shall evaluate all dens found to determine whether or not they are active. In order to avoid potential impacts to adults and nursing young, no project activities shall occur within 50 feet of an active badger den as determined by the County-approved biologist between March 1st and July 31st (during the breeding and rearing season). Construction activities occurring between July 31st and February 28th shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers through the forced abandonment of dens:

- a. A County-approved biologist shall conduct a biological survey at least 2 weeks prior to the start of construction to identify any potential badger dens. The survey shall cover the entire area proposed for development, including roadways.
- b. If dens are too long to see the end, a fiber optic scope (or other acceptable method such as using tracking medium for a consecutive 3-night period) shall be used to assess the presence of badgers.
- c. Inactive dens shall be excavated by hand with a shovel to prevent badgers from re-using them during construction.
- d. Currently active den entrances shall be partially blocked with sticks, debris, and soil for 3–5 days to discourage badgers from continuing to use them. Access to the den shall be incrementally blocked to a greater degree over this period. After badgers have stopped using previously active den(s) within the project disturbance site, the den(s) shall be excavated by hand with a shovel to prevent re-entry.
- e. The County-approved biologist shall be present during the initial clearing and grading activity. If additional badger dens are found at this time, all work shall cease until the biologist completes the measures described above for inactive and active dens. Once all badger dens have been excavated, work may resume.

BIO-3 Silvery Legless Lizard and California Glossy Snake Surveys and Avoidance. Between 2 and 4 weeks prior to initiation of construction activities or site disturbance activities of all project phase and during initial grading activities of all project phases, a County-approved biologist shall conduct surveys for silvery legless lizards (*Anniella pulchra*) and California glossy snake (*Arizona elegans occidentalis*). The surveyor shall utilize hand search or cover board methods in areas of disturbance where

legless lizards and/or California glossy snake are expected to be found (e.g., under shrubs, other vegetation, or debris). If cover board methods are used, they shall commence at least 30 days prior to the start of construction. Hand search surveys shall be completed immediately prior to and during grading activities. During grading activities, the County-approved biologist shall walk behind the grading equipment to capture silvery legless lizards and California glossy snakes that are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards, California glossy snakes, or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the site but outside of the work area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of silvery legless lizards, California glossy snakes, and other reptiles captured and relocated, and the number of legless lizards or other reptiles taken during grading activities. Observations of these species or other special-status species shall be documented on CNDDDB forms and submitted to CDFW upon project completion.

BIO-4 San Joaquin Pocket Mouse Surveys and Avoidance. Between 2 and 4 weeks prior to initiation of construction activities or site disturbance activities of all project phases and during initial grading activities of all project phases, a County-approved biologist shall conduct surveys for San Joaquin pocket mouse in all areas of proposed disturbance. Any San Joaquin pocket mice observed during the pre-disturbance surveys or grading activities shall be captured and relocated from the construction area and placed in suitable habitat on the site but outside of the work area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of San Joaquin pocket mice captured and relocated. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of San Joaquin pocket mice captured and relocated, and the number of San Joaquin pocket mice taken during grading activities. Observations of these species or other special-status species shall be documented on CNDDDB forms and submitted to CDFW upon project completion.

BIO-5 (a) California Red-Legged Frog and Foothill Yellow-Legged Frog Surveys (a) California Red-Legged Frog and Foothill Yellow-Legged Frog Surveys and Avoidance. A United States Fish and Wildlife Service-approved and CDFW-approved biologist shall survey the project area no more than 48 hours before the onset of project site disturbance activities of all project phases. If any life stage of the California red-legged frog or foothill yellow-legged frog is found and these individuals are likely to be killed or injured by work activities, the approved biologist will be allowed sufficient time to move them from the site before work activities begin. The United States Fish and Wildlife Service-approved and CDFW-approved biologist shall relocate the California red-legged frogs and/or foothill yellow-legged frogs the shortest distance possible to a location that contains suitable habitat and will not be affected by the activities associated with the project, preferably within the same drainage. The relocation site shall be in the same drainage to the extent practicable. The project biologist shall coordinate with the CDFW to discuss site-specific, full avoidance measures, or the relocation or take of California red-legged frogs or foothill yellow-legged frogs, prior to species capture.

(b) California Red-Legged Frog and Foothill Yellow-Legged Frog Surveys and Avoidance During Ongoing Operations. The applicant shall make every effort to schedule work activities during the dry season when impacts to CRLF and FYLF would be minimal. This would include the following:

- Avoid work during the rainy season (November 1 through March 31). If work must occur in the rainy season, no work shall occur during or immediately after rain events of 0.25 inches or greater.
- A follow-up survey shall be conducted prior to the start of work following any rain event of 0.25 inches or greater.
- Avoid nighttime work. If nighttime work is deemed necessary, a qualified biologist shall be on site until it is determined that no potential impacts to CRLF or FYLF would occur based on conditions and the scope of work.

