



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

PLN-2039
04/2019

Project Title & No. Lovejoy Minor Use Permit ED19-308 (DRC2018-00193; previously DRC2018-00225)

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

Young Choi	Planner	
Prepared by (Print)	Signature	Date
Steven McMasters	Principal Environmental Specialist	3/26/20
Reviewed by (Print)	Signature	Date

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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: Request by **Ryan Lovejoy** for a Minor Use Permit (DRC2018-00225) to allow for the phased development of 22,000 square feet of indoor cannabis cultivation, three-acres of outdoor cannabis cultivation, 4,000 square feet of ancillary nursery, 3,000 square feet of drying in 9 permitted seatrain containers, and 320 square feet of storage in one seatrain container. The project includes the phased construction of six (6) 4,320-square-foot greenhouses totaling 25,920-square-feet of floor area (to house the 22,000-square-feet of indoor cannabis cultivation and 3,920-square-feet of ancillary nursery). The project would also include extension of a water line from an existing well to serve proposed cannabis activities, construction of 20-foot wide access road, and 26 parking spaces. An existing single-family residence, agricultural accessory structure, and approximately 30 acres of barley cultivation will remain. The project will result in the disturbance of approximately 6-acres on an approximately 42.2-acre parcel located at 11111 Bitterwater Road, on the northeast section of the intersection of with Hwy. 58, approximately 5 miles west of the village of California Valley. The project is within the Agriculture land use category and within the Carrizo planning area.

The project would employ up to four full-time employees; indoor cultivation would operate seven days per week, 24 hours per day, and outdoor cultivation would operate dawn to dusk. There will be part-time seasonal harvest labor onsite once a year. Project components and project phasing are summarized in Table 1 and Figure 4.

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Table 1 – Project Summary

Project Phase	Project Component	Proposed Cannabis Activity	Quantity/Total Square Feet
1	Outdoor Cultivation	Cannabis Cultivation (outdoor)	129,400 sq.ft. (2.97-acres)
2	New Greenhouses (6 buildings totaling 26,000 sf)	Cannabis Cultivation (indoor)	22,000 sq. ft.
		Ancillary Nursery	3,920 sq. ft.
1	Seatrains Containers (1)	Storage	320 sq. ft.
1	Seatrains Containers (9)	Drying	2,880 sq. ft.
1	Compost Area		1,200 sq. ft.
Total Area, All Uses			159,720 sq. ft. (3.66-acres)
Site Improvements (Road, parking & utility)			1.2 acres
Total Site Disturbance (includes construction disturbance)			+/- 6 acres
Area of Permanent Improvements (roads, parking and structures)			+/- 2 acres
Tree Removal			None
Signage			None
Parking			26
Employees			4 full time (up to 12 seasonal employees)

Summary of Proposed Cannabis Canopy

Outdoor Cultivation	129,400 square-feet (2.97-acres)
Indoor Cultivation	22,000 square-feet
Ancillary Nursery	3,920 square-feet

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The proposed greenhouse, outdoor cultivation area and accessory structures will be located in relatively level areas on the north half of the project site; surround land uses include agricultural fields to the north, east and west (Figure 3) and the Topaz solar generating facility to the north and east (Figure 2). All exterior lighting would be shielded, directed downward, and would comply with California Green Building Code and California Title 24 outdoor lighting energy efficiency requirements. Project grading would occur on approximately 6 acres; with 4,520 cubic yards of cut and 3,355 cubic yards of fill. Graded materials are expected to be balanced on-site after subsidence, compaction and losses are considered.

Indoor cultivation would be secured within the new project buildings. Outdoor cultivation will be enclosed within an existing 5-foot tall pipe perimeter fence outfitted with a lockable access gate. In addition, the project proposes 6-foot secure fencing with green shade cloth to surround outdoor cultivation areas.

Baseline Conditions

The project site currently contains existing barley fields. The site also contains an existing single-family residence, and agricultural accessory structures.

The project site contains nearly level topography. Existing vegetation includes barley cultivation and ornamental landscaping. Two (2) swale features cross the property from west to east. The swales also show signs of disturbance associated with historic and current land use practices (i.e., grazing and agricultural operations) that have modified the landscape over time (Figure 3). Project proposes connection to existing water well that currently serves barley production.

Ordinance Modification: The project includes a request for a modification from the setback standards set forth in Section 22.40.050.D.3 of the County Land Use Ordinance (LUO). Section 22.40.050.D.3.e requires outdoor cannabis cultivation to be setback a minimum of 300 feet from the property lines of the site or public right-of-way, whichever is closer. The east and west cultivation areas will be setback 205 feet from the property lines. Section 22.40.050.E.7 allows the setback standard to be modified when specific conditions of the site and/or vicinity make the required setback unnecessary or ineffective, and so long as the modification will not allow nuisance odor emissions from being detected offsite.

The application states that the setback modification is necessary to *“avoid existing culverts and potentially sensitive drainage features, utilize appropriate space at a further distance from road right of ways, and reduce the amount of site disturbance necessary to provide a safe and stable accessway to each cultivation area. Placing the cultivation areas closer to the northern and eastern property lines will reduce visibility from CA Highway 58, a highly traveled roadway and preserve existing views at the intersection of Bitterwater/CA Highway 58”*.

Ordinance Modification: The project also includes a request for a modification from the screening and fencing provisions set forth in Section 22.40.050.D.6 of the County LUO. The project proposes 6-foot secure fencing with slats for outdoor cannabis cultivation with allowance for wildlife as specified in Biological Resources section. As provided by the applicant, to access the outdoor cannabis cultivation area, there is one (1) gate and five (5) perimeter fences. The west side of the proposed outdoor cannabis cultivation area will be screened by ornamental trees.

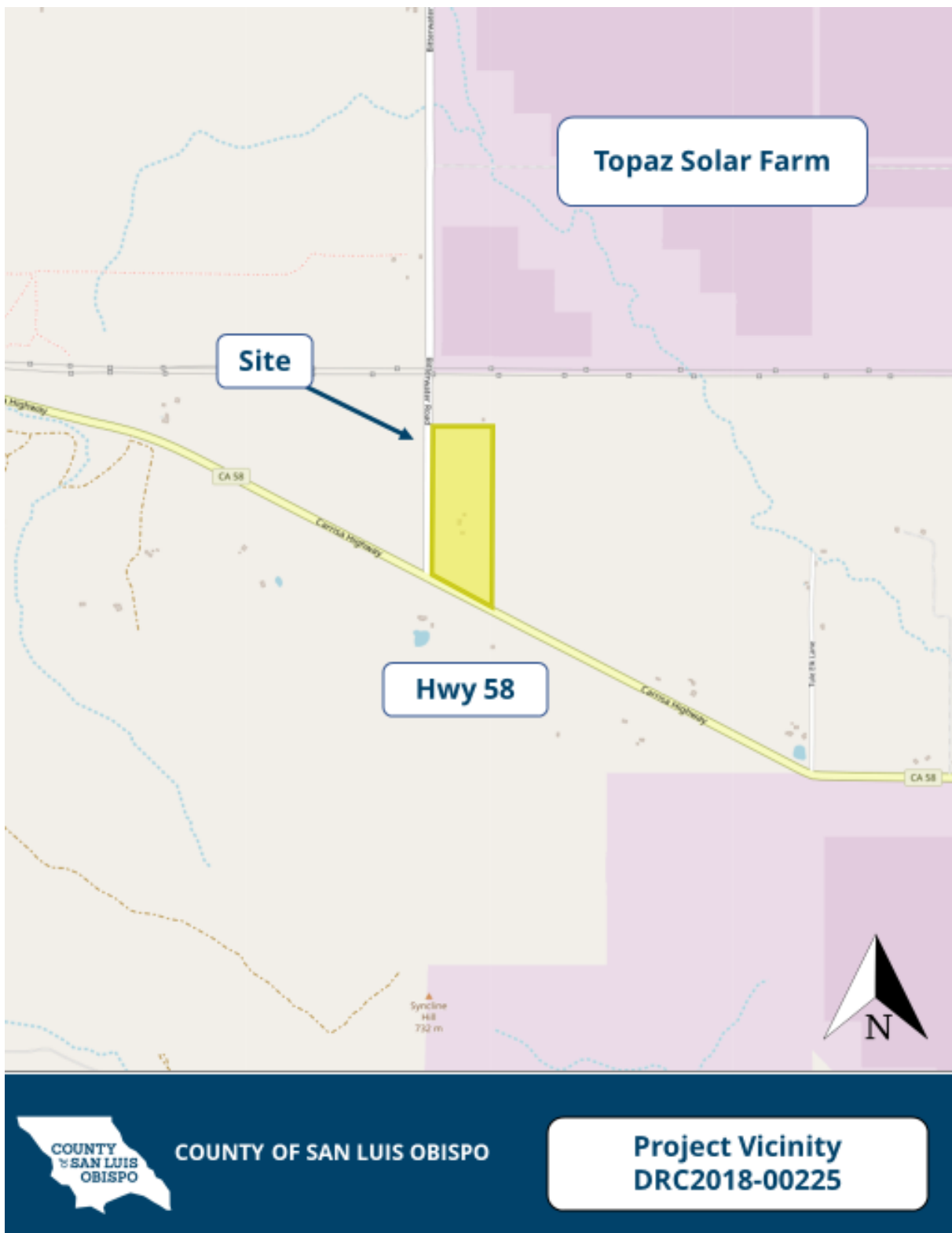
Ordinance Modification: The project includes a request for a modification from the parking standards set forth in Section 22.18.050.C.1 of the County Land Use Ordinance (LUO). The type of use that best matches the proposed cannabis cultivation is “Nursery Specialties” with a parking requirement of one parking space per 500 square feet of building floor area. The drying, curing, trimming, grading, and other processing activities are assumed to generate a parking demand comparable to “Ag Processing” which requires one parking space per 1,000 square feet of use area. With the application of these parking standards, the project would require 60 parking spaces. The project proposes 26 parking spaces. Up to 18 employees may be on site at various

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times during the day and year. 26 spaces are considered sufficient to meet the parking demand of the project.

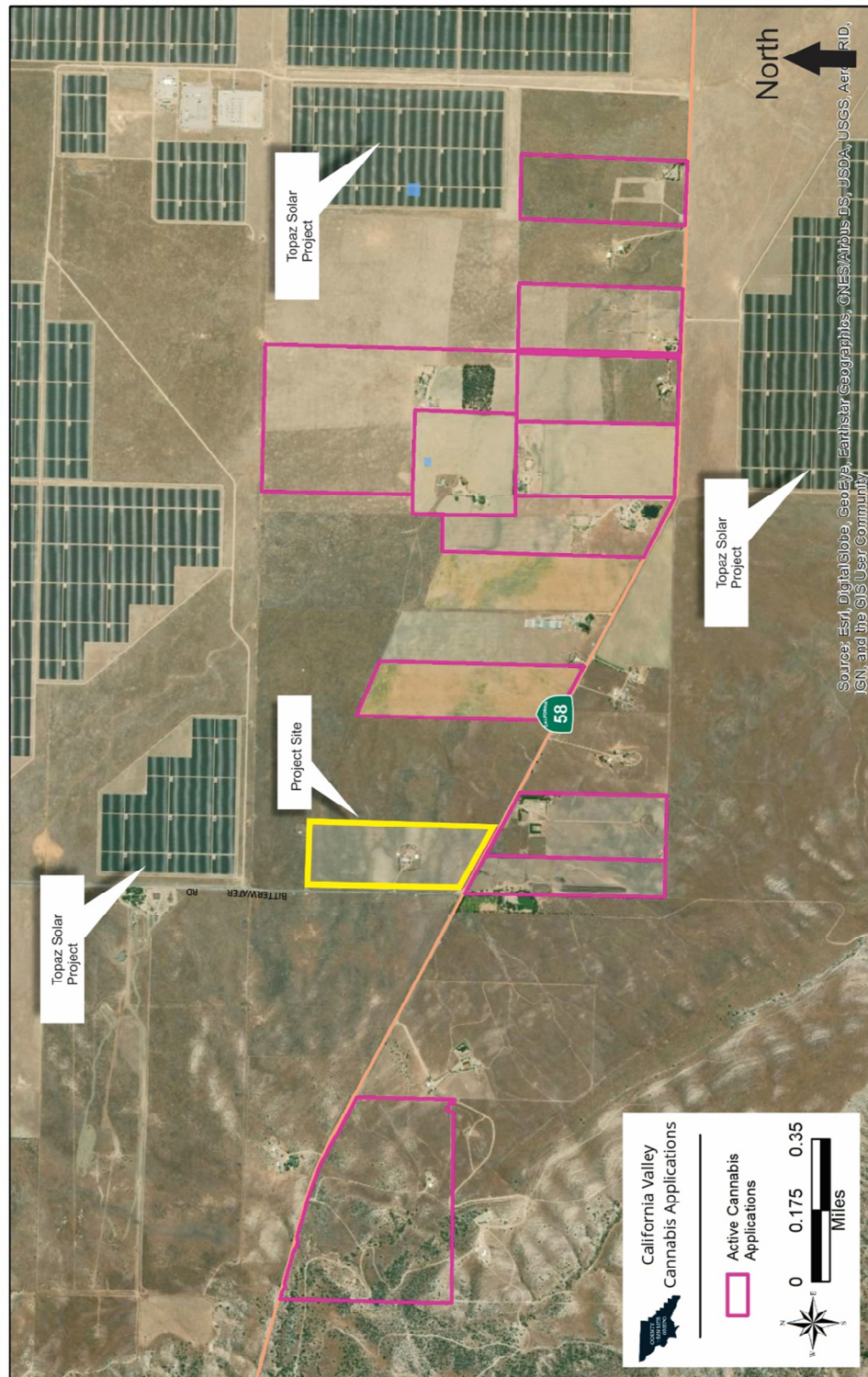
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Figure 1: Project Vicinity



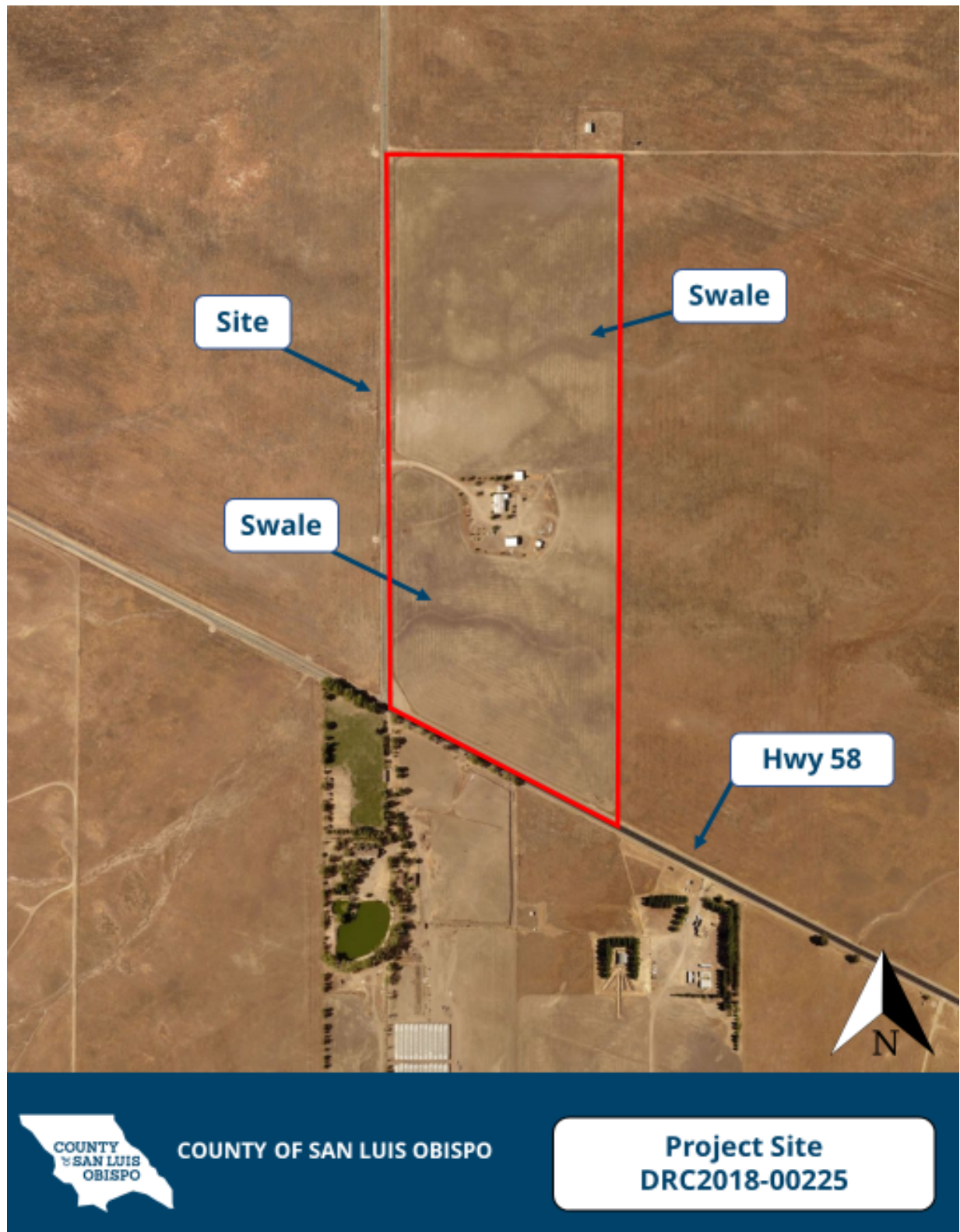
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Figure 2: Project Vicinity



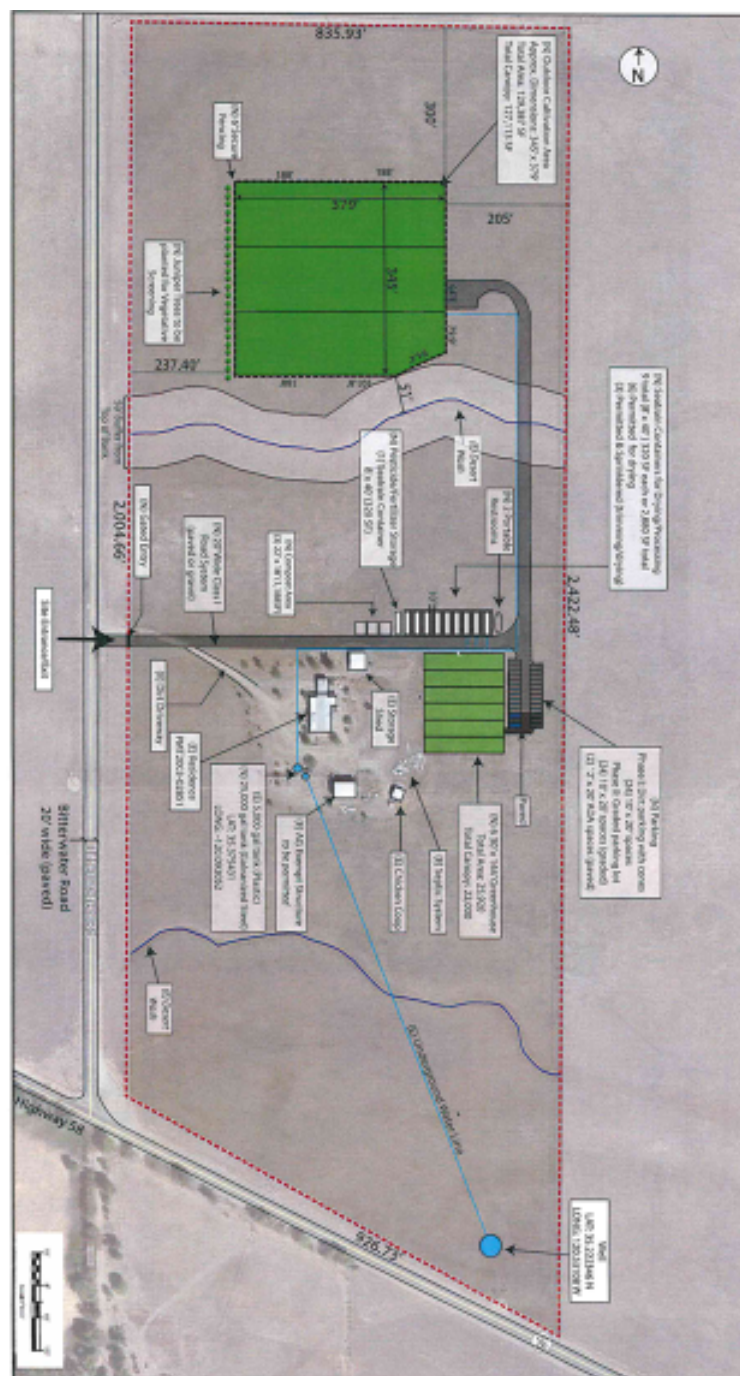
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Figure 3 -- Project Site



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Figure 4 – Site Plan



COUNTY OF SAN LUIS OBISPO

Project Site
DRC2018-00225

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ASSESSOR PARCEL NUMBER(S): 072-311-005

Latitude: 35.36958 ° N

Longitude: 120.08230 ° W

SUPERVISORIAL DISTRICT # 5

B. Existing Setting

Plan Area: Carrizo

Sub:

Comm: Santa Margarita

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 41.7acres

Topography: Nearly level

Vegetation: Agriculture Herbaceous

Existing Uses: Agricultural uses

Surrounding Land Use Categories and Uses:

North: Agriculture;

East: Agriculture;

South: Agriculture;

West: Agriculture;

Other Approvals That May Be Required to Implement the Project

<u>Permit Type/Action</u>	<u>Agency</u>
Cannabis cultivation license	California Department of Food and Agriculture (CDFA), CalCannabis Cultivation Licensing Division
Lake and Streambed Alteration (LSA) Agreement or written verification that one is not needed	California Department of Fish and Wildlife (CDFW), Cannabis Program
Small Irrigation Use Registration and coverage under the Cannabis Cultivation General Order	California State Water Resources Control Board (SWRCB)

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

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.

Initial Study – Environmental Checklist

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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 at the corner of Bitterwater Road and Highway 58 in California Valley. The site is accessed through an existing driveway onto Bitterwater Road. Views from Highway 58 and Bitterwater Road through the Carrizo Plain/California Valley are expansive, with the Temblor and Caliente Ranges forming the visual backdrop. The site, as with most of the surrounding properties, is currently utilized for agricultural activities (barley cultivation). Agricultural uses on surrounding properties include hay and barley. The topography of the site is relatively flat to gently sloping. The majority of the property is undeveloped and contains a single-family residence and agricultural accessory structure. Ornamental trees are located adjacent to the residences. The project site is not located in a designated scenic area, and there are no unique geological or physical features located on site. Highway 58 in the project vicinity is not a State Designated Scenic Highway. Table VR-2 of the Conservation and Open Space Element provides a list of Suggested Scenic Corridors; none of the roadways in the vicinity of the project site are listed in Table VR-2.

The Project involves the construction of six (6) 4,320-square-foot greenhouses totaling 25,920 square-feet within a predominantly agricultural area. The greenhouses would be approximately 20 feet in height and would be located on the interior of the site. In addition, there will be ten (10) new 320-square-foot seatrain containers placed on the north east side of the property.

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In compliance with LUO Section 22.40.050 D. 6, cannabis plants associated with cultivation would not be easily visible from offsite. Indoor cannabis related activities would occur within secure buildings where the plants would not be visible. In addition, the outdoor cultivation area would be enclosed within a six-foot high secure fence with slats and screened with ornamental trees to the west side of the cultivation area to minimize visibility. The site plan shows screening trees provided on the west exterior of the proposed fencing.

In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (c) states: All outdoor lighting used for security purposes shall be shielded and downward facing. Section 8304 (g) states: mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare. Compliance with the recommended mitigation measure as well as Section 8304 (c) and (g) will reduce potential impacts to less than significant.

Discussion

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

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

The project site is located in a rural area of the County, where Highway 58 serves as the primary vantage for public views. The project site is not visible from a Designated State Scenic Highway. The proposed project is cannabis cultivation and related activities, and is consistent with the surrounding rural, and agrarian landscape. Therefore, there would be no significant impact.

The project site is not visible from any State or locally-designated scenic highways. The site does not include unique geological or physical features. Therefore, the project would not result in a substantial adverse effect on a scenic vista, and impacts would be less than significant.

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

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

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

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

The proposed greenhouse structures would be of similar size and scale as the existing residence and would be set back from Highway 58 and Bitterwater Road such that they would only be partially visible to passing motorists. Traffic counts taken by Caltrans for Highway 58 at Soda Lake Road in 2016 indicate an average daily traffic volume of 600 trips with a peak hour volume of 90. This suggests that the project site will be viewed frequently by motorists travelling on the Highway.

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However, the roadway in the vicinity of the project site is relatively straight and traffic speeds are high, around 55 miles per hour (mph) or more. Assuming a speed of 55 mph, a vehicle would pass by the project site in about 9 seconds and the potential impacts to views from the highway would be very brief. The speed limit on Bitterwater Road is 45 mph affording brief views of the project site. Although opportunities for the public to view the project site are high, the potential and frequency to view the site are low because of the relatively high speed of traffic and the screening provided by the proposed landscaping.

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

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

The project site is located in the northern portion of the Carrizo Plain, a predominantly rural area comprised of agricultural lands and scattered residences. The proposed project site is located in an area that is comprised of 20-70 acre parcels mostly fronting on Hwy. 58 and larger agricultural parcels to the north and the south. Most of the smaller parcels that are developed include residential and agricultural accessory structures mostly clustered near Hwy. 58. The Topaz solar generating facility is located to the north and east of the project site. The visual qualities of the project site are not unique within the described area and the scale and character of the proposed new construction will not significantly detract from the integrity or uniqueness of the larger landscape. The design and location of the proposed buildings and outdoor cultivation area will incorporate features that are typical of agricultural activities in the area.

- *The magnitude of the change.*

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

As discussed above, the proposed Project and other development associated with cannabis activities will largely complement the setting consistent with the visual character of the surrounding agricultural lands. Therefore, the magnitude of change is considered less than significant, with proposed landscape, within the context of the larger visual landscape.

The preceding analysis indicates that the project will not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

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

Security lighting would be placed along building perimeters as well as in the employee parking areas. The lighting, equipped with downward positioned shields, would illuminate the ground plane and would not direct light into the sky. Each security lighting fixture would not exceed 1,000 total lumens, and would be directed downwards to reduce spillover.

The introduction of new greenhouse structures and new vehicles on-site would generate additional light and glare. The majority of the lighting associated with the project would be associated with the greenhouses.

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Due to the rural nature of the area, artificial lighting that escapes the facilities has the potential to impact both nearby residents and sensitive wildlife species. Lighting at the project access gate would be downward directed and consistent with other entry gate lighting in the vicinity of the site and consistent with LUO Section 22.10.060 B through F which requires exterior lighting to be confined to the project site. As such, with implementation of AES-1, impacts would be less than significant with mitigation.

Conclusion

The project is not expected to adversely impact aesthetic resources because:

- Views of the project site from surrounding public vantage points are very brief, and if visible, is surrounded by existing development, and vegetation.
- The buildings and cultivation sites proposed for the project incorporate landscaping elements that will complement the site and the visual character of the area. The project will be conditioned to provide a final landscaping plan for the project that includes the size, type and quantity of screening vegetation.
- The project will not require extensive grading or significant cut and fill on steep slopes.
- The General Plan does not designate any scenic resources in this area.
- The proposed cannabis activities will take place within buildings and behind solid and durable fencing which will prevent cannabis plants from being readily visible from offsite as required by LUO Section 22.40.050.D.6.
- All lighting at the project site would be downward directed and consistent with other entry gate lighting in the vicinity of the site and consistent with LUO Section 22.10.060 B through F.
- Mitigation is recommended (mitigation measure AES-1) to address potential impacts associated with new sources of light and glare.

With mitigation, impacts to aesthetic and visual resources are less than significant.

Mitigation

AES-1 Nighttime lighting. Prior to issuance of construction permits, to minimize the effects of exterior lighting on special-status wildlife species and to address potential impacts associated with new sources of light and glare, the applicant shall submit a light pollution prevention plan (LPPP) to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

- a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
- b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;
- c. Any exterior path lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. Exterior path lighting shall be “warm-white” or filtered

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(correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and

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

Sources

See Exhibit A.

II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<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 type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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

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

Land Use Category: Agriculture

Historic/Existing Commercial Crops: Barley

State Classification: Prime Farmland if Irrigated

In Agricultural Preserve? No

Under Williamson Act contract? No

The developed and undeveloped portions of the project site are relatively flat. The average slope of the parcel is under five (5) percent.

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

Table 2 – Classifications and Acreages of Soils On-site

Soil	Classification	Acres
Yeguas-Pinspring Complex (2-5 % slope)	Prime Farmland if irrigated Highly Productive Rangeland Soils	27.8 acres
Yeguas-Pinspring Complex (0-2 % slope)	Prime Farmland if irrigated Highly Productive Rangeland Soils	14.4 acres

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

Table SL-2 of the General Plan Conservation /Open Space Element lists these soils as Prime and Highly Productive Rangeland. Based on the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (NRCS 2019), soil type(s) and characteristics on project site include the following:

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

Yeguas-Pinspring Complex (2-5 % slope) +/- 27.8 acres

This gently sloping soil is considered not well drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation, steep

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slopes, seepage in bottom layer. The soil is considered Class IV without irrigation and Class II when irrigated.

Yeguas-Pinspring Complex (0-2 % slope) +/- 14.4 acres

This nearly level soil is considered not well drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation, steep slopes, seepage in bottom layer. The soil is considered Class IV without irrigation and Class II when irrigated.

Discussion

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

The entire site is within Yeguas-Pinsprings soil complex within 0-2, and 2-5 percent slope which is considered Prime Farmland by Table SL-2 of the Conservation and Open Space Element. Construction of the proposed greenhouses, outdoor nursery area, and ancillary structures together with the placement of 10 storage containers, roadway and parking improvements would result in the permanent conversion of approximately 2 acres of Prime Farmland. Approximately 3 acres would be utilized for outdoor cultivation uses, thereby temporarily converting 3 acres of prime soils to a non-agricultural use (e.g., commercial cannabis operations). These areas would no longer be available for the cultivation of barley.

Table 3 provides a summary of the changes in the acreage of important farmland in San Luis Obispo County from 2006 to 2016 (the most recent year for which data are available) as determined by the California Department of Conservation, Farmland Mapping and Monitoring Program. As shown in Table 9, over the ten-year period between 2006 and 2016 the County experienced a net increase in the acreage of important farmland of about 126,781 acres, including a net increase of 1,466 acres of prime farmland.

Table 3 – Acreage of Important Farmland in San Luis Obispo County, 2006 – 2016

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

Project impacts to Prime Farmland are considered less than significant because:

- The 3.0 acres of outdoor cultivation will preserve the underlying soils for a future agricultural use if the cannabis activities were to be removed.

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- As shown in Table 3, the total acreage of important farmland impacted by the project (about 2.1 acres) is less than 0.001 percent of the Farmland of Statewide Importance in the county
- The project will result in the temporary conversion of approximately 3 acres, and the permanent or semi-permanent conversion of 2 acres of the 42.2-acre site which will have no effect on the cultivation potential of the remaining portions of the site.
- The project is consistent with the following policies of the Agriculture Element with regard to the protection and preservation of productive agricultural land:

AGP8: Intensive Agricultural Facilities.

- Allow the development of compatible intensive agricultural facilities that support local agricultural production, processing, packing, and support industries.*
- Locate intensive agricultural facilities off of productive agricultural lands unless there are no other feasible locations. Locate new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed compatible with agricultural uses.*

AGP18: Location of Improvements.

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

Discussion: The entire parcel is considered Prime Farmland. Therefore, there are no alternative feasible locations for the location of the proposed cannabis activities that would not impact Prime Farmland.

AGP14: Agricultural Preserve Program.

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

Discussion: The project site is not within an active LCA contract.

AGP24: Conversion of Agricultural Land.

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

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

Discussion: The project site is located about 30 miles from the nearest urban reserve and urban fringe.

- 2. Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.*
- 3. Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines.*

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

Discussion: The project is consistent with the allowable land uses in the Agriculture land use category and does not propose a change in the land use designation. In addition, existing barley production will continue.

The Agriculture Department has reviewed the project for ordinance and policy consistency as well as potential impacts to on and off-site agricultural resources and operations. Per the memo from Lynda Auchinachie dated April 30, 2018, the Department recommends the following conditions of approval:

- Prior to commencing permitted cultivation activities, the applicant shall consult with the Department of Agriculture regarding potential licensing and/or permitting requirements and to determine if an Operator Identification Number (OIN) is needed. An OIN must be obtained prior to any pesticides being used in conjunction with the commercial cultivation of cannabis; “pesticide” is a broad term, which includes insecticides, herbicides, fungicides, rodenticides, etc., as well as organically approved pesticides.
- Cannabis cultivation grading activities shall be consistent with the conservation practices and standards contained in the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG). Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site drainage and erosion and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Section 22.52.150C of the Land Use Ordinance.
- Throughout the life of the project, best management water conservation practices shall be maintained.

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

The impermanent conversion of prime soils, combined with the conditions of approval from the Agriculture Department, would ensure that impacts to agricultural resources are less than significant.

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

The project site is in a predominantly rural and agricultural area with agricultural activities (e.g., barley and hay) occurring on the property and immediate vicinity. As discussed in the Setting, the project site is not under Williamson Act Contract or in an Agricultural Preserve. The project site is located within the Agriculture (AG) land use category and would continue to support agricultural uses.

(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 site does not contain forest land, timberland, or Timberland Production land. Therefore, no impact would occur.

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

The site does not contain forest land. Therefore, no impact would occur.

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

The preceding discussion indicates that the proposed cannabis activities will allow for existing and future agricultural operations on the project site and in the vicinity. The project would be compatible with existing agricultural operations, would not adversely affect existing proximate agricultural uses, agricultural support services, or agricultural infrastructure or resources. The structures proposed by the project would allow for the buildings to be utilized by other agricultural operations in the event that cannabis activities are removed. The proposed project would not result in the indirect conversion of existing farm or forestland to another use. Therefore, no impacts would occur.

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

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 checked="" type="checkbox"/>	<input 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"/>

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Setting

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (APCD). The APCD is in non-attainment for the 24-hour state standard for particulate matter (PM₁₀) and the eight-hour state standard for ozone (O₃) (SLOAPCD 2015). The APCD adopted the 2001 Clean Air Plan in 2002, which sets forth strategies for achieving and maintaining Federal and State air pollution standards. The APCD identifies significant impacts related to consistency with the 2001 Clean Air Plan by determining whether a project would exceed the population projections used in the Clean Air Plan for the same area, whether the vehicle trips and vehicle miles traveled generated by the project would exceed the rate of population growth for the same area, and whether applicable land use management strategies and transportation control measures from the Clean Air Plan have been included in the project to the maximum extent feasible. The CAP provides a complete description of the air basin and the environmental and regulatory setting and is incorporated by reference. The CAP may be reviewed in its entirety by following this link: <https://www.slocleanair.org/rules-regulations/clean-air-plan.php>

The nearest sensitive receptor to the site is a single-family residence located approximately 500 feet southwest of the southern project property line.