If operational activities such as planting or harvesting are necessary during the rainy season, an Operational Management Plan for the avoidance of amphibians shall be prepared by a qualified biologist. The project's Management Plan will be subject to the review and approval of the United States Fish & Wildlife Service (USFWS) and San Luis Obispo County Planning & Building Department prior to operational activities during the rainy season.

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

BIO-6 California Red-Legged Frog and Foothill Yellow-Legged Frog Worker Awareness Training. Before any activities begin on each project phase, a United States Fish and Wildlife Service-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog, the foothill yellow-legged frog and their habitats, the specific measures that are being implemented to conserve the California red-legged frog for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.

BIO-7 Aquatic Habitat Protection. During project construction and site disturbance activities of all project phases, all refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from riparian habitat or water bodies and in a location from where a spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water). The monitor will ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the applicant shall submit a plan detailing prompt and effective response to any accidental spills to the County Planning and Building Department for review and approval. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

BIO-8 California Red-Legged Frog and Foothill Yellow-Legged Frog Trash Management. During project activities of each project phase, trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly. Following construction, trash and construction debris will be removed from work areas.

BIO-9 Western Spadefoot and Western Pond Turtle Surveys and Avoidance. Between 2 to 4 weeks prior to initiation of construction or site disturbance activities of each project phase, a qualified biologist shall survey the project site and, if present, capture and relocate any western spadefoot or western pond turtles to suitable habitat outside of proposed disturbance areas. Observations of these or other special-status species

shall be documented on California Natural Diversity Database forms and submitted to the California Department of Fish and Wildlife upon phase completion. The project biologist shall submit a survey report to the County Department of Planning and Building documenting the number of observations of these or other special-status species (even if none are observed) as well as the areas in which individuals were relocated, if applicable.

BIO-10

San Joaquin Kit Fox Habitat Conservation and Compensation. Prior to issuance of grading and/or construction permits for each project phase, the applicant shall submit evidence to the County Department of Planning and Building (County) that satisfactorily demonstrates one or a combination of the following San Joaquin kit fox mitigation measure options has been implemented to offset the project's calculated compensatory impacts:

- a. Habitat Set Aside: Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, the number of acres of required mitigation of suitable habitat in the kit fox corridor area, as determined by CDFW, (e.g., within the San Luis Obispo kit fox habitat area northwest of Highway 58), either on-site or off-site, and provide for a nonwasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the CDFW and the County.
- b. In-Lieu Fee: Deposit funds into an approved in-lie fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area located primarily within San Luis Obispo County and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Funds would be provided to The Nature Conservancy pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. Total fees determined by the CDFW calculated based on the current cost-per-unit is \$2,500 per acre of mitigation. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.
- c. Conservation Bank Credit: Purchase the number of credits required by CDFW in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Credits can be purchased through the CDFW approved conservation bank, the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BIO-11

San Joaquin Kit Fox Preconstruction Surveys and Monitoring Activities. In accordance with BIO-1, the qualified biologist shall perform the following monitoring activities for all project phases:

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction of each project phase,

the qualified biologist shall conduct a pre-activity (i.e., pre-construction) transect survey of the work area and 250-foot buffer around the proposed disturbance areas for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within 250 feet of the work area.

- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., grading, diskings, excavation, stock piling of dirt or gravel, etc.) of each project phase that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-8 through BIO-12. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (e.g., Mitigation Measure BIO-4diii). When weekly monitoring is required, the qualified biologist shall submit weekly monitoring reports to the County within 14 days of project site disturbance initiation of each project phase.
- c. Prior to and during project activities of all project phases, if any observations are made of SJKF, or any known or potential SJKF dens are discovered within the project limits, the qualified biologist shall reassess the probability of incidental take (e.g., harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the USFWS and CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS and CDFW determine it is appropriate to resume work. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and CDFW. The results of this consultation may require the applicant to obtain a federal and/or state permit for incidental take during project activities. The applicant shall be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.
- d. In addition, the qualified biologist shall implement the following measures:
 - i. Within 30 days prior to initiation of site disturbance and/or construction of all project phases, fenced exclusion zones shall be established around all known and potential kit fox dens. Dens will be avoided by the following distances: 50 feet for potential or atypical dens, 100 feet for known dens, and 250 feet for pupping dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey lath or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e., potential, known, active, or natal den), to be determined by the kit fox biologist.
 - ii. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

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- iii. If kit foxes or known or potential kit fox dens are found on-site, daily monitoring by a qualified biologist shall be required during ground-disturbing activities.