Thresholds of Significance for Construction Activities. The APCD's CEQA Handbook establishes thresholds of significance for construction activities (Table 4). According to the Handbook, a project with grading in excess of 4.0 acres and/or a project that will move 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM₁₀). In addition, a project with the potential to generate 137 lbs per day of ozone precursors (ROG + NO_x) or diesel particulates in excess of 7 lbs per day can result in a significant impact.

Table 4 – Thresholds of Significance for Construction			
Pollutant	Threshold ¹		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG+NO _x (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM ₁₀), Dust ₂		2.5 tons	
Greenhouse Gases (CO ₂ , CH ₄ , N ₂ O, HFC, CFC, F ₆ S)	Amortized and Combined with Operational Emissions		

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

Notes:

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

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Thresholds of Significance for Operations. Table 1-1 of the APCD's CEQA Handbook provides screening criteria based the size of different types of projects that would normally exceed the operational thresholds of significance for greenhouse gases and ozone precursors. The list of project categories in Table 1-1 is not comprehensive and does not include cannabis-related activities. However, operational impacts are focused primarily on the indirect emissions associated with motor vehicle trips associated with development. For example, a project consisting of 99 single family residences generating 970 average daily vehicle trips would be expected to exceed the 25 lbs/day operational threshold for ozone precursors. A project consisting of 54 single family residences generating 529 average daily motor vehicle trips would be expected to exceed the threshold for greenhouse gas emissions.

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

The prevailing winds in the project vicinity are from the north and west during the daylight hours and slightly eastward at night. The nearest offsite residence is downwind to the southwest.

Discussion

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

The project site is located within the area governed by the Carizzo Area Plan and is within the Agricultural land use category. Cannabis activities are conditionally allowed in the Agriculture land use category. The project is consistent with the general level of development anticipated and projected in 2001 Clean Air Plan. Mitigation measures are recommended to address potentially significant construction related impacts. As conditioned, and with incorporation of the recommended mitigation measures, impacts related to consistency with the SLOAPCD's Clean Air Plan are considered be less than significant.

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

Construction Activities: As proposed, the project would result in the disturbance of approximately 6 acres to allow for the construction of two new greenhouses, a processing building, and improvements to the access road. The property is less than 5% slope. As such, the slope of this section of the road is under 12% grade and, according to Cal Fire, Standard 4, Access Roads and Driveways, would not require non-skid paved surface. Since the property is flat and clear of obstruction, a negligible amount of earthwork would be involved. However, the project would disturb more than four acres of area, and as such, would be above the thresholds triggering construction-related mitigation.

Further, the project is within 1,000 feet of sensitive receptors and the SCCAB is in non-attainment for PM10; therefore, the project would result in a potentially significant impact and standard mitigation measures apply. To address potential construction impacts per the SLOPCD CEQA Air Quality Handbook, the project would be required to reduce localized fugitive dust, ozone precursors, and diesel particulate matter emissions. Adherence to Fugitive Dust Control Measures outlined in the Handbook would ensure the project implements dust control measures to reduce PM10 emissions in accordance with SLOPCD requirements. Dust control measures would include but are not limited to: watering/spraying to reduce dust emissions, soil stabilizers and other best management practices (jute netting, chemical binders), reduced vehicle speeds onsite, and sweeping and washing streets. In addition, the project would employ Standard Control Measures for Construction Equipment, which include but are not limited to: maintaining all equipment in proper tune according to manufacturer's specifications, use of diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, restricting vehicle idling time, staging and queuing areas located 1,000 feet away from sensitive receptors, and using electric equipment when feasible. With implementation of mitigation measures AQ-1 and AQ-2, construction related impacts would be less than significant.

As such, the road improvement would be below the general thresholds triggering construction-related mitigation.

Operational Activities: From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project would not exceed operational thresholds associated with emissions associated with motor vehicle trips. However, given the number of peak hour trips (17) and the distance of travel on unpaved roadways (0.5 miles), the project would likely exceed the 25 lbs/day threshold of significance for PM10. As such, mitigation is required to minimize operational impacts.

Therefore, construction related emissions will exceed the general thresholds triggering construction-related mitigation. Mitigation measures AQ-1, AQ-2, AQ-3 and AQ-4 are recommended to ensure construction related emissions will result in a less than significant impact.

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

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity or exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The nearest offsite residence is about 500 feet from the southern property line. Residences may be occupied by sensitive receptors who could be exposed to

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diesel particulates and fugitive dust from construction activities. Construction of the greenhouse, manufacturing building, accessory structures and parking area are expected to require the use of large diesel-powered construction equipment that could adversely impact sensitive receptors. Therefore, mitigation AQ-2 is recommended to ensure impacts to sensitive receptors will be less than significant.

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

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

Cannabis cultivation operations have the potential to produce objectionable odors. Accordingly, section 22.40.050 of the LUO mandates the following:

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

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

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

The Project incorporates the following features to address odors:

- The Operations Plan required by LUO Section 22.40.040.A.3. sets forth operating procedures to be followed to help ensure odors associated with cannabis related activities do not leave the project site.
- The project has been conditioned to operate in a manner that ensures odors associated with cannabis activities are contained on the project site.

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- The project has been conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.
- As required by LUO Section 22.40.050 D. 8., all structures for indoor cannabis cultivation are required to be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite. Accordingly, the facility will employ air scrubbing technology on the greenhouse. Carbon scrubbers, for example, have been demonstrated to be an effective odor abatement method for indoor cannabis facilities (County of Santa Barbara 2017) and work by pulling odors from the air into an exhaust system and absorbing any odors that pass through via activated/deactivated carbon (granular, pelletized, or powdered).

Based on the proximity of the nearest sensitive receptor and proposed ventilation methods, impacts from odors on nearby sensitive receptors would be less than significant.

Conclusion

When comparing the project's potential constriction-related and operational emissions to APCD thresholds, potential impacts related to air quality are considered be less than significant with incorporation of mitigation measures AQ-1, AQ-2, AQ-3, and AQ-4 relating to dust control and emissions associated with construction activities, respectively.

Mitigation

- AQ-1** Dust Control. The project proposes grading areas that are greater than 4 acres in size within 1,000 feet of a residence. The following measures shall be implemented to minimize nuisance impacts and to significantly reduce fugitive dust emissions:
- a. Reduce the amount of the disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
 - c. All dirt stock pile areas shall be sprayed daily as needed;
 - d. Permanent dust control measures identified in the approved project plans (e.g., revegetation and landscape plans, etc.) shall be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air Pollution Control District (APCD) and for applications within close proximity to sensitive habitats, CA Department of Fish and Wildlife (CDFW)-compliant stabilizing methods shall be used");

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- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CA Vehicle Code Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
- l. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
- m. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact Tim Fuhs at 805-781-5912).

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

- n. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- o. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- p. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- q. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;

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- r. 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;
- s. 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;
- t. Diesel idling within 1,000 feet of any residence is not permitted;
- u. Staging and queuing areas shall not be located within 1,000 feet of any residence;
- v. Electrify equipment when feasible;
- w. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- x. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-3 PM10 Measures. The applicant shall implement one of the following in order to mitigate the unpaved access roads:

- a) For the life of the project, pave and maintain the roads, driveways, and/or parking areas; or
- b) For the life of the project, maintain the unpaved roads, driveways, and/or parking areas with a dust suppressant (see Technical Appendix 4.3 of the CEQA Air Quality Handbook (2012) for a list of the APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD's 20% opacity limit for greater than 3 minutes in any 60-minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402) will occur;
- c) Also, to improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

AQ-4 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. For any questions regarding these requirements, contact the APCD at (805) 781-5912.

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

Sources

See Exhibit A.

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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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Setting

Federal and State Endangered Species Acts

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

Migratory Bird Treaty Act

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

Clean Water Act and State Porter Cologne Water Quality Control Act

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

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

Conservation and Open Space Element

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

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Other State Regulations

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. Sections 8304 (a) and (b) require cannabis projects to:

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

Site Settings

The property is situated in an area surrounded by diverse habitat conditions, including various terrestrial and aquatic habitats, as well as developed and highly modified areas (i.e., Topaz Solar Farm). In total, two soil map units are present according to the USDA NRCS Web Soil Survey. Three natural vegetation communities were documented within the survey area as well as other land cover types, including developed areas. Although the property is subjected to regular anthropogenic disturbances (i.e., farming and grazing), the diversity of surrounding adjacent habitats provides suitable habitat for various common and special-status plant and wildlife species. Historic and current land management practices have greatly reduced the potential for sensitive biological resources to occur on site.

A biological resource assessment (BRA) was prepared by Althouse and Meade, Inc. on September 5, 2018 and an updated Biological Assessment was completed on August 27, 2019. The entire 42.2-acre property was surveyed with emphasis placed on the project footprint and surrounding area. Both reports include an assessment of the existing conditions as well as the sensitive biological resources that are known to occur or have potential to occur within the parcel. A reconnaissance level survey was conducted on July 9, 2018. The BRA included a preliminary assessment of potential hydrological features on-site, and botanical and wildlife inventories and evaluations. The survey was conducted late in the season but was appropriately timed for late season special status species. Seasonally appropriate botanical surveys were not conducted because:

- The project site did not provide suitable habitat for the plant species with the potential to occur in the project vicinity, and
- The project site has been regularly disturbed with existing agricultural activities.

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

On-site Vegetation: agriculture (barley)

Name and distance from blue line creek(s): Two low-slope swale features transverse the Property from east to west, where seasonal water flows toward a culvert under Bitterwater Road at the southwest corner of the property.

Habitat(s): See Vegetation Communities section below.

Site's tree canopy coverage: No trees occur within the proposed impact areas. Ornamental landscaping trees exist near the residence.

Vegetation Communities. Two vegetation communities/land cover types occur within the parcel (Figure 5) and include agricultural field, and anthropogenic developed land.

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Figure 5 -- Habitats of the Project Site



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Disturbed Cropland Habitat/Agricultural Field (33.33 acres)

A majority of the parcel is comprised of an agricultural field that supported nonnative and native annual grassland species, at least periodically, throughout the year. This area of the property is subject to regular anthropogenic disturbance (tilling), at which time vegetation cover is limited. During surveys conducted by Althouse and Meade, Inc., the agricultural field was recently tilled and supported limited vegetation.

Anthropogenic/Developed (8.43 acres)

This land cover type occurs in the southern portion of the survey area in association with the residential home site, cultivation areas, and access roads. Ornamental landscaping trees were observed in this community adjacent to the existing home sites. Herbaceous weedy species were observed in sparse cover in roads and adjacent to ancillary structures. Anthropogenic/Developed areas observed on site do not correspond to a natural vegetation community but may provide marginally suitable habitat for nesting birds and wildlife foraging and cover.

Wetlands, Drainages, and Other Potential Aquatic Habitats. No USGS blue line features are present on the property; however, two un-named shallow isolated swale features were observed on site. Specifically, two swale features were observed transecting the property from west to east. The swales also show signs of disturbance associated with historic and current land use practices (i.e., grazing and agricultural operations) that have modified the landscape over time. No changes in vegetation were observed within any of the swale features as compared to the upland habitat (agricultural field).

Special Status Species and Sensitive Communities. The results of the desktop review (CNDDDB and CNPS) conducted by Althouse and Meade, Inc. of the California Valley 7.5-minute quadrangle and nine surrounding quadrangles (California Valley, Holland Canyon, La Panza, La Panza NE, La Panza Ranch, Las Yeguas Ranch, Packwood Creek, Shale Point, and Simmler) identified 45 listed special status plants and 29 special status animals known to occur in the vicinity of the property. Additional information regarding special status species was gathered from Althouse and Meade, Inc. experience in the area, and regional Environmental Impact Reports.

Special status plants

Special-status plant species include those that are listed as threatened or endangered on the California or federal Endangered Species Acts, as well as those that are assigned a California Rare Plant Rank (CRPR) by the CNPS. CRPR listing statuses are based on the degree of rarity (Lists 1A through 4) and threat level (0.1, 0.2, and 0.3) as follows (CNPS, 2018b):

- Rank 1A: presumed extirpated in California, and rare or extinct elsewhere
- Rank 1B: rare, threatened, or endangered in California and elsewhere
- Rank 2A: presumed extirpated in California, but more common elsewhere
- Rank 2B: rare, threatened, or endangered in California, but more common elsewhere
- Rank 3: review list of plants about which more information is needed
- Rank 4: watch list of plants with limited distribution

Special Status Animals

Fourteen (14) sensitive wildlife species were determined to have the potential to occur within the project site due to the presence of suitable habitat (Althouse and Meade Inc., 2018).

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Tri-colored blackbird (*Agelaius tricolor*; State Candidate (Endangered) and California Species of Special Concern)

Northern California legless lizard (*Anniella pulchra*; California Species of Special Concern)

California glossy snake (*Arizona elegans occidentalis*; California Species of Special Concern)

Long-eared owl (*Asio otus*; California Species of Special Concern)

Burrowing owl (*Athene cunicularia*; California Species of Special Concern)

Giant kangaroo rat (*Dipodomys ingens*; Federally Endangered, State Endangered)

Western pond turtle (*Actinemys marmorata*; California Species of Special Concern)

Loggerhead Shrike (*Lanius ludovicianus*; California Species of Special Concern)

San Joaquin coachwhip (*Masticophis flagellum ruddocki*; California Species of Special Concern)

Tulare grasshopper mouse (*Onychomys torridus tularensis*; California Species of Special Concern)

Coast horned lizard (*Phrynosoma blainvillii*; California Species of Special Concern)

Western spadefoot toad (*Spea hammondi*; California Species of Special Concern)

American badger (*Taxidea taxus*; California Species of Special Concern)

San Joaquin kit fox (*Vulpes macrotis mutica*; Federally Endangered and State Threatened)

Wildlife Movement. Wildlife movement corridors, or habitat linkages, are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Such linkages may serve a local purpose, such as providing a linkage between foraging and denning areas, or they may be regional in nature. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then subsequently return.

Discussion

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

The proposed project sites consist of predominantly existing agricultural activities (barley farming), and a single-family residence with an agriculture exempt structure. No special-status plants were observed within the survey area during the site surveys completed on July 9, 2018 by Althouse and Meade Inc. Despite drought conditions in 2018, based on the lack of observed occurrences and frequency of disturbance in the agricultural field habitat, special-status plant species are not expected to occur. As noted above, non-native species were documented throughout the project area, several of which are listed on the Cal-IPC Inventory and considered invasive. Spreading the seed or asexual propagules of invasive species off the project site or into new areas may have indirect impacts on special-status plant populations and sensitive habitats within the region.

Special Status Species

Special Status Plants

The agricultural field showed signs of past and current anthropogenic disturbances, including grazing, disking, and evidence of land manipulation. The project vicinity is known to support many

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special status plant species, such as oval-leaved snapdragon, and diamond-petaled California poppy. However, these species were only found in a specific gypseous clay soil type (Capay Clay) that does not occur on the property and is not expected to occur on the property. Indian Valley spineflower occurs along Highway 58 in sandy soils and Salinas milkvetch occurs on grassland. Both species are not expected to occur on the property due to disturbed cropland habitat. Indian Valley spineflower and Salinas milkvetch is a late season blooming species that would have been identified during July, 2018 survey, and was not present on site.

The frequent disturbance regime over the recent past on this site has degraded habitat such that it is poorly suited to support special status plants in its current condition. Diamond-petaled California poppy and oval-leaved snapdragon is not expected to occur on site, since the species are only found in specific gypseous clay soil type that does not occur on the property. Salinas milkvetch is not tolerant of regular tilling, and therefore would have potential to occur in pockets of undisturbed grassland habitat, which was not present. In addition, Indian Valley spineflower and Salinas milkvetch is late season blooming species that would have been identified during July 2018 survey, and was not present on site.

The July 2018 survey conducted by Althouse and Meade, Inc. was completed late in the season for regionally occurring special-status plant species with the potential to occur within the overall project site. Based on this evaluation and a review of the relevant literature, it was determined that 4 special-status plant species have a potential to occur on the project site and survey area, although none were detected during the botanical survey effort. The surveys were completed in late blooming season. These species include:

Salinas milkvetch (*Astragalus macrodon*; CRPR 4.3)

Diamond-petaled California poppy (*Eschscholzia rhombipetala*; CRPR 1B.1)

Oval-Leaved Snapdragon (*Antirrhinum ovatum*; CRPR 4.2)

Indian Valley spineflower (*Aristocapsa insignis*; CRPR 1B.2)

The project site, as a previously disturbed subset of the property, is not expected to support special status plants and none were observed in July 9, 2018.

Special Status Wildlife

Special status animals were not detected and are not expected to be occupying the project site, due to on-going agricultural activities on site. The project site is within the fallow cropland and has been previously plowed. However, transient species such as kit fox and badgers are known from the vicinity and could pass through the site on occasion.

The project site is suitable for use by San Joaquin kit fox (SJKF) as foraging habitat. The County has worked with the California Department of Fish and Wildlife (CDFW) and the US Fish and Wildlife Service (USFWS) to develop mitigation measures that, when implemented, will avoid take and reduce impacts to SJKF habitat to a less than significant level. Based on this program, projects located within the SJKF habitat area that are 40 acres or more in size must be evaluated for SJKF by a qualified biologist. The habitat evaluation would be submitted to County staff, who would then review the application for completeness and conduct a site visit. The required mitigation ratio is determined in consultation with the CDFW. The mitigation ratio for the project determines the total amount of acreage needed to mitigate for the loss of habitat based on the total area of permanent disturbance. Mitigation for the loss of SJKF habitat may be provided by one of the following methods:

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

The County SJKF Standard Mitigation Ratio Map was referenced to identify SJKF habitat areas, documented sightings, and County-assigned mitigation ratios as it relates to the project area. County staff and project consultants also met with CDFW staff on January 25, 2019 to confirm the appropriate project design and mitigation measures.

A letter to County planning was written by CDFW on March 6, 2019 detailing SJKF mitigation. The Kit Fox Habitat Evaluation was completed for the project on November 27, 2018 by Althouse and Meade Inc. and reviewed by CDFW on January 8, 2019. The evaluation determined the proposed project earned a score of 73; which requires that all impacts be mitigated at a ratio of three (3) acres conserved for each acre impacted [3:1]. The project is also located within the 3:1 standard mitigation ratio area. The total compensatory mitigation required for the project is 17.88 acres, based on 5.96 acres X [3:1] = 17.88 acres.

San Joaquin kit fox (*Vulpes macrotis mutica*) is federal, and state listed endangered and threatened species. San Joaquin kit fox or their sign (dens, scat, tracks) were not detected on the Property during July 2018 site survey. Kit foxes would be expected to occur on the Property on occasion as transients moving through or foraging. The CDFW has designated the Project Site as within the 3:1 mitigation area for San Joaquin kit fox.

To mitigate for loss of habitat to San Joaquin kit fox, BIO-1 mitigation measure shall be implemented. To reduce the potential for impacts to San Joaquin kit fox, BIO-2 through BIO-5, BIO-8, AES-1 shall be implemented.

The outdoor cannabis cultivation feature of the project may have an on-going operational impact to San Joaquin Kit Fox and other small mammals due to on-going cultivation activities, or reinitiating site preparation or cultivation after seasonal fallow periods. SJKF or other small-mammals may enter and occupy the cannabis cultivation site or the immediate area. In order to avoid impacts to San Joaquin Kit Fox and other small mammals, BIO-5, BIO-6, BIO-7, and BIO-8 shall be implemented. These measures provide for regular monitoring of the project site and establishment of avoidance measures in the event that species are identified in or adjacent to project activity areas. The monitoring and avoidance measures are required to be reported onto the County for verification. In addition, upon revocation of a use permit, or abandonment of a licensed cultivation, the property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, which shall be implemented as BIO-9.

American badger (*Taxidea taxus*) is mostly found on open grassland habitats, but also forage in croplands on occasion, where California ground squirrels have become established. Badgers are highly mobile and could be present anywhere in the region where suitable prey base is found. While the badgers were not present during the site survey, to reduce the potential for construction impacts to badgers to a less than significant level, BIO-10 mitigation measure shall be implemented.

Burrowing owl (*Athene cunicularia*) mostly nest in abandoned burrows of ground squirrels, badgers, or other small mammals. There is a reduced potential for burrowing owl occurrence due to existing

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agricultural activities on site, and during the site survey, no burrowing owls, or their signs (pellets, and whitewash) were not observed on the Property during our site survey. Though the burrowing owls were not present during the site survey, to further reduce the potential for construction impacts to burrowing owls to a less than significant, BIO-11 mitigation measure shall be implemented.

Giant kangaroo rat (*Dipodomys ingens*) and Tulare grasshopper mouse (*Onychomys torridus tularensis*) have low potential to occur on the property. Giant kangaroo rat is a federal, and state-listed endangered species that occurs in and near Carrizo Plain National Monument. Giant kangaroo rat is not known to occur in the immediate vicinity of the property, and its habitat were not observed on the property. Tulare grasshopper mouse is a Species of Special Concern that occurs infrequently in grasslands in the vicinity. Both Giant kangaroo rat and Tulare grasshopper mouse are not expected to occur in the project footprint. However, to further reduce the potential for construction impacts to burrowing owls to a less than significant, BIO-12 mitigation measure shall be implemented.

Crotch bumble bee may also have potential habitat on site, according to CDFW. Crotch bumble bee habitat includes areas of grasslands and upland scrub but may also nest under perennial bunch grasses or thatched annual grasses, underbrush piles, in old bird nests, and in dead trees or hollow logs. Ground disturbance for construction of the proposed project may affect Crotch bumble bee's habitat. The proposed site has been regularly disturbed with on-going agriculture and does not have suitable habitat on site. However, mitigation measure BIO-14 is recommended to address potential impacts to Crotch bumble bee.

Reptiles and Amphibians

Six special status reptiles, San Joaquin coachwhip (*Coluber flagellum ruddocki*), California glossy snake (*Arizona elegans occidentalis*), coast horned lizard (*Phrynosoma blainvillii*), northern California legless lizard (*Anniella pulchra*), and western pond turtle (*Emys marmorata*), and one special status amphibian, western spadefoot toad (*Spea hammondi*) are known from the vicinity and could occur on the Property. During the site survey in July 2018, none of these species were observed on the Property. However, to reduce potential construction impacts to special status reptiles and amphibians to a less than significant level, BIO-13 shall be implemented.

Avian Species/Nesting Birds

Two special status birds, loggerhead shrike (*Lanius ludovicianus*) and long-eared owl (*Asio otus*) have a moderate potential to occur on the Property, and one special status bird, tricolored blackbird (*Agelaius tricolor*), has low potential to occur. Loggerhead shrikes are common in the Carrizo Plain area and are known to nest in shrubs in the vicinity. Long-eared owls nest in trees, often near water, and are known to nest regularly at the Carrizo Elementary School (4.3 miles away from Project site) in pine trees. Tricolored blackbird is known to occur in the region and have historically nested in wetland areas. Nesting habitat is not present in the Project footprint for either of these species, but potential nesting areas are located on the Property. Migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918. To reduce potential impacts to special status birds, BIO-15 shall be implemented.

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With incorporation of Mitigation Measure BIO-1 through BIO-15, and AES-1 impacts related sensitive and special status species would be less than significant.

- (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?*

Two swale features were observed transecting the property from west to east. The proposed project is designed to place all temporary and/or permanent structures at least 50 feet away from the top of the creek banks. No impacts are proposed to the swale features. No USFWS-designated critical habitat for federally threatened or endangered species occurs within the project site.

No sensitive vegetation communities are located within the footprint of the new proposed facilities and therefore no impacts are anticipated.

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

The project site does not support state or federal wetlands or other jurisdictional areas. No USGS blue line features are present on the property; however, two un-named shallow isolated swale features were observed on site.

Specifically, two swale features were observed transecting the property from west to east. The swales also show signs of disturbance associated with historic and current land use practices (i.e., grazing and agricultural operations) that have modified the landscape over time. No changes in vegetation were observed within any of the swale features as compared to the upland habitat (agricultural field). The proposed project is designed to place all temporary and/or permanent structures at least 50 feet away from the top of the creek banks. Regulatory compliance in addition to adherence to Best Management Practices outlined in Exhibit B would be necessary to reduce impacts.

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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?*

The project site is located in an area of the Carrizo Plain that already contains substantial existing barriers, most notably the Topaz solar Farm (Topaz), to large scale animal movement for species such as Tule elk (*Cervus canadensis nannodes*) and pronghorn (*Antilocapra americana*). Topaz is a utility scale solar development project that surrounds the project site to the north and east; several solar array fields are less than ½ mile from the boundary of the property. The fencing surrounding the Topaz solar array fields are designed to allow small mammals to pass through underneath ; however, large ungulates are unable to move through these areas. As a result, the project incorporates movement corridors that were established between blocks of photovoltaic arrays to allow for some large animal movement through and around the site. However, in practice, these existing movement corridors are not being utilized as much as predicted based on current CDFW studies of radio collared pronghorn in the region. CDFW presented preliminary unpublished information at the Carrizo Colloquium (May 11, 2018) in San Luis Obispo that showed that the pronghorn herd in the Northern Carrizo may be avoiding traveling through the center areas of the Topaz site, despite the creation of corridors for movement. The herd appears to utilize the east side of the Topaz facility with movement patterns oriented northwest and southeast.

The construction of security fencing around the proposed cannabis facilities could result in additional impairment to the movement of wildlife. Accordingly, Mitigation Measure BIO-4 is recommended which requires the proposed fencing to allow for wildlife movement. With the recommended mitigation, the proposed project is not expected to increase the overall level of fragmentation in the region. The existing ornamental trees could provide suitable nesting habitat for migratory and resident birds. Mitigation Measure BIO-15 requires construction activities to be conducted outside the nesting season to the extent feasible and that pre-construction surveys for nesting birds be conducted. As mentioned above, outdoor cannabis cultivation site may interfere with the movement of special-status species, as there would be on-going disturbance within the cultivation site. To reduce potential impacts to interference with movement of special status species, Mitigation Measure BIO-5, BIO-6, BIO-7 would require weekly, monthly and an annual biological monitoring inspection shall be implemented. Therefore, impacts related to interference with the movement of resident or migratory fish or wildlife species would be less than significant with proposed mitigation measures.

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

Oak trees and woodlands are protected under San Luis Obispo County Oak Woodland Ordinance No. 3346, and SB 1334. Any impacts to removal of any mature oak species are further regulated under California Public Resources Code 21083.4. There are no oak trees present on the project site; therefore, the project is designed to avoid any oak tree removal. No tree removal is proposed; therefore, no impacts would occur.

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

There are no HCPs or NCCPs that apply to the project site. The project would be required to comply with the California Endangered Species Act, Federal Endangered Species Act, Bald and Golden Eagle

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Protection Act, Migratory Bird Treaty Act as well as California Fish and Game Code. Therefore, the proposed project is not expected to conflict with a HCP or NCCP or other regional plans or policies or California Fish and Wildlife and U.S. Fish and Wildlife regulations.

Conclusion

Impacts to biological resources would be reduced to less than significant levels with the implementation of the mitigation measures listed below and in Exhibit B, Mitigation Summary Table. Mitigation measures include pre-work training, best management practices for project construction activities, preconstruction surveys, avoidance and minimization measures for noxious weeds, mitigation measures for SJKF.

Mitigation

BIO-1 **Prior to issuance of grading and/or construction permits,** the applicant shall submit evidence to the County Department of Planning and Building (County) and California Department of Fish and Wildlife (CDFW) that states that one or a combination of the following three San Joaquin kit fox (SJKF) mitigation measures for loss of SJKF habitat has been implemented:

- a) Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 17.88 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

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

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

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy" (see contact information below), would total \$44,700 based on \$2,500 per acre (5.96 acres impacted x 3 acres mitigation per acre impacted x \$2,500 per acre).

- c) Purchase 17.88 credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and

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provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$44,700. 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-2 **Prior to issuance of grading and/or construction permits,** all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

BIO-3 **Pre-construction survey for SJKF. Prior to issuance of grading and/or construction permits and prior to initiation of site disturbance and/or construction,** A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 250-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for sign of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF sign, and/or known or potential SJKF dens, if present. If no SJKF sign, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

- If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- If a known den is identified within 250-feet of any proposed project work areas, no work may start in that area.

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

BIO-4 **Standard SJKF Avoidance and Protection Measures**

- a) If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other

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agencies as needed.

- b) A maximum of 15 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
- c) All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
- d) To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
- e) All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
- f) All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
- g) No deliberate feeding of wildlife shall be allowed.
- h) Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
- i) Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- j) Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
- k) The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
- l) Permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- m) During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County.

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

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

BIO- 5 Weekly Site Visits, During the site-disturbance and/or construction phase and for the life of the project, A qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., clearing, grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

BIO-6 Monthly Biological Monitoring

- The Applicant or project proponent must hire a qualified biologist to conduct monthly biological monitoring inspections, during, before, and after cannabis activities. No monthly monitoring will be required during the times of non-cannabis activities fallow. The qualified biologist will inspect the site to ensure compliance with the above-measures and to determine if any new activities have occurred. The biologist will provide a refresher survey and/or environmental training, as needed, during the monthly inspection. The biologist will be required to submit a report to the County within a week of the inspection. If major issues are identified during the inspection (e.g., encroachment into buffer zones, new activity outside previously surveyed area, etc.), then the biologist will notify the County immediately (via phone and/or in writing). If the results of monthly inspections show repeated noncompliance, the frequency of the inspections may be increased by the County. If the results of the monthly inspections consistently show compliance, the frequency of the inspections may be reduced by the County.
- Alternatively, if the County implements a biological monitoring program, then the Applicant or project proponent will participate in that program in lieu of hiring the biologist directly.

BIO-7 Annual Surveys

Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping Applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g., giant kangaroo rat and Nelson's [San Joaquin] antelope squirrel) no more than 14 days prior to the start of ground disturbance or initiating outdoor cannabis activities (including removal of stockpiled materials) to ensure SJKF and special-status small mammal species have not colonized the

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area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 250-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 250 feet of the disturbance area, then the County must be contacted for further guidance. The County will contact the appropriate resource agencies.

BIO-8 The posted speed limit during project construction and operation shall not exceed 15 miles per hour during daylight hours (sunrise to sunset) and shall not exceed 15 miles per hour during nighttime hours (sunset to sunrise). During construction, the speed limit shall be posted at the site entrance, as well as the mid-way point of the access road. At least one permanent speed limit sign, indicating day and nighttime speed limits, shall be posted along the facility access road during operations.

BIO-9 **Site Restoration Following End of Operations**
Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

BIO-10 **Pre-construction survey for American Badger. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** a qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

- If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
- If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive

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season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

BIO-11

Pre-construction Survey for Burrowing Owl (BUOW). Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, If work is planned to occur within 150 meters (approximately 492 feet) of BUOW habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKE, American badger, or other special-status species surveys. If occupied BUOW burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

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

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

BIO-12 Preconstruction Survey for Special-status Small Mammals (Giant kangaroo rat and Tulare grasshopper mouse). Prior to issuance of grading and/or construction permits and within 14 days prior to initiation of site disturbance and/or construction, A qualified biologist shall complete a preconstruction survey for special-status small mammal species (e.g. giant kangaroo rat and Tulare grasshopper mouse) no more than 14 days prior to the start of initial project activities to ensure special-status small mammal species are not present within proposed works areas. The survey will include mapping of all potentially active special-status mammal burrows within the proposed work areas, access routes, and staging areas plus a 50-foot buffer. All potentially active burrows will be mapped and flagged. If avoidance of the burrows is not feasible, the appropriate resource agency shall be contacted for further guidance.

BIO-13 Pre-construction Survey for Special Status Reptiles and Amphibians. Prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, A qualified biologist shall conduct a pre-construction survey immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring will be repeated.

BIO-14 Crotch Bumble Bee – Pre-Construction Surveys and Avoidance Measures. The Applicant shall retain a County-qualified biologist to conduct pre-construction surveys for Crotch bumble bee within suitable habitat on the project site. If Crotch bumble bee or its habitat (i.e. small mammal burrows, thatched/bunch grasses, brush piles, overgrown areas, dead trees, and hollow logs) is found within the areas of disturbance, the qualified biologist shall implement minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts. If initial ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW and the County is required to discuss how to implement project activities and avoid take. Any detection of Crotch bumble bee prior to, or during project implementation requires consultation with CDFW and the County to avoid take. This survey shall be repeated annually, including the areas of outdoor cannabis cultivation area, and associated stockpile, storage or other associated area, prior to start of growing season.

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BIO-15

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

- A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

Sources

See Exhibit A.

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V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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

The project is located in an area historically occupied by the Obispeno Chumash and Salinan. No historic structures are present, and no paleontological resources are known to exist in the area. Per US Geographical Survey maps, the project site is not within 300 feet of a National Hydrography Dataset (NHD) stream or other features which would be indicative of prehistoric human occupation.

In compliance with AB52 Cultural Resources requirements, outreach to four Native American tribal groups was conducted (Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council) on November 20, 2018. Comments were received from the Northern Chumash Tribal Council on November 27, 2018. The Northern Chumash Tribal Council (NCTC) responded that they have no comments on the proposed project. No additional comments were received from other tribal groups.

Discussion

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

The proposed project will not cause a substantial adverse change in the significance of a historical resource. The project site does not contain historical resources, therefore significant impacts to historical resources are not anticipated.

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

In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required, which states:

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

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A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

Based on the low known sensitivity of the project site, and with implementation of LUO Section 22.10.040, impacts to archaeological resources would be less than significant.

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

The nearest dedicated cemetery is the Pozo Community Cemetery, located approximately 24 miles to the west. Consultation with the Native American tribes did not result in identification of known burials. However, project excavations have the potential to encounter previously unidentified human remains in the form of burials or isolated bones and bone fragments. If human remains are exposed during construction, construction shall halt around the discovery of human remains, the area shall be protected, and consultation and treatment shall occur as prescribed by State law. The County's Coroner and Sheriff Department shall be notified immediately to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance shall occur until the County Coroner has been notified and can make the necessary findings as to origin and disposition of the remains. If the remains are determined to be Native American, the Coroner will notify the NAHC and the remains will be treated in accordance with Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, impacts related to the disturbance of human remains would be reduced to less than significant.

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

Human remains are not known to exist in the area. Per County LUO Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area shall halt until they can be examined by a qualified archaeologist and appropriate recommendations made. Therefore, impacts to human remains would be less than significant.

Conclusion

No historic structures are present, Per County LUO Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area shall halt until they can be examined by a qualified archaeologist and appropriate recommendations made. No significant impacts to cultural resources are expected to occur, and no additional mitigation measures beyond compliance with the LUO are necessary.

Mitigation

None necessary.

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Sources

Please refer to 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 type="checkbox"/>	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from greenhouse gas-free resources (PG&E 2017).

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 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.

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

The County COSE establishes goals and policies that aim to reduce vehicle miles traveled, conserve water, increase energy efficiency and the use of renewable energy, and reduce greenhouse gas emissions. The COSE provides the basis and direction for the development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide greenhouse gas emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

In 2010, the EWP established a goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "address future energy needs through increased conservation and efficiency in all sectors" and "increase the production of renewable energy from small-scale and commercial-scale renewable energy installations to account for 10% of local energy use by 2020." In addition, the County has published an EnergyWise Plan

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2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

The goals and policies in the COSE and EWP address the 2005 GHG emissions reduction targets for California (Executive Order S-03-05) issued by California's Governor in 2005. The targets include:

- By 2010 reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels;
- By 2050, reduce GHG emissions to 80% below 1990 levels.