- BIO-12 Kit Fox Speed Limit Signage.** Prior to issuance of grading and/or construction permits for each project phase, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction of each project phase.
- BIO-13 Kit Fox Night Construction Limitations.** During the site disturbance and/or construction of each project phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BIO-14 Kit Fox Worker Education Training program.** Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction of each project phase, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g., SJKF). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the County, and any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program and distributed at the training program to all contractors, employers, and other personnel involved with the construction of each phase of the project.
- BIO-15 Kit Fox Entrapment Avoidance.** During the site-disturbance and/or construction of each project phase, to prevent entrapment of the SJKF, all excavations, steep-walled holes, and trenches in excess of 2 feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume or be removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- In addition, during site disturbance and/or construction of each project phase, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site shall be thoroughly inspected for trapped SJKF before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BIO-16 Kit Fox Trash Removal Procedures.** During the site-disturbance and/or construction of each project phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract SJKF onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BIO-17 Pesticide and Herbicide Minimization Procedures.** Prior to, during, and after the site-disturbance and/or construction of each project phase, use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of

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endangered species utilizing adjacent habitats, and the depletion of prey upon which SJKF depend.

- BIO-18** **Kit Fox Mortality Procedures.** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures an SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the USFWS and CDFW for care, analysis, or disposition.
- BIO-19** **Kit Fox Fencing Requirements.** Prior to final inspection or establishment of the use, whichever occurs first, all proposed fencing (chain link with security slats) shall be installed to provide for kit fox passage and 8 x 12-inch openings near the ground shall be provided every 100 yards. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines and shall be inspected during quarterly monitoring by the County.
- BIO-20** **Nesting Bird Breeding Season Avoidance.** To the maximum extent possible, all site preparation, ground-disturbing, and construction activities of each project phase shall be conducted outside of the migratory bird breeding season (February 1 through September 15). any site preparation, ground disturbing, or construction activities associated with any project phase are required during the migratory bird breeding season (February 1 through September 15), Mitigation Measure BIO-21 shall apply.
- BIO-21** **Nesting Bird Avoidance.** If any site preparation, ground disturbing, or construction activities associated with any project phase are required during the migratory bird breeding season (February 1 through September 15), the qualified biologist shall conduct a nesting bird survey no sooner than 10 days prior to site disturbance activities. If nesting activity is detected, the following measures shall be implemented:
- a. The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA and/or California Fish and Game Code;
 - b. If an active tricolored blackbird nesting colony is found, a minimum 300-foot exclusion zone shall be observed in accordance with "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). The exclusion zone shall encircle the nesting colony and have a radius of 300 feet from the outside border of the colony. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained for the duration of the breeding season or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival.

If 10 days lapse between project phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the tricolored blackbird survey shall be repeated.
 - c. The qualified biologist shall contact the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to determine the appropriate biological buffer zone around active nest sites. Standard CDFW guidelines recommend a minimum no-disturbance buffer of

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250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and

- d. The qualified biologist shall document all active nests and submit a letter report to the County, USFWS, and CDFW, documenting project compliance with the MBTA, California Fish and Game Code, and applicable project mitigation measures within 14 days of survey completion.

In the event that a TRBL nesting colony is detected during surveys, the applicant shall consult with CDFW to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire a State Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b), prior to project implementation.

BIO-22 Roosting Bat Avoidance. Site preparation, ground disturbance, and construction activities of each project phase including any tree trimming and/or vegetation removal shall be conducted outside of the typical bat maternity roosting and pupping season (from February 1st to August 31st), if feasible. If site disturbance activities of any project phase are to occur within this season, the applicant shall retain a County-qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County Planning and Building Department within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed, and no further mitigation is required.

BIO-23 Native Tree Impacts. Prior to issuance of construction or grading permits or prior to any site disturbance of project phases 1 and 2, whichever occurs first, a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees would be impacted by project activities, such as compaction (e.g., regular use of vehicles), grading (includes cutting and filling of material), tilling, placement of impermeable surfaces (e.g., pavement), or year-round irrigation within the critical root zone (measured to be a radius of 1.5 times the dripline of the tree), and which trees are to remain unimpacted.

BIO-24 Native Tree Protection. Throughout all project phases' site disturbance and construction activities, native oak trees located within 20 feet of proposed grading, trenching, building construction, road improvements, tilling, year-round irrigation, or other impactful activities shall be protected by placement of protective fencing until site disturbance activities of that phase is complete.