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) are typically not regulated by these standards.

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100). The project site is not located in a Renewable Energy Area combining designation.

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

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

Implementation of mitigation measures ENG-1, ENG-2 and ENG-3 would reduce potential impacts to less than significant.

Energy Use in Cannabis Operations

The total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, location of the project, as well as 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, and climate control systems) ([County of Santa Barbara 2017](#)). Specific energy uses in indoor grow operations include high-intensity lighting, dehumidification to remove water vapor and avoid mold formation, odor management, space

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heating or cooling during non-illuminated periods and drying processes, preheating of irrigation water, generation of 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 range in measures that promote the conservation of energy resources. For instance, several current operators are known to engage in practices that promote energy conservation and reduce overall energy demands using high-efficiency lighting or through generation and use of solar energy. However, many other operations within the County have been observed to engage in activities which 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](#)).

The project application materials include an estimate of project-related electricity demand from both phases.

As shown below (Figure 6), the application estimates total electricity demand of 610,536 kWh per year.

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Figure 6 – Estimated Total Electricity Demand

Phase I - Outdoor Only		Security Cameras	Well Pump	Irrigation Pump	AC 24000-BTU Energy Star	Dehumidifier Quest Dual 110
Quantity/ building	Drying in Seatrains	4	0	0	9	9
	Outdoor Cultivation and Site	6	1	10	0	0
Total Quantity		10	1	10	9	9
Voltage		0	0	115	0	217
Amperage		0	0	1.3	0	6.9
Wattage/device		5	1000	150	2000	1500
Total Wattage		50	1000	1500	18000	13500
Hr/month of usage	Jan	730	30	180	0	180
	Feb	730	30	180	0	180
	Mar	730	30	180	0	180
	Apr	730	30	180	0	180
	May	730	30	180	0	180
	Jun	730	30	180	360	180
	Jul	730	30	180	360	180
	Aug	730	30	180	360	180
	Sep	730	30	180	360	180
	Oct	730	30	180	200	180
	Nov	730	30	180	0	180
	Dec	730	30	180	0	180
kWh/year		438	360	3240	29520	29160
						Total kWh/year 62718

Phase II - Greenhouses & Outdoor		Fan-Forced Portable Unit Heater	Canarm Exhaust Fan with Aluminum Louver Shutter - 24"	36" ValuTek Chiller Drum Fans	Evaporative Through-Wall Cooler	Carbon Scrubbers	Security Cameras	FanTech Dehumidifier	Well Pump	Irrigation Pump	AC 24000-BTU Energy Star
Quantity/ building	Greenhouse 30'x144' (5)	2	2	3	2	2	2	2	0.5	10	0
	Drying in Seatrains	0	0	0	0	0	0	0	0	0	9
	Outdoor(3 acres)	0	0	0	0	0	0	0	0.5	10	0
Total Quantity		10	10	15	10	10	10	10	3	20	9
Voltage		115	115	115		120	0	115	0	115	230
Amperage			4.4	6			0	6.2	0	1.3	15
Wattage/device		5600	506	690	373	14	5	374	1000	150	3450
Total Wattage		56000	5060	10350	3730	140	50	3740	2500	3000	31050
Hr/month of usage	Jan	120	150	360		30	730	240	5	180	0
	Feb	120	150	360		30	730	240	5	180	
	Mar	120	150	360		30	730	240	5	180	0
	Apr	120	150	360		30	730	240	5	180	0
	May		150	360		30	730	240	5	180	0
	Jun		150	360	120	30	730	240	5	180	360
	Jul		150	360	120	30	730	240	5	180	360
	Aug		150	360	120	30	730	240	5	180	360
	Sep		150	360	120	30	730	240	5	180	360
	Oct		150	360		30	730	240	5	180	200
	Nov	120	150	360		30	730	240	5	180	0
	Dec	120	150	360		30	730	240	5	180	0
kWh/year		40320	9108	44712	1790	50	438	10771	150	6480	50922

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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?*

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

Operational Impacts.

Electricity and Natural Gas. A cannabis project 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 (>20%) than a generic commercial building of the same size. Based on the California Energy Commission Report prepared by Itron, Inc, (March 2006), a generic commercial building utilizes 21.25 kWh/sf annually (13.63 kWh from electricity and 7.62 kWh from natural gas).

The CBC 2019 Building Energy Efficiency Standards includes mandatory energy efficiency standards; however, U-occupancy structures (such as greenhouses) are exempt from these standards and therefore are not necessarily using efficient energy practices. A project's processing, manufacturing, distribution, or retail structure would be subject to the CBC 2019 Building Energy Efficiency Standards, and therefore the energy demand of these uses would not be wasteful, inefficient, or unnecessary. Because the cultivation activities would not be subject to these state energy efficiency regulations, they could potentially result in wasteful, inefficient, or unnecessary energy consumption.

According to the project application materials, the proposed cannabis activities estimated energy usage for Phase I of the cultivated operations is 62,718 kWh of electricity per year. The estimated energy usage for Phase II is 547,818 kWh of electricity per year.

In order to calculate a project's energy demand, the County uses the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form ([County of Santa Barbara 2018](#)). This calculation form contains formulas for estimating electricity use of cannabis operations. The form assumes that indoor cultivation uses 200 kWh/sf annually and that mixed light (greenhouse) cultivation uses 110 kWh/sf annually. Because the County does not allow lighting or climate control for outdoor cultivation activities, it is assumed that energy use associated with outdoor cultivation (e.g. water pump) would be minor and less than significant. As discussed above, non-cultivation activities such as manufacturing, storage and drying would be subject to CBC standards regarding energy efficiency and therefore would not result in wasteful or inefficient energy use for the purpose of this analysis.

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The proposed project would include 26,000 sf of indoor cultivation floor area in six greenhouses. A preliminary estimate of the project's energy demand, based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form ([County of Santa Barbara 2018](#)), is provided in Table 5. No diesel, gasoline, or natural gas is proposed.

Table 5 -- Projected Operational Energy Use

Project Component	Size (sf)	Rate (kWh/year-sf)	Projected Energy (kWh/year)
Generic Commercial Building of Comparable Size	26,000	21.25	552,500
Indoor Cultivation (greenhouses, includes ancillary nursery)		200	5,200,000
Percent In Excess of Generic Commercial Building			841%

Based on the California Energy Commission Report, a generic non-cannabis commercial building of 26,000 sf would use 552,500 kWh per year (21.25 kWh/sf x 26,000 sf). Based on the energy consumption rates above, the proposed project's cultivation activities would use 841% more energy than a generic non-cannabis commercial building of the same size. This amount of energy use would potentially be wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures and would require mitigation.

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

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

Table 6 -- State and County Fuel Consumption in 2018

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

Source: California Energy Commission

Assumptions:

- Daily vehicle miles travelled in San Luis Obispo County in 2020 (estimate from 2014 Regional Transportation Plan): 7,998,615.
- 172 million gallons of fuel consumed per year / 365 days = 471,232 gallons of fuel use per day
- 471,232 gallons of gasoline and diesel fuel consumed per day / 7,998,615 miles travelled per day = 0.058 gallons of fuel consumed per day per mile travelled
- Average Daily Trips (ADT) for Project x 14.7 miles = Daily Vehicle Miles Travelled (VMT)
- Daily VMT x gallons per mile travelled = Daily gallons of fuel use

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- Three worker trips and 1 delivery trip per day for construction activities for 10 working days
- 12 Average Daily Trips for operations for 365 days

Construction Fuel Use

4 ADT x 14.7 miles = 58.8 VMT per day

58.8 x 10 days = 588.8 total VMT

588.8 x 0.058 gallons consumed per mile travelled = 34.1 gallons

Operational Fuel Use

12 ADT x 14.7 miles = 176.4 VMT per day

176.4 x 365 days = 64,387 total VMT per year

64,387 x 0.058 gallons consumed per mile travelled = 3,734 gallons per year

Total fuel use associated with construction and operation of the project would be 0.8% of the total daily fuel consumed in the County in 2018. Accordingly, fuel consumption associated with the project would not be wasteful, inefficient or unnecessary.

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

Table 7 -- Project's Projected Operational GHG Emissions (CO₂e)

Project Component	Size (sf)	Rate (MT/year-sf)	Projected GHG Emissions (MT/CO ₂ e/year)
Indoor Cultivation (greenhouses, includes ancillary nursery)	26,000	0.058 ¹	1,508 ²

Notes:

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

Based on this information, the proposed project would exceed the SLOAPCD's Bright Line Threshold of 1,150 MTCO₂e. To mitigate this potential operational impact, the project will be required to implement a package of measures that would reduce or offset the project's energy demand to within 20% of the energy demand of a similarly sized generic non-cannabis commercial building (663,000 kWh) and offset GHG emissions to achieve the 1,150 MTCO₂e Bright Line Threshold. Mitigation Measure ENG-1 through ENG-3 would reduce the example project's environmental impact from wasteful and inefficient energy use to *less than significant with mitigation*.

Potential impacts would be *less than significant with mitigation*.

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Conclusion

The project would result in a potentially significant energy demand and inefficient energy use during long-term operations which will also increase greenhouse gas emissions. 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 mitigation.

Mitigation

- ENG-1. Prior to issuance of building permits,** the applicant shall provide to the Department of Planning and Building for review and approval, an Energy Conservation Plan with a package of measures that, when implemented, would reduce or offset the project's energy demand to within 20% of the demand associated with a generic commercial building of the same size. The Energy Conservation Plan shall include the following:
- a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.
 - b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
 - 1. Participating in an annual energy audit.
 - 2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
 - 3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 - 4. Implementing automated lighting systems.
 - 5. Utilizing natural light when possible.
 - 6. Utilizing an efficient circulation system.
 - 7. Ensuring that energy use is below or in-line with industry benchmarks.
 - 8. Implementing phase-out plans for the replacement of inefficient equipment.
 - 9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
 - iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable

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

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

ENG-2. Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related greenhouse gas emissions below the 1,150 MTCO₂e Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

- a. Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:
 - i. American Carbon Registry;
 - ii. Climate Action Reserve;
 - iii. Verified Carbon Standard.
- iv. Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.
- b. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.
- c. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.

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

Sources

See Exhibit A.

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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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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 type="checkbox"/>	<input checked="" type="checkbox"/>

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

Setting

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

Topography: Nearly level

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: Moderate

Nearby potentially active faults?: No Distance? Not applicable

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

Shrink/Swell potential of soil: Low shrink-swell characteristics.

Other notable geologic features? None

The project site is not located within the Geologic Study Area designation and is not within a high liquefaction area. The Setting in the Agricultural Resources Section of this Initial Study describes the soil types and characteristics on the project site. The site's potential for liquefaction hazards is considered moderate. The project site is not located in an Alquist-Priolo Fault Zone, and no active fault lines cross the project site (CGS 2018). Prior to the issuance of a building permit, the site may be subject to the preparation of a geological report per the County's Land Use Ordinance (LUO section 22.14.070 (c)) to evaluate the area's geological stability.

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

DRAINAGE – The project site is not located within a 100-year flood hazard area. Drainage, sedimentation and erosion control plans are required for all construction and grading projects (LUO Sec. 22.52.100 and 22.52.110) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts.

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

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Discussion

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

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

The project site is not located in an Alquist-Priolo Fault Zone and no active fault lines cross the project site. The nearest active fault and Alquist-Priolo Earthquake Fault Zone is approximately 8 miles east of the project site.

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

The project would be required to comply with the California Building Code (CBC) to ensure the effects of a potential seismic event would be minimized to the greatest extent feasible. The project would not be open to the public and would be mostly agricultural activities. Therefore, impacts related to the production of strong seismic ground shaking would be less than significant.

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

The project site is in a Moderate Potential Liquefaction Risk area. The project site does not present any dangers associated with seismic activity, ground failure or liquefaction that cannot be addressed through the application of appropriate building codes. Based on site location and conditions described above, the project is not expected to be particularly susceptible to liquefaction or seismic-related ground failure and impacts would be less than significant.

(a-iv) *Landslides?*

The project site is in a Low Potential Landslide Risk area. The project site does not present any dangers associated with seismic activity, ground failure or liquefaction that cannot be addressed through the application of appropriate building codes. Based on site location and conditions described above, the project is not expected to be particularly susceptible to landslides and impacts would be less than significant.

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

At full buildout, the project would result in the disturbance of approximately 6 acres for the construction of greenhouses, additional ancillary structures, and improvements to the access road. Grading would include both cut and fill activities. In accordance with LUO Section 22.52.120, the project will be conditioned to provide an erosion and sedimentation control plan to be reviewed and approved prior to building permit issuance. During grading activities, there is a potential for erosion and down-gradient sedimentation to occur. However, the required sedimentation and erosion control plan and SWPPP would minimize these potential impacts. Implementation of the erosion and sedimentation control plan required by the LUO will ensure potential impacts associated with erosion and the loss of topsoil will be less than significant.

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

Landslides typically occur in areas with steep slopes or in areas containing escarpments. Based on the Landslide Hazards Map provided in the County Safety Element, the project site is not located in an area with slopes susceptible to local failure or landslide.

The project would be required to comply with CBC seismic requirements to address potential seismic-related ground failure including lateral spread. Based on the County Safety Element and USGS data, the project is not located in an area of historical or current land subsidence (USGS 2019). Based on the County Safety Element Liquefaction Hazards Map, the project site is located in an area with moderate potential for liquefaction risk and the project is not located within the GSA combining designation. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse would be less than significant.

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

Based on the Soil Survey of San Luis Obispo County and Web Soil Survey, the project site is not located within an area known to contain expansive soils as defined in the Uniform Building Code. Therefore, impacts to life or property related to expansive soils would be less than significant.

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

The project site is located on soil units with potential septic system constraints due to: slow percolation, steep slopes, seepage in bottom layer. No new or expanded septic systems are proposed; portable restrooms will be provided for employees that will be serviced by a licensed wastewater disposal company. However, the project will be conditioned to demonstrate that any septic leach field will be designed to satisfy the discharge requirements of the Regional Water Control Board and the Department of Environmental Health.

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

There are no known unique paleontological resources or unique geological features located within the project sites and the area has a low potential for encountering important fossils. No significant paleontological resources were identified in the area. However, in the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be implemented as part of the ordinance requirement. Therefore, impacts would be less than significant.

Conclusion

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

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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VIII. GREENHOUSE GAS EMISSIONS

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

Setting

Greenhouse gases (GHG) are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (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).

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

In March 2012, the SLOAPCD approved thresholds for Greenhouse Gas (GHG) emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. The Bright-Line Threshold of 1,150 Metric Tons CO₂/year (MT CO₂e/yr) is the most applicable GHG threshold for most projects. Table 1-1 in the SLOAPCD CEQA Air Quality Handbook provides a list of general land uses and the estimated sizes or capacity of those uses expected to exceed the GHG Bright Line Threshold of 1,150 Metric Tons of carbon dioxide per year (MT CO₂/yr). Projects that exceed the criteria or are within ten percent of exceeding the criteria presented in Table 1-1 are required to conduct a more detailed analysis of air quality impacts.

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

In October 2008, ARB published its *Climate Change Proposed Scoping Plan*, which is the State's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32. The Scoping Plan included ARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, implementation of energy efficiency

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measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

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

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

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

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

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

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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.

Discussion

- (a) *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?

As shown in Table 5 (see Energy), the project would exceed the SLOAPCD bright-line threshold of 1,150 MT CO₂e/year. Accordingly, the project would result in inefficient or wasteful energy use which would contribute to higher greenhouse GHG emissions and by nature is in conflict with state and local plans for the reduction of GHG emissions, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. Mitigation is required to reduce or offset the project's GHG emissions. Potential impacts would be less than significant with mitigation.

Conclusion

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

Mitigation

Implement ENG-1 through ENG-3.

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 type="checkbox"/>	<input checked="" 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

To comply with Government Code Section 65962.5 (known as the “Cortese List”) the following databases/lists were checked for potentially hazardous waste or substances occurring at the project site:

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

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

According to Cal Fire’s San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a “high” severity risk area for fire. The closest fire station to the project site is San Luis Obispo County Fire Station 42, located five miles to the southeast at 13050 Soda Lake Road. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 5 and 10 minutes.

The project is not within the Airport Review area; and no schools are located within a quarter-mile of the project site.

Discussion

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

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

Project operations would involve the intermittent use of small amounts of hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous. In accordance with LUO Section 22.40.050 D. 3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan. Accordingly, the applicant proposes the following material handling, storage and waste management measures which would ensure the safe use and handling of chemical/industrial materials:

- Fertilizers and pesticides will be stored in a Seatrainer container within 320 square-feet of space.

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- Fertilizer and pesticide usage will be conducted following organic farming practices and in accordance to the County of San Luis Obispo Department of Agriculture standards. Prior to commencing permitted cultivation activities, the applicant shall consult with the Department of Agriculture regarding potential licensing and/or permitting requirements and to determine if an Operator Identification Number (OIN) is needed. An OIN must be obtained prior to any pesticides being used in conjunction with the commercial cultivation of cannabis; “pesticide” is a broad term, which includes insecticides, herbicides, fungicides, rodenticides, etc., as well as organically approved pesticides.

As discussed in the Setting above, the project site is not found on the ‘Cortese List’ (a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5). The project is not expected to conflict with any regional emergency response or evacuation plan.

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

During construction the proposed project would utilize limited quantities of hazardous substances such as gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Handling of these materials has the potential to result in an accidental release. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws. Additionally, the construction contractor would be required to implement BMPs for the storage, use, and transportation of hazardous materials during all construction activities. These BMPs may include, but are not limited to, the following:

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

The application materials contain a complete list of proposed hazardous materials and incorporated by reference and available for review at the Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo.

The project applicant has submitted a Spill Management and Hazardous Materials Response Plan and an Employee Safety and Training Plan to reduce potential impacts associated with hazards created by reasonably foreseeable upset or accident conditions during project construction. Implementation of the Spill Management and Hazardous Materials Response Plan will ensure that no significant hazard to the public from upset and accidents will occur and potential impacts would be less than significant.

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

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

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

As discussed above, the project is not located on a site included on the list compiled pursuant to Government Code Section 65962.5. Therefore, there would be no impact.

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

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

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

The applicant has submitted a Fire Safety Plan for the project. As described in the Plan, monitored fire sprinkler systems, fire suppression extinguishers, and additional steel water storage tanks are included in the design of the project. Additionally, upon the addition of the proposed processing/manufacturing building and greenhouses, a new surface 20-foot wide roadway is proposed per Caltrans standards. A fire equipment turnaround per Cal Fire Standard 4, Access Roads and Driveways, would be required and constructed. The property is less than 5% slope throughout, therefore only all-weather roads are proposed. The project is not expected to conflict with any regional emergency response or evacuation plan, as the greenhouses would be set back from Highway 58, and a fire equipment turnaround is proposed for emergency response vehicles to adequately access the greenhouses. Therefore, impacts would be *less than significant*.

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

The project is located within a State Responsibility Area but is not located within a “very high” severity risk area which could present a significant fire safety risk. The project was reviewed by Cal Fire/County Fire. In their letter (Cal Fire/County Fire, July 16, 2019), Cal Fire/County Fire recommends fire protection requirements relating to fire sprinklers, vehicular access, water storage, fire pumps and hydrants, emergency access and addressing. The project will be conditioned to comply with the recommendations of Cal Fire/County Fire which is expected to reduce potential impacts relating to the exposure of people and structures to wildfires to a less than significant level.

Conclusion

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

Mitigation

None necessary.

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Sources

See Exhibit A.

X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(h) 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"/>
(i) 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(j) 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(k) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(l) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project site is within the Carrizo Plain Groundwater Basin and proposes to utilize an existing well within the subject property for cannabis activities.

Grading, drainage and sedimentation and erosion control plans are required for all construction and grading projects (LUO Sec. 22.52.100, 110 and 120). When required, these plans are prepared by a civil engineer to address both temporary and long-term drainage, sedimentation and erosion impacts.

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

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

Within the 100-year Flood Hazard designation? No

Closest creek? Unnamed Distance? Approximately 2,000 feet

Soil drainage characteristics: Not well drained

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

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

Soil erodibility: Moderate

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which

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focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

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

The project site is located in the Carrizo Plain Groundwater Basin which is not assigned a Level of Severity. The project is not located within an Area of Severe Decline. Therefore, no water use offset is required.

A well pump test conducted on February 22, 2018 revealed that the existing well can produce 15 gallons per minute. If the well operates for eight hours per day for 365 days it would produce about 8.0 AFY. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information and a Pump Test Report submitted by the project applicant, the proposed water source is not known to have any significant availability or quality problems.

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

The project will result in about 6 acres of disturbance and will require minimal grading. The project will be conditioned to provide final grading, erosion and sedimentation control plans for review and approval prior to building permit issuance as required by LUO Sections 22.52.100, 106 and 120. The project will disturb more than 1.0 acres and will therefore be required to enroll in coverage under California's Construction General permit.

The project will be conditioned to provide final grading, drainage, erosion and sedimentation control plans for review and approval prior to building permit issuance as required by LUO Sections 22.52.100, 110 and 120. Therefore, impacts would be less than significant.

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

A 4-hour pump test completed in February 22, 2018 determined a measured flow rate of 15 gallons per minute. The project application materials provide the following estimate of existing and projected water demand prepared by the applicant:

The daily average water usage anticipated for the year is 3,194 gallons per day, or 3.7-acre feet per year (AFY). Water use is required to be metered and these data will be provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity (3.7 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount. In addition, the project will be conditioned to apply Best Management Practices for water conservation to maintain water use at or below the water analysis projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

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

The conditions of approval will also require the project to participate in the County's ongoing cannabis monitoring program to ensure compliance with all conditions of approval and other relevant regulations. Therefore, impacts would be less than significant.

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

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

The project site is relatively flat, and is not located adjacent to hillsides, mudflow risks are insignificant. The project has been conditioned to provide final grading, drainage, erosion and sedimentation control plans for review and approval prior to building permit issuance as required by LUO Section 22.52.100, 110 and 120. Therefore, impacts would be less than significant.

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

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

- (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 amount of increased impervious surfaces is not expected to exceed the capacity of stormwater conveyances or increase downslope flooding. Therefore, impacts would be less than significant.

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(c-iv) Impede or redirect flood flows?

The proposed project is designed to place all temporary and/or permanent structures at least 50 feet away from the top of the creek banks. Two low-slope swale features transverse the Property from east to west, where seasonal water flows toward a culvert under Bitterwater Road at the southwest corner of the property. No impacts are proposed to the swale features, and impacts would be less than significant.

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

The project site is located approximately 44 miles inland from the Pacific Ocean and is not located in the Coastal Zone. Therefore, there is no risk from tsunami or seiche.

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

The project will be conditioned to comply with relevant provisions of the Central Coast RWQCB Basin Plan. Therefore, impacts would be less than significant.

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Setting

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

- LUO Chapter 22.94 – Carrizo Planning Area

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

The project is surrounded by agricultural uses. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County LUO, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, California Fish and Wildlife for the Fish and Game Code, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project would be required to adhere to all regulations and development standards as listed in the County LUO Chapter 22.40. This includes the receipt of all necessary permits, submittal of plans, adherence to application requirements, and limitations on use and cultivation.

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

Discussion

(a) *Physically divide an established community?*

The project is in the Agricultural land use category, and surrounded by agricultural uses. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County LUO, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, California Fish and Wildlife for the Fish and Game Code, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used). Therefore, 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 proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County LUO, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, California Fish and Wildlife for the Fish and Game Code, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used). Therefore, impacts would be less than significant.

Conclusion

No inconsistencies were identified, and therefore, no additional measures beyond application of existing plans and regulations is necessary.

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Mitigation

None necessary.

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 type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

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

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?*

The San Luis Obispo County Mineral Designation Maps indicate the site is not located in a Mining Disclosure Zone or Energy/Extractive Area. Therefore, the project would not result in the preclusion of mineral resources. Therefore, no impact.

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

The San Luis Obispo County Mineral Designation Maps indicate the site is not located in a Mining Disclosure Zone or Energy/Extractive Area. Therefore, the project would not result in the preclusion of mineral resources. Therefore, no impact.

Conclusion

No impacts to the availability of mineral resources of state, regional, or local importance are anticipated.

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 project is located approximately 5 miles from the California Valley Urban Reserve and is not within close proximity of loud noise sources other than road noise from Highway 58, as the project site and surrounding area consist of agricultural uses and scattered rural residential homes on agricultural land. The nearest sensitive receptor to the site is a single-family residence located approximately 500 feet southeast of the south property line. The Noise Element of the County's General Plan includes projections for future noise levels from known stationary and vehicle-generated noise sources. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

The project is subject to the County's standards for exterior noise provided in LUO Section 22.10.120 B (Table 8). Section 22.10.120 sets forth standards that apply to sensitive land uses that include (but are not limited to) residences.

Table 8 -- Maximum Allowed Exterior Noise Level Standards

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

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

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Discussion

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

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

Operational Impacts: The project is not expected to generate loud noises or conflict with the surrounding uses. The project would generate approximately 17 peak hour vehicle trips which will generate noise along the roadways serving the project site. The level of motor vehicle traffic is generally higher than surrounding rural residential and agricultural land uses in the area but is not expected to generate noise levels that exceed the County's noise standards.

Noise resulting from the use of wall- or roof-mounted HVAC and odor mitigation equipment would be expected to generate noise levels of average 80 dBA at 25 feet from the source. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. Therefore, project related noise sources producing 80 dBA at 25 feet will be perceived to produce about 60 dB at the nearest property line, assuming a distance of 250 feet from the proposed greenhouses. Therefore, the resulting noise is not anticipated to exceed the maximum allowable nighttime level (65 dB) but could exceed the hourly average equivalent noise level (45 dBA), *assuming the equipment operates 24 hours per day.* With recommended mitigation measure N-1, project impacts will be less than significant.

The project is located within an agricultural area and based on the Noise Element's projected future noise generation from known stationery and vehicle-generated noise sources, the project is within an acceptable threshold area. Noise generated by vehicular traffic on Highway 58 would be comparable to background noise levels generated by surrounding agricultural operations and existing vehicular traffic. Operation of the project would not expose people to significant increased noise levels in the long term.

The project is not expected to generate loud noises or conflict with the surrounding uses. Based on the Noise Element's projected future noise generation from known stationery and vehicle-generated noise sources, the project is within an acceptable threshold area. Therefore, impacts will be less than significant.

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

The project is not expected to generate excessive groundborne vibration or groundborne noise. Based on the Noise Element's projected future noise generation from known stationery and vehicle-generated noise sources, the project is within an acceptable threshold area. Therefore, impacts will be less than significant.

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- (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 airport to the project site is the San Luis Obispo County Regional Airport, located approximately 30 miles west of the project. The project is not located within an Airport Review designation, therefore aviation-related noise impacts are not applicable.

Conclusion

Noise associated with the project is not anticipated to exceed the maximum allowable nighttime level (65 dB) but could exceed the hourly average equivalent noise level (45 dBA) With recommended mitigation measure N-1, project impacts will be less than significant.

Mitigation

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

Sources

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

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

Discussion

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

The project site includes one existing single-family residence. The residence would continue to be used as a residential use and would not be used for cannabis activities. The proposed project would not result in the removal or construction of any housing. The project is expected to employ 4 full-time staff and 10 seasonal part-time staff for harvest. This increase in employment would not result in a substantial increase in employment in the County. Therefore, the project would not result in a need for a significant amount of new housing and would not displace existing housing.

The proposed project would not induce substantial population growth either directly or indirectly; and would not result in the need for a significant amount of new housing. Therefore, impacts would be less than significant.

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

The existing single-family residence would continue to be used as a residential use and would not be used for cannabis activities. The proposed project would displace existing housing. Therefore, impacts would be less than significant.

Conclusion

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

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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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

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

Police: County Sheriff	Location: Templeton (Approximately 38 miles to the northwest)		
Fire: Cal Fire (formerly CDF)	Hazard Severity: High	Response Time: 5-10 minutes	
Location: (Approximately 5.1 miles to the project site)			
School District: Atascadero Unified			

Discussion

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

Fire protection?

The California Department of Forestry and Fire Protection (Cal Fire) provides mutual and automatic aid supporting the County of San Luis Obispo. The nearest Cal Fire station (Station 42) is located five

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miles to the southeast at 13050 Soda Lake Road. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 5 and 10 minutes (San Luis Obispo County 1999). According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a "high" severity risk area for fire.

The applicant has submitted a Fire Safety Plan (July 16, 2019, Cal Fire/County Fire). As described in the Plan, monitored fire sprinkler systems, fire suppression extinguishers, and additional steel water storage are to be included in the design of the project. Additionally, upon the addition of the proposed processing/manufacturing building and greenhouses, a new all-weather surface 20-foot wide roadway is proposed per CalFire standards. A fire equipment turnaround per Cal Fire Standard 4, Access Roads and Driveways, would be required and constructed. The project's incremental impacts to Fire Department services would be insignificant.

Police protection?

The project site is in the existing service range for the County Sheriff Department. Construction on-site would not normally require services from the Sheriff's Department, except in cases of trespassing, theft, and/or vandalism. The project includes a detailed security plan that must be reviewed and approved by the County Sheriff. The plan recommends the employment of trained security personnel for the project. Incorporation of security techniques would serve to reduce the need for police/sheriff enforcement. Since the site is currently in the existing service range, it would not require additional police protection or law enforcement services and would not trigger changes that would affect police protection services. Therefore, this impact would be insignificant.

Schools?

As discussed in Section 14, Population and Housing, the project does not include the construction of any habitable structures and would not increase population. As such, the project would not generate new demand for schooling. Since the project would not generate development or changes in land use intensities that would change or increase existing demand, there would be no impact on schools.

Parks?

As discussed in Section 14, Population and Housing, the project does not include the construction of any habitable structures and would not increase population. As such, the project would not generate new demand for park services. Since the project would not generate development or changes in land use intensities that would change or increase existing demand, there would be no impact on parks.

Other public facilities?

As discussed in Section 14, Population and Housing, the project does not include the construction of any habitable structures and would not increase population. As such, the project would not generate new demand for other public facilities. Since the project would not generate development or changes in land use intensities that would change or increase existing demand, there would be no impact on other public facilities.

Conclusion

Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address the project's contribution to cumulative impacts and will reduce

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potential cumulative impacts to less than significant levels. No significant public service impacts are anticipated, 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 County's Parks and Recreation Element does not show a potential trail on or near the proposed project site. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

Discussion

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

The proposed project is not a residential project or large-scale employer and would not result in a significant population increase. Construction and operation of the proposed project would not have any adverse effects on existing or planned recreational opportunities in the County. The proposed project would not create a significant need for additional park, Natural Area, and/or recreational resources.

- (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 proposed project is not a residential project or large-scale employer and would not result in a significant population increase. Construction and operation of the proposed project would not have any adverse effects on existing or planned recreational opportunities in the County. The proposed project would not create a significant need for additional park, Natural Area, and/or recreational resources.

Conclusion

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

Mitigation

None necessary.

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Sources

See Exhibit A.

XVII. TRANSPORTATION

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

Setting

The County has established the acceptable Level of Service (LOS) "C" or better for rural roads. Vehicular access to the project site is provided by a driveway onto Bitterwater Road, a two-lane rural collector. Traffic counts taken by the County on Bitterwater Road in 2017 revealed an afternoon peak hour volume of 31 trips. The project is also located along State Highway 58, which is maintained by Caltrans. Data for Highway 58, obtained from Caltrans' 2016 Traffic Volumes on California State Highways, shows an Annual Average Daily Traffic (AADT) below 1,000 vehicles, both east and west of the project site. The project site is not located within the County's road improvement fee area.

Discussion

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

Construction Impacts. Construction related traffic will increase during the morning and afternoon peak hours on Bitterwater Road and SR58. Based on project information, it is expected that as many as 3 workers may be arriving and leaving the project site on a typical construction workday. Assuming 3 PM peak hour trips on Bitterwater Road and SR58, traffic will increase by less than 1%

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per day for a construction timeframe of one to two months. The temporary increase in traffic will not reduce the level of service which will remain within the standard set by the General Plan Circulation Element.

Operational Impacts. A Trip Generation Report was prepared by Orosz Engineering Group, Inc. (May 2018) pertaining to the number of trips generated by the project during harvest periods. Harvest periods are expected to generate the highest number of peak hour trips, while normal operations would generate far fewer trips. Trip generation was developed based on similar land uses and anticipated operational characteristics for the site. The expected trip generation for the project is summarized in the table below.

Traffic Analysis – Trip Generation

Use	Size	Traffic Volumes			
		ADT	PM Peak Hour		Total
			In	Out	
Agriculture	3 AC	6	1	1	2
Greenhouses	22,000 KSF	6	0	1	1
Project Total		12	1	2	3

The proposed project is estimated to generate about 4 trips during the harvest. For comparison, the County-approved trip generation rate for Nursery Greenhouses is 0.025 peak hour trips per thousand square feet, which corresponds to less than two peak hour trips for the greenhouse portion of the project. Traffic volume data for Highway 58 was obtained from Caltrans' 2016 Traffic Volumes on California State Highways. Data for Highway 58 both west and east of the project site shows an Annual Average Daily Traffic (AADT) below 1,000 vehicles.

The project is expected to have a minor trip generation rate, even during harvest periods. On average, less than one single-unit truck trip in and out per day is expected. Additionally, Highway 58 currently operates well below its capacity. As such, the small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs on transportation.

Long-term maintenance and operational trips would be within acceptable levels. As a result, the proposed project would have a less than significant long-term impact on existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs related to transportation, would not affect air traffic patterns or policies related to public transit, bicycle, or pedestrian facilities. Therefore, impacts would be less than significant.

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

CEQA Guidelines section 15064.3 does not apply until July 1, 2020 and the County has not elected to be governed by the provisions of this section in the interim. Therefore, this threshold does not apply and there is no impact.

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

The project would not result in any changes to the access road. Minor alteration to the existing driveway approach is required to obtain encroachment permit from County of San Luis Obispo Public Works Department. The project would not substantially increase hazards and would have a less than significant impact.

- (d) *Result in inadequate emergency access?*

Access to the site is provided by Bitterwater Road through a locking access gate. The project does not propose any features that would delay or disrupt emergency vehicles or result in unsafe conditions. The project was also referred and reviewed by Cal Fire/County Fire. In a response dated July 16, 2019, Cal Fire/County Fire indicated that all buildings will require final inspection from Cal Fire/County Fire and to meet current commercial standards for address number. As discussed in the Project Description, a fire equipment turnaround would be constructed adhering to County of San Luis Obispo/Cal Fire design specifications, which would ensure that access to the greenhouses is maintained for emergency response vehicles. Therefore, impacts related to emergency access would be less than significant.

Conclusion

The project would not reduce the Level of Service of public roadways or significantly increase vehicle trips to the circulation system. The project will also be required to maintain adequate sight distance and emergency access. Therefore, the project's transportation impacts would be less than significant with the applied project design features, and no mitigation measures are necessary.

Mitigation

None necessary.

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

- Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
 - Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code Section 5020.1.

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

The project is located in an area historically occupied by the Obispeno Chumash and Salinan. No historic structures are present and no paleontological resources are known to exist in the area. Per US Geographical Survey maps, the project site is not within 300 feet of a National Hydrography Dataset (NHD) stream or other features which would be indicative of prehistoric human occupation.