BIO-25 Oak Tree Replacement Plan. Prior to issuance of construction or grading permits or prior to site disturbance of all project phases, whichever occurs first, the qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement native oak trees on the project parcel and surrounding parcels owned by the Applicant and shall be reviewed and approved by the County Department of Planning and Building. Mitigation replacement plantings for each oak tree removed shall be at a 4:1 ratio and at a 2:1 ratio for each oak tree impacted (e.g., if nine trees are impacted, 18 trees shall be planted). The Oak Tree Replacement Plan shall include the following components:

- a. A brief narrative of the project location, description, and purpose;

- b. Clearly identified parties responsible for the mitigation program and their contact information;
- c. A landscape map showing and quantifying all oak tree planting areas;
- d. A requirement that all replacement oak trees be located at least 50 feet from the proposed aboveground power connection and from existing powerlines.
- e. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
- f. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
- g. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.
- h. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
- i. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and
- j. Methods for removing nonnative species from the replanting areas.

BIO-26 Oak Tree Maintenance. For the life of the project, the following activities are not allowed within the critical root zone of existing or newly planted oak trees in the project area: year-round irrigation (no summer watering, unless “establishing” new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).

<p>Monitoring: Required at time of application for construction permits and during construction. Compliance will be verified by the County Department of Planning and Building.</p>
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ENERGY/GREENHOUSE GAS EMISSIONS (ENG)

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

- a. A detailed inventory of energy demand prepared by a certified energy analyst. The energy demand inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities, including, but not limited to, lighting, odor management, and climate control equipment. Such quantification shall be expressed in total kWh per year and non-electrical sources shall be converted to kWh per year.
- b. A program for providing a reduction or offset of all energy demand that is 20% or more above a typical commercial building of the same size. In this case, the estimated reduction or offset would be at least 2,012,780kWh/yr – 466,599 kWh/yr = 1,546,181 kWh/yr; and the amount of energy not otherwise

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reduced or offset must not exceed 466,599 kWhr/yr. Such a program (or programs) may include, but is not limited to, the following:

- i. Evidence that the project will permanently source project energy demands from renewable energy sources (e.g., solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
- ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include the following:
 1. Participating in an annual energy audit.
 2. Upgrading and maintaining efficient heating/cooling/dehumidification systems.
 3. Implement energy efficient lighting, specifically LED over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 4. Implementing automated lighting systems.
 5. Utilizing natural light when possible.
 6. Utilizing an efficient circulation system.
 7. Ensuring that energy use is below or in-line with industry benchmarks.
 8. Implementing phase-out plans for the replacement of inefficient equipment.
 9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
- iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
- iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

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

Monitoring: Required at the time of application for construction permits. Implementation required prior to building permit issuance. Compliance will be verified by the County Department of Planning and Building.

GEOLOGY AND SOILS (GEO)

GEO-1 Paleontological Resource Awareness Training. Prior to the initiation of ground-disturbing activities of Phase 1 or Phase 2, all construction personnel shall be trained by a County-qualified paleontologist regarding the recognition of possible subsurface paleontological resources and protection of all paleontological resources. The following items shall be addressed in training or in preparation for construction:

- a. All construction contracts shall include clauses that require grading personnel to attend training so that they are aware of the potential for inadvertently exposing subsurface paleontological resources, their responsibility to avoid and protect all such resources, and the penalties for collection, vandalism, or inadvertent destruction of paleontological resources.
- b. A County-approved paleontologist shall provide a background briefing for supervisory personnel describing the potential for exposing paleontological resources, the location of any potential paleontological resources, and procedures and notifications required in the event of discoveries by project personnel or paleontological monitors. Supervisory personnel shall enforce restrictions on collection or disturbance of fossils.
- c. All personnel shall be instructed that unauthorized collection or disturbance of protected fossils on- or off-site by the Applicant, its representatives, or employees will not be allowed. Violators shall be subject to prosecution under the appropriate State and federal laws. Unauthorized resource collection or disturbance may constitute grounds for the issuance of a stop work order.

During construction and site disturbance activities, compliance shall be verified by the County Planning and Building Department, including verification that appropriate training is developed and given to all grading personnel.

GEO-2 Paleontological Resource Discovery Protocol. Should any vertebrate fossils or potentially significant finds (e.g., numerous well-preserved invertebrate or plant fossils) be encountered during initial grading and/or soil excavation activities on site, all activities in the immediate vicinity of the find shall cease until a qualified paleontologist evaluates the find for its scientific value. If deemed significant, the paleontological resource(s) shall be salvaged and deposited in an accredited and permanent scientific institution where they shall be properly curated and preserved.