In compliance with AB52 Cultural Resources requirements, outreach to four Native American tribes groups was conducted (Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council) on November 20, 2018. Comments were received from the Northern Chumash Tribal Council on November 27, 2018. The comments indicated that the Northern Chumash Tribal Council (NCTC) has no comments on the proposed project. This concludes AB52 Tribal Consultation.

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 project site does not contain listed or eligible for listing historical resources, therefore significant impacts to historical resources are not anticipated.

(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 resources, therefore significant impacts to historical resources are not anticipated.

In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required:

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

- Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

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Conclusion

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

Mitigation

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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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**Discussion*

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

The proposed project would not require the construction of new or expanded water, wastewater, electric, natural gas, or telecommunications connections or facilities. Power is currently provided on site through an existing PG&E connection and water would be supplied from an existing well on site. Wastewater from outdoor and greenhouse cultivation will be used within the planting environment.

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No onsite subsurface sewage disposal system will be used, and portable restrooms will be utilized with regular service. Therefore, impacts will 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?*

A pump test for the onsite well was conducted on February 22, 2018. The well produces 15 gallons per minute (GPM). The daily average water usage anticipated for the year is 3,194 gallons per day, or 3.7 acre feet per year (AFY). Therefore, impacts will be less than significant.

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

The onsite residence at the project site utilizes an existing septic tank that was replaced in April 2018 (PMT2018-00553). Wastewater from outdoor and greenhouse cultivation will be used within the planting environment. No onsite subsurface sewage disposal system will be used, and portable restrooms will be utilized with regular service. Therefore, impacts will be less than significant.

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

The applicant will compost dead and/or stripped of flower plants and soil onsite. Any waste produced from cultivation operations that is non-compostable will be placed in waste bins and hauled offsite by the owner/operator or staff to the Chicago Grade Landfill. Waste associated with the project would be routinely disposed of, and since operation of the project is not expected to generate a substantial amount of solid waste, impacts are considered less than significant.

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

The applicant will compost dead and/or stripped of flower plants and soil onsite. Any waste produced from cultivation operations that is non-compostable will be placed in waste bins and hauled offsite by the owner/operator or staff to the Chicago Grade Landfill. Waste associated with the project would be routinely disposed of, and since operation of the project is not expected to generate a substantial amount of solid waste, impacts are considered less than significant.

Conclusion

The project will have a less than significant impact on utilities and service systems.

Mitigation

None necessary.

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

The California Department of Forestry and Fire Protection (Cal Fire) provides mutual and automatic aid supporting the County of San Luis Obispo. According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a "high" severity risk area for fire. The closest fire station to the project site is San Luis Obispo County Fire Station 42, located five miles to the southeast at 13050 Soda Lake Road. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 5 and 10 minutes.

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

The project was reviewed by Cal Fire/County Fire. In their letter of July 16, 2019, Cal Fire/County Fire recommends fire protection requirements relating to fire sprinklers, vehicular access, water storage, fire pumps and hydrants, emergency access and addressing. Compliance with the recommendations of Cal

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Fire/County Fire is expected to reduce potential impacts relating to the exposure of people and structures to wildfires to a less than significant level.

Discussion

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

Based on the project description, the project is not expected to substantially impair an adopted emergency response plan or evacuation plan. Therefore, impacts will be less than significant.

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

The project site is located in a rural area of the county where small-to-large scale agricultural operations are the predominant land uses. The topography of the site is relatively flat to gently sloping and the existing structures are located on a nearly level area. Existing vegetation includes non-native grasses and forbs, and ornamental landscaping near the onsite residence. Therefore, impacts will 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?*

Based on the project description, the project will not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Therefore, impacts will 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 project site is located in a rural area of the county where small-to-large scale agricultural operations are the predominant land uses. The topography of the site is relatively flat to gently sloping and the existing structures are located on a nearly level area. Two swale features were observed transecting the property from west to east. No impacts are proposed to the swale features. Therefore, impacts will be less than significant.

Conclusion

Compliance with the recommendations of Cal Fire/County Fire is expected to reduce potential impacts relating to the exposure of people and structures to wildfires to a less than significant level.

Mitigation

None necessary.

Sources

See Exhibit A.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

Setting

Discussion

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

The proposed project does have the potential to substantially degrade the quality of the environment. However, compliance with the mitigation measures listed in Exhibit B will ensure that project implementation will not substantially degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining

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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 pre-history. In addition, the project would not contribute significantly to greenhouse gas emissions or increase energy consumption. Therefore, the anticipated project-related impacts are less than significant with incorporation of the mitigation measures included in Exhibit B.

As discussed in each resource section above, the project has the potential to impact San Joaquin kit fox and its habitat. Implementation of Mitigation Measures BIO-1 through BIO-17 would reduce impacts to San Joaquin kit fox to less than significant. Therefore, the project would not result in significant impacts to biological 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. Potential impacts to air quality, paleontological resources, and hydrology were also evaluated. Mitigation measures have been proposed to prevent or reduce all potential impacts to less than significant; therefore, impacts would be *less than significant with mitigation*. Refer to Section 3. Air Quality, Section 4. Biological Resources; Section 7. Geology and Soils; and Section 10. Hydrology & Water Quality, for additional information.

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

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." Section 15355 of the CEQA Guidelines further states that individual effects can be various changes related to a single project or the change involved in a number of other closely related past, present, and reasonably foreseeable future projects. The discussion of cumulative impacts must reflect the severity of the impacts as well as the likelihood of their occurrence. However, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Furthermore, the discussion should remain practical and reasonable in considering other projects and related cumulatively considerable impacts. Furthermore, per State CEQA Guidelines, Section 15130 (a) (1), an EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.

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

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

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

Existing and Reasonably Foreseeable Cannabis Activities

Table 9 provides a summary of the total number of cannabis activities for which the County has either approved or has received an application as of the date of this initial study. As shown on Table 8, the County has received applications for a total of 115 cultivation sites (including indoor and outdoor) with a total canopy of 330 acres. Under the County's cannabis regulations (LUO Sections 22.40. et seq. and CZLUO Section 22.80 et seq.), the number of cultivation sites allowed within the unincorporated county is limited to 141, and each site may have a maximum of 3 acres of outdoor canopy and 22,000 sq.ft. (0.5 acres) of indoor canopy. Therefore, if 141 cultivation sites are ultimately approved, the maximum total cannabis canopy allowable in the unincorporated county will be 493 acres (141 sites x 3.5 acres of canopy per site = 493 acres). The actual location and range of cannabis activities associated with future cannabis applications is speculative.

Table 9 -- Summary of Cannabis Activities for Unincorporated San Luis Obispo County¹

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

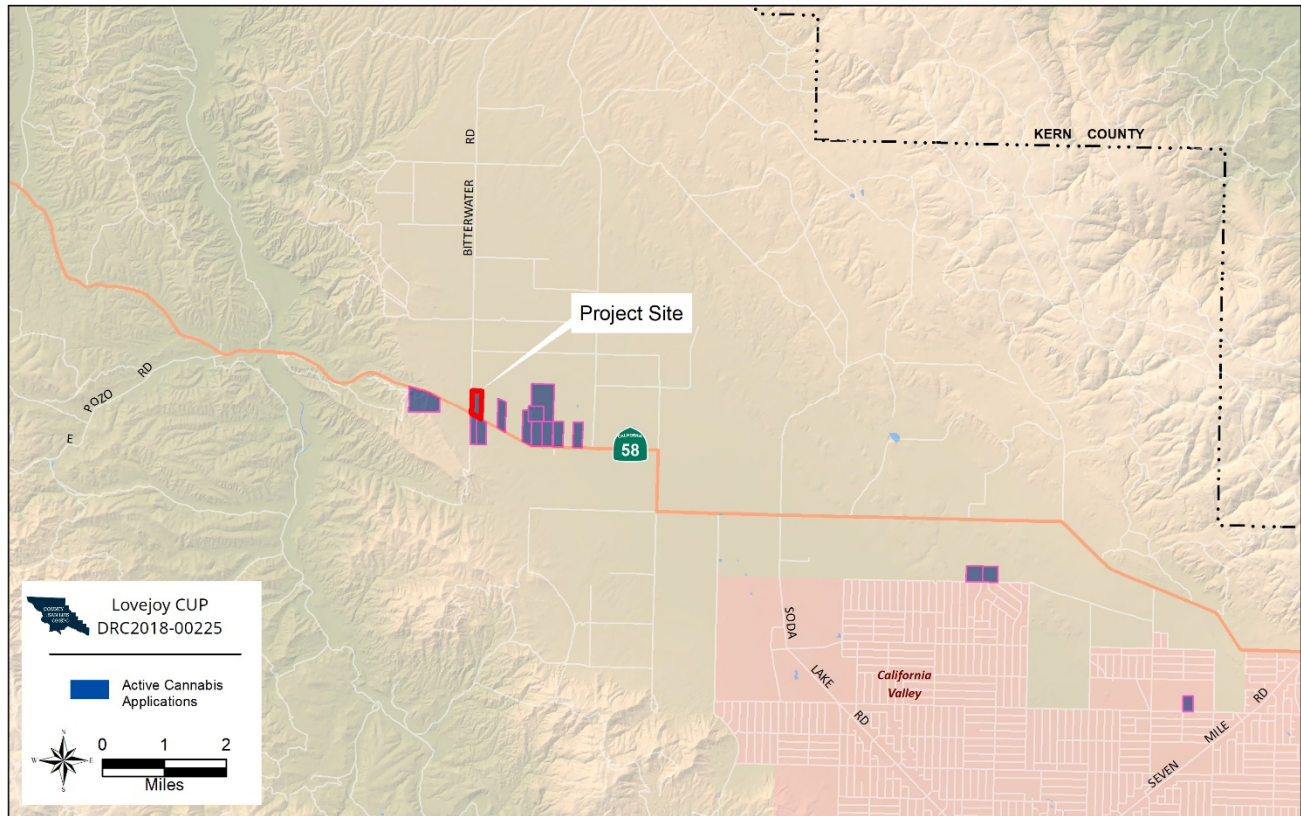
Notes:

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

Figure 7 shows the project site along with other approved and proposed cannabis activities in the vicinity of the project site.

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Figure 7 -- Project Site With Reasonably Foreseeable Cannabis Projects in the Vicinity



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

- All 115 cultivation sites will be approved and developed;
- Each cultivation site will be developed as follows:
 - 3 acres of outdoor cultivation;
 - 0.5 acres of indoor cultivation;
 - 19,000 sq.ft. of ancillary nursery;
 - A total area of disturbance of 4.5 acres to include the construction of one or more buildings to house the indoor cultivation, ancillary nursery and processing;
 - A total of six full-time employees;
 - A total of six average daily motor vehicle trips;
 - All sites will be served by a well and septic leach field;

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Aesthetic and Visual Resources

The analysis provided in Section I. Aesthetic and Visual Resources provides an overview of the visual setting and concludes that the potential project-specific impacts will be less than significant with mitigation recommended for light and glare, landscape screening, and the retention of existing screening trees. Since project-specific impacts to visual and aesthetic resources are less than significant, the impacts to aesthetic and visual resources of this project, when considered with the potential impacts of other reasonably foreseeable development in the area, is less than cumulatively considerable.

Agricultural Resources

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

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

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

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

Source: NRCS Soil Survey, 2019

The analysis provided in Section II. Agricultural Resources, indicates that the project will result in the permanent conversion of 2.1 acres of Prime Farmland. However, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential impacts to important farmland is considered less than cumulatively considerable because:

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- As shown in Table 3 of Section II, Agricultural Resources the total acreage of important farmland impacted by the project (about 2.1 acre) is less than 0.002 percent of the Farmland of Statewide Importance in the county. Moreover, the county has seen a net increase in the acreage of prime farmland each year since 2006.
- As shown in Table 10, the total acreage of Farmland of Statewide Importance potentially impacted by approved and reasonably foreseeable cannabis cultivation projects in the unincorporated county (about 2,976 acres) is less than the average annual increase in the total amount of prime farmland experienced each year in the County since 2006.
- Potential agricultural activities on the remainder of the project site would be unaffected by the proposed cannabis activities.

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related emissions would exceed APCD thresholds of significance for both project-related and cumulative impacts. With recommended mitigation measures AQ-1, AQ-2, AQ-3, AQ-4 construction-related and operational emissions would be less than significant. 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 impacts to air quality, as mitigated, are considered less than cumulatively considerable.

Biological Resources

The analysis provided in Section IV., Biological Resources, concludes that the project will have a less than significant impact so long as the recommended mitigation measures for listed animal species and migratory birds are incorporated into the project description. Because project-specific impacts will have a less than significant impact with mitigation, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts are considered less than cumulatively considerable.

Energy Use

Cannabis cultivation typically uses an insignificant amount of natural gas. Accordingly, this assessment of cumulative impacts is based on the demand for electricity. The analysis provided in Section VI., Energy, states that the project will increase the demand for electricity by as much as 5,200,000 kWh per year.

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

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

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

Notes:

1. Source: CalEEMOD 2016 v.3.2. Assumes 115 cultivation projects with 3.5 acres of cannabis canopy.
2. Source: California Energy Commission, 2019.

Table 11 indicates that electricity demand in San Luis Obispo County could increase by as much 45% if all 115 cultivation projects are approved and constructed. Table 12 shows the percent increase in the projected 2030 demand throughout PG&E's service area for electricity, assuming all 115 cultivation projects are approved and implemented.

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

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

Notes:

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

Without mitigation, the project's contribution to the increased demand for electricity, when considered with the growth of demand in other parts of the PG&E service area for electricity, would be considered wasteful and inefficient and cumulatively considerable. However, Mitigation ENER-1 requires the applicant to provide an Energy Conservation Plan demonstrating a reduction in overall energy use from the project and/or the offset of project-related energy use to achieve a resulting energy demand that is within 20% of a typical commercial building of comparable size that employs

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Title 24 energy efficiencies. With implementation of mitigation ENG-1 cumulative impacts associated with energy use will be not be wasteful and inefficient and less than cumulatively considerable.

Fuel Use

Assumptions:

- The most recent estimate of total vehicle miles travelled (VMT) for the County is from 2013 at which time total VMT per day was estimated to be 7,862,000. Assuming a 1% annual growth in VMT during the intervening six years, the current (2019) VMT is estimated to be about 8,333,720.
- 172 million gallons of fuel consumed per year / 365 days = 471,232 gallons of fuel use per day
- 471,232 gallons of gasoline and diesel fuel consumed per day / 8,333,720 miles travelled per day = 0.056 gallons of fuel consumed per day per mile travelled
- Average Daily Trips (ADT) for Project x 14.7 miles = Daily Vehicle Miles Travelled (VMT)
- Daily VMT x gallons per mile travelled = Daily gallons of fuel use
- Three worker trips and 1 delivery trip per day for construction activities for 10 working days
- 12 Average Daily Trips for operations for 365 days

Construction Fuel Use

4 ADT x 14.7 miles x 115 projects = 6,762 VMT per day

6,762 VMT x 10 days = 67,620 total VMT

67,630 x 0.056 gallons consumed per mile travelled = 3,787 gallons

Operational Fuel Use

51,326 VMT per day for all 115 projects combined (see Table 16)

18,733,260 total VMT per year

18,733,260 VMT x 0.056 gallons consumed per mile travelled = 10,490,525 gallons per year

Total fuel use associated with construction and operation of all 115 projects would be about 6% of the total daily fuel consumed in the County in 2018. Accordingly, fuel consumption associated with the project would not be wasteful, inefficient or unnecessary and would not be cumulatively considerable.

Greenhouse Gas (GHG) Emissions

As discussed in Section VII., the project is expected to generate 1,508 metric tons of GHG emissions per year. Using the GHG threshold information described in the Setting section, the project is expected to exceed the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are considered cumulatively considerable unless mitigated. Implementation of recommended mitigation measures ENG-1, ENG-2, and ENG-3 that require completion of an Energy Conservation Plan prepared by a Certified Energy Analyst that identifies strategies to reduce wasteful and inefficient energy use and for reducing or offsetting GHG emissions to reduce project-related GHG emissions to below the 1,150 MTCO₂ per year Bright Line Threshold, will reduce project impacts to less than cumulatively considerable.

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Hydrology/Water Demand

For purposes of assessing the cumulative impact to water supplies, the following assumptions are made:

- All 115 cannabis cultivation projects are approved and implemented;
- All 115 projects derive their water demand from groundwater resources;
- Water demand associated with outdoor cannabis cultivation is assumed to be 0.03 gallons per day per square foot of canopy, and 0.1 gallons per day per square foot of canopy for indoor cultivation;
- The growing period for outdoor cultivation and ancillary nursery is assumed to be 270 days; the growing season for indoor cultivation is assumed to be 365 days;
- This analysis assumes no recycling of water;

Table 13 – Total Estimated Water Demand from Cannabis Cultivation

Bulletin 118 Groundwater Basin ¹	Number of Cultivation Projects	Acres	Total Estimated Water Demand From Cannabis Cultivation AF/Year ³
Paso Robles Groundwater Basin ⁴	33 ²	2,648.41	190.09
Carrizo Plain Groundwater Basin	13	585.01	75.84
Pozo Valley Groundwater Basin	1	129	7.28
Atascadero Basin	6	190.55	35.85
Los Osos Groundwater Basin ⁴	2	278.6	12.99
San Luis Obispo Valley	1	11.93	7.28
Santa Maria Valley Groundwater Basin ⁴	13	833.73	75.84
Huasna Valley	2	50.21	12.99
Sub-Total:	71	4,727.44	407.18
Not Within A Bulletin 118 Groundwater Basin	44	2,120.56	252.93
Total for All Cultivation Sites	115	6,848.21	660.11

Notes:

1. Source: California Department of Water Resources Bulletin 118.
2. Includes 661.21 acres (12 projects) in the Area of Severe Decline.
3. Based on the assumptions for development and water demand outlined above.
4. Designated “Critically Overdrafted” groundwater basins by the California department of Water Resources.