<p>Monitoring: Required prior to ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building.</p>
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HAZARDS AND HAZARDOUS MATERIALS (HAZ)

HAZ-1 Equipment Maintenance and Refueling. During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

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

Monitoring: Required prior to Phase II uses and during construction activities. Compliance will be verified by the County Department of Planning and Building.

HYDROLOGY AND WATER QUALITY (WQ)

WQ-1

Water Demand Offset Requirements. Prior to issuance of building permits for each project phase (or prior to occupancy of each project phase if no building permits are required), the applicant shall provide to the Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050 D. 5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

- a. The quantification of water demand expressed in total acre-feet per year, for each project phase, consistent with the Water Management Plan required by LOU Sections 22.40.050 C. 1 and 22.40.060 C.1.
- b. A program for achieving a water demand offset for each project phase, for a total project water demand offset of **3.99 AFY**, as required by LUO Section 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:
 - i. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the Basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:
 1. Drip irrigation;
 2. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
 3. Installation of float valves on water tanks to prevent tanks from overflowing;
 4. Converting from using overhead sprinklers to wind machines for frost protection; [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.
 5. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.

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6. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
7. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.
 - ii. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent, and shall not result in adverse environmental effects beyond those assessed by the CEQA compliance document for the proposed cannabis project.

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

Monitoring: Required at the time of application for construction permits. Implementation required prior to building permit issuance and during quarterly monitoring. Compliance will be verified by the County Department of Planning and Building.

NOISE (N)

- N-1 HVAC Location Within Processing Building.** At time of application for construction permits for the processing/drying structure, the applicant shall locate any HVAC system at the southwest corner of the structure.
- N-2 HVAC Noise Buffer.** At time of application for construction permits for the ancillary processing structure, the applicant shall demonstrate sufficient insulation or other buffer methods so that noise associated with the HVAC does not exceed 50 dBA at the northern property line. Prior to final inspection or occupancy, the applicant shall demonstrate implementation and compliance with this measure.
- N-3 HVAC Operation.** For the life of the project, operation of any HVAC system in the ancillary processing structure shall be limited to no more than 1 hour daily between the hours of 10:00 p.m. and 7:00 a.m., unless the applicant demonstrates, per Mitigation Measure N-2, that noise associated with the HVAC does not exceed 45 dBA at the northern property line.
- N-4 HVAC Location Within Greenhouses.** At time of application for construction permits for the greenhouse structures, the applicant shall locate any HVAC systems at least 300 feet from the northern and eastern property lines. In the event that any HVAC system must be located closer than 300 feet from the northern and eastern property lines, that applicant shall demonstrate sufficient insulation or other buffer methods so that noise associated with the HVAC does not exceed 50 dBA at the northern property line. In the event that any HVAC system must be located closer than 300 feet from the northern and eastern property lines, operation of such HVAC system in the greenhouses shall be limited to no more than 1 hour daily between the hours of 10:00 p.m. and 7:00 a.m., unless the applicant demonstrates that noise associated with the HVAC does not exceed 45 dBA at the northern property line. Prior to final inspection or occupancy, the applicant shall demonstrate implementation and compliance with this measure.

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

TRANSPORTATION (TR)

TR-1. Improvements to North Ryan Road. Prior to establishment of any use, the applicant shall confer with the Department of Public Works and County Fire/Cal Fire to determine the timing of road improvements to North Ryan Road. Prior to the timing identified by Department of Public Works and County Fire/Cal Fire, the applicant shall submit road improvement plans to the Department of Public Works for review and approval. Improvements shall include, but not be limited to, widening of North Ryan Road to a minimum of 24-feet and providing an all-weather surface capable of supporting a minimum of 75,000 pounds, per California Fire Code and County Public Works standards.

TR-2. Road Maintenance. Prior to establishment of the use, the applicant shall provide the Department of Planning and Building a copy of a road maintenance agreement entered into by the landowners that benefit from the private driveway that extend from North Ryan Road to the project site. In addition, the applicant shall submit for an encroachment permit for dust suppression on the unimproved portion of North Ryan Road and Ryan Road to La Panza Road, the nearest improved road. The encroachment permit and dust suppression shall be commensurate with the project related impacts and maintained for the life of the project.

Monitoring: Required prior to establishment of the use. Compliance will be verified by the County Department of Planning and Building.

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


Signature of Applicant

TYLER MITCHELL
Name (Print)

11.19.2020
Date