As shown in Table 13, 71 cultivation projects are served by groundwater basins designated by the Department of Water Resources Bulletin 118. Two of the eight basins where cultivation is proposed, Los Osos Valley and the Paso Robles Groundwater Basin, are designated as “Critically Overdrafted”

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by the State. In addition, new development within the Paso Robles and the Santa Maria Valley groundwater basins is subject to the water conservation provisions of Chapter 19.07.042 of the County Code. Prior to issuance of a construction permit for a new structure with plumbing fixtures, the developer of such new structure must obtain an offset clearance from the department of planning and building verifying that new water use has been offset at a 1:1 ratio. Water savings must come from the same groundwater basin as the proposed new development.

Lastly, section 22.40.050 D. 5. requires that a cultivation project located within a groundwater basin with a Level of Severity III (LOS III) as determined by the most recent Resource Management Report must provide an estimate of water demand prepared by a licensed professional or other expert, and a description of how the new water demand will be offset. For such projects, the water use offset ratio is 1:1. If the project is within an Area of Severe Decline the offset requirement is 2:1, unless a greater offset is required by the review authority through the permit review process.

Groundwater basins serving cannabis cultivation that have been designated Level of Severity III include the Paso Robles, Los Osos and Santa Maria Valley groundwater basins. As shown in Table 12, there are 48 cultivation projects with a total estimated water demand of 278.9 AFY within groundwater basins that are subject to the 1:1 water use offset requirement. Therefore, the net increase in water demand from cannabis cultivation in these basins is assumed to be zero. There are 23 cultivation sites within other groundwater basins that are not subject to the water use offset requirements of Title 19.04 and 44 sites that do not overlie a designated groundwater basin. Therefore, the net cumulative water demand from cannabis cultivation is assumed to be 392.17 AFY.

Table 14 – Total Estimated Water Demand from Cannabis Cultivation From Bulletin 118 Groundwater Basins With No Level of Severity

Bulletin 118 Groundwater Basin ¹	Number of Cultivation Projects	Acres	Total Estimated Water Demand From Cannabis Cultivation AF/Year ³	Total Storage/ Safe Yield ¹	Status of Groundwater Basin ²
Carrizo Plain Groundwater Basin	13	585.01	75.84	Total storage estimated to be 400,000 AF	No Level of Severity
Pozo Valley Groundwater Basin	1	129.00	7.28	The total storage capacity is estimated at 2,000 AF	No Level of Severity
Atascadero Basin	6	190.55	35.85	Safe Yield estimated to be 16,400 AFY	No Level of Severity
San Luis Obispo Valley	1	11.93	7.28	The total storage capacity is estimated at 10,000 – 22,000 AF	No Level of Severity
Huasna Valley	2	50.21	12.99	No estimate of storage of safe yield	No Level of Severity
Total:	23	966.69	139.24	--	--

Notes:

1. 2014 Integrated Regional Water Management Plan
2. 2014-2016 Resource Summary Report

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The cumulative impact of water demand associated with cannabis cultivation is expected to be less than cumulatively considerable because:

- Water demand associated with the 48 cannabis cultivation projects within basins that have been assigned a Level of Severity III by the County's Resource Management System will be offset by a ratio of at least 1:1;
- Water demand associated with cannabis cultivation within groundwater basins without an assigned Level of Severity for water supply are not in a state of overdraft and the County's Resource Management System has concluded that they are expected to meet the estimated demand from urban, rural and agricultural demand for at least 15 years. As shown in Table 14, the marginal demand associated with cannabis cultivation is insignificant in relation to the available storage capacities of these basins;
- Water demand for areas outside of designated groundwater basins will not (by definition) adversely impact groundwater basins.

Noise

As discussed in Section XIII., noise impacts associated with HVAC and odor management systems are considered less than significant. 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, as mitigated, is considered less than cumulatively considerable.

Population and Housing

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

Cannabis cultivation activities typically employ 4 – 6 full-time workers and up to 12 workers temporarily during the harvest. The 2050 employment forecast does not account for employment associated with cannabis activities because of the formerly illegal status of the industry. However, assuming 115 cultivation projects, total employment associated with cannabis cultivation could result in as many as 920 jobs. It is most likely that these workers will be sourced from the existing workforce in San Luis Obispo County. However, if all 920 workers are new residents to the County, it would represent a 2% increase in the projected growth in population between 2015 and 2050. The small increase in projected population is not expected to result in an increased demand for housing throughout the county. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered less than cumulatively considerable.

Public Services

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Public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact and will reduce the cumulative impacts to less-than-significant levels.

Transportation

The Department of Public Works has derived trip generation rates for cannabis cultivation from traffic reports and through the trip generation rates published by the Institute of Traffic Engineers. Table 15 provides an estimate of total ADT and vehicle miles traveled associated with buildout of the 115 approved and active cannabis cultivation projects.

Table 15 – Cumulative Average Daily Trips From Cannabis Cultivation

Use	Unit	ADT ³	Cannabis Cultivation	Total ADT	PM Peak Hour Trips	Vehicle Miles Travelled Per Day
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000SF ¹	0.27	2,530,000 sq.ft.	690	10.3	19,320
Cultivation, Outdoor (includes hoop house)	Acres ²	2.00	345 acres	683	68.3	19,126
Seasonal Employees**	Employee	2.00	460 employees	460	460	12,880
Total:				1,833	538.6	51,326

Notes:

1. Units based on gross square feet, acres, and employees.
2. Seasonal Trips are adjusted based on the annual frequency.
3. Source: Department of Public Works

The most recent estimate of total vehicle miles travelled (VMT) for the County is from 2013 at which time total VMT per day was estimated to be 7,862,000. Assuming a 1% annual growth in VMT during the intervening six years, the current (2019) VMT is estimated to be about 8,333,720. Accordingly, the 51,326 VMT associated with cannabis cultivation will result in an increase about 0.61 percent in the total county VMT. The small increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections. Moreover, each project is required to mitigate 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 maintain an adequate level of service and the payment of road improvement fees. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to roadway impacts is considered less than cumulatively considerable.

Based on the preceding analysis, the project will not result in impacts that are individually limited but cumulatively considerable.

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

In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in Sections 3. Air Quality, 7. Geology & Soils, 9. Hazards & Hazardous Materials, 10. Hydrology & Water Quality, 11. Land Use, 13. Noise, 14. Population & Housing, 15. Public Services, and 17. Transportation. Potential impacts related to air quality have been identified but would be mitigated to a level below significant. For the remaining issues, there is no substantial evidence that adverse effects to human beings are associated with this project. Therefore, the project has been determined not to meet this Mandatory Finding of Significance.

Conclusion/Mitigation

With the implementation of the mitigation measures listed in Exhibit B – Mitigation Summary Table, impacts would be reduced to *less than significant with mitigation*.

Sources

See Exhibit A.

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Exhibit A - Initial Study References and Agency Contacts

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

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

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

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

<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 checked="" 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 type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Parks & Recreation Element/Project List	<input type="checkbox"/> Area of Critical Concerns Map
<input checked="" type="checkbox"/> Safety Element	<input type="checkbox"/> Special Biological Importance Map
<input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)	<input 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 type="checkbox"/> Energy Wise Plan	
<input checked="" type="checkbox"/> Carrizo Area Plan	

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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:

- Althouse and Meade, Inc., Biological Resources Assessment, August 2019.
- Althouse and Meade, Inc., Biological Resources Assessment, September 2018.
- Orosz Engineering Group, Inc., Traffic Generation Report, May 2018.
- Miller Drilling Co., Water Pump Test Report, February 2018.
- Abalone Coast Analytical, Inc., Water Quality Analysis, February 2018.
- Althouse and Meade, Inc., Developers Statement for Lovejoy Minor Use Permit DRC2018-00193 (comments), January 3, 2020

Other References

- United States Department of Agriculture, Natural Resource Conservation Service. Web Soil Survey. Available at <<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>> Accessed June 2019
- California Department of Conservation (DOC). 2015. Fault Activity Map of California (2010) Available at <<http://maps.conservation.ca.gov/cgs/fam/>> Accessed on: June 2019.
- San Luis Obispo County. 1999. General Plan Safety Element. <https://www.slocounty.ca.gov/getattachment/893b6c58-7550-4113-911c-3ef46d22b7c8/Safety-Element.aspx> accessed May 2019
- San Luis Obispo County Air Pollution Control District (SLOAPCD). 2019. SLO APCD NOA Screening Buffers. Available at <<https://www.google.com/maps/d/viewer?mid=1YAKjBzVkw1bZ4rQ1p6b2OMyvIM&ll=35.66407615333322%2C-120.44668446503107&z=11>> Accessed on June 3, 2019
- City of Paso Robles. 2007. Paso Robles Airport Land Use Plan. Available at <https://www.prcity.com/354/Airport-Land-Use-Plan> Accessed on: June 2019
- County Department of Public Works. Traffic Count Data. Available at <<https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Transportation/Traffic-Count-Data.aspx>> Accessed on: June 2019
- Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8305
- GEI Consultants, 2014, San Luis Obispo County 2014 Integrated Regional Water Management Plan
- CalEEMOD version 2016.3.2
- California Department of Conservation (CDOC). 2015.CGS Information Warehouse: Regulatory Maps <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps> accessed June 2019
- California Energy Commission, California Fuel Use, 2018

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- California Department of Finance. 2018. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark.
<http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/> (accessed June 2019).
- Itron, Inc, March 2006, Energy Use By Residential, Commercial and Industrial Businesses, California Energy Commission Report prepared by
- Pacific Gas and Electric, 2018, Integrated Resource Plan
- San Luis Obispo Council of Governments, 2017, 2050 Regional Growth Forecast (RGF) for San Luis Obispo County
- County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form
- Resource Management System 2014-2016 Resource Summary Report
- Occupational Health and Safety Administration Technical Manual, Section III, Chapter 5 part II.B.6.

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Exhibit B - Mitigation Summary

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

Aesthetics

AES-1 Nighttime lighting. Prior to issuance of construction permits, to minimize the effects of exterior lighting on special-status wildlife species and to address potential impacts associated with new sources of light and glare, the applicant shall submit a light pollution prevention plan (LPPP) to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

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

Air Quality

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

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- c. All dirt stock pile areas shall be sprayed daily as needed;

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- d. Permanent dust control measures identified in the approved project plans (e.g., revegetation and landscape plans, etc.) shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air Pollution Control District (APCD) and for applications within close proximity to sensitive habitats, CA Department of Fish and Wildlife (CDFW)-compliant stabilizing methods shall be used”);
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CA Vehicle Code Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
- l. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
- m. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD’s limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact Tim Fuhs at 805-781-5912).

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

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- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- g. Diesel idling within 1,000 feet of any residence is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of any residence;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-3 PM10 Measures. The applicant shall implement one of the following in order to mitigate the unpaved access roads:

- a) For the life of the project, pave and maintain the roads, driveways, and/or parking areas; or
- b) For the life of the project, maintain the unpaved roads, driveways, and/or parking areas with a dust suppressant (see Technical Appendix 4.3 of the CEQA Air Quality Handbook (2012) for a list of the APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD's 20% opacity limit for greater than 3 minutes in any 60-minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402) will occur;
- c) Also, to improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

AQ-4 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

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with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact the APCD at (805) 781-5912.

Biological Resources

BIO-1 **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County Department of Planning and Building (County) and California Department of Fish and Wildlife (CDFW) that states that one or a combination of the following three San Joaquin kit fox (SJKF) mitigation measures for loss of SJKF habitat has been implemented:

- a) Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 17.88 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

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

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

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy" (see contact information below), would total \$44,700 based on \$2,500 per acre (5.96 acres impacted x 3 acres mitigation per acre impacted x \$2,500 per acre).

- c) Purchase 17.88 credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF

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habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$44,700. 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-2 **Prior to issuance of grading and/or construction permits,** all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

BIO-3 **Pre-construction survey for SJKF. Prior to issuance of grading and/or construction permits and prior to initiation of site disturbance and/or construction,** A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 250-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for sign of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF sign, and/or known or potential SJKF dens, if present. If no SJKF sign, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

- If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- If a known den is identified within 250-feet of any proposed project work areas, no work may start in that area.

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

BIO-4 **Standard SJKF Avoidance and Protection Measures**

- a) If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
- b) A maximum of 15 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
- c) All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
- d) To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-

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walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.

- e) All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
- f) All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
- g) No deliberate feeding of wildlife shall be allowed.
- h) Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
- i) Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- j) Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
- k) The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
- l) Permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- m) During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.
- n) If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to

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inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.

BIO- 5 Weekly Site Visits, During the site-disturbance and/or construction phase and for the life of the project, A qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., clearing, grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

BIO-6 Monthly Biological Monitoring

- The Applicant or project proponent must hire a qualified biologist to conduct monthly biological monitoring inspections, during, before, and after cannabis activities. No monthly monitoring will be required during the times of non-cannabis activities fallow. The qualified biologist will inspect the site to ensure compliance with the above-measures and to determine if any new activities have occurred. The biologist will provide a refresher survey and/or environmental training, as needed, during the monthly inspection. The biologist will be required to submit a report to the County within a week of the inspection. If major issues are identified during the inspection (e.g., encroachment into buffer zones, new activity outside previously surveyed area, etc.), then the biologist will notify the County immediately (via phone and/or in writing). If the results of monthly inspections show repeated noncompliance, the frequency of the inspections may be increased by the County. If the results of the monthly inspections consistently show compliance, the frequency of the inspections may be reduced by the County.
- Alternatively, if the County implements a biological monitoring program, then the Applicant or project proponent will participate in that program in lieu of hiring the biologist directly.

BIO-7 Annual Surveys

Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping Applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g., giant kangaroo rat and Nelson's [San Joaquin] antelope squirrel) no more than 14 days prior to the start of ground disturbance or initiating outdoor cannabis activities (including removal of stockpiled materials) to ensure SJKF and special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 250-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 250 feet of the disturbance area, then the

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County must be contacted for further guidance. The County will contact the appropriate resource agencies.

BIO-8 The posted speed limit during project construction and operation shall not exceed 15 miles per hour during daylight hours (sunrise to sunset) and shall not exceed 15 miles per hour during nighttime hours (sunset to sunrise). During construction, the speed limit shall be posted at the site entrance, as well as the mid-way point of the access road. At least one permanent speed limit sign, indicating day and nighttime speed limits, shall be posted along the facility access road during operations.

BIO-9 **Site Restoration Following End of Operations**

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

BIO-10 **Pre-construction survey for American Badger. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,**

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

- If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
- If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have

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been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

BIO-11

Pre-construction Survey for Burrowing Owl (BUOW). Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, If work is planned to occur within 150 meters (approximately 492 feet) of BUOW habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied BUOW burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

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

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

BIO-12

Preconstruction Survey for Special-status Small Mammals (Giant kangaroo rat and Tulare grasshopper mouse). Prior to issuance of grading and/or construction permits and within 14 days prior to initiation of site disturbance and/or construction, A qualified

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biologist shall complete a preconstruction survey for special-status small mammal species (e.g. giant kangaroo rat and Tulare grasshopper mouse) no more than 14 days prior to the start of initial project activities to ensure special-status small mammal species are not present within proposed works areas. The survey will include mapping of all potentially active special-status mammal burrows within the proposed work areas, access routes, and staging areas plus a 50-foot buffer. All potentially active burrows will be mapped and flagged. If avoidance of the burrows is not feasible, the appropriate resource agency shall be contacted for further guidance.

BIO-13

Pre-construction Survey for Special Status Reptiles and Amphibians. Prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, A qualified biologist shall conduct a pre-construction survey immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring will be repeated.

BIO-14

Crotch Bumble Bee – Pre-Construction Surveys and Avoidance Measures. The Applicant shall retain a County-qualified biologist to conduct pre-construction surveys for Crotch bumble bee within suitable habitat on the project site. If Crotch bumble bee or its habitat (i.e. small mammal burrows, thatched/bunch grasses, brush piles, overgrown areas, dead trees, and hollow logs) is found within the areas of disturbance, the qualified biologist shall implement minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts. If initial ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW and the County is required to discuss how to implement project activities and avoid take. Any detection of Crotch bumble bee prior to, or during project implementation requires consultation with CDFW and the County to avoid take. This survey shall be repeated annually, including the areas of outdoor cannabis cultivation area, and associated stockpile, storage or other associated area, prior to start of growing season.

BIO-15

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

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- A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

Energy

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

- a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.
- b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice

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- program or Regional Renewable Choice program or other comparable public or private program.
- ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
 - 1. Participating in an annual energy audit.
 - 2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
 - 3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 - 4. Implementing automated lighting systems.
 - 5. Utilizing natural light when possible.
 - 6. Utilizing an efficient circulation system.
 - 7. Ensuring that energy use is below or in-line with industry benchmarks.
 - 8. Implementing phase-out plans for the replacement of inefficient equipment.
 - 9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
- iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
- iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

ENG-2. Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related greenhouse gas emissions below the 1,150 MTCO₂e Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

- a. Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:
 - i. American Carbon Registry;
 - ii. Climate Action Reserve;
 - iii. Verified Carbon Standard.
 - iv. Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.
- b. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.
- c. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.

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

Noise

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

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Appendix A – Other Approvals That May Be Required

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

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

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

Section 8102 – Annual State License Application Requirements

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

Section 8106 – Cultivation Plan Requirements

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

Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

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

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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

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

California Department of Fish and Wildlife (CDFW)

San Joaquin Kit Fox Mitigation. San Luis Obispo County has worked with the California Department of Fish and Wildlife (CDFW) and the US Fish and Wildlife Service (USFWS) to develop mitigation measures that, when implemented, will avoid take and reduce impacts to SJKF habitat to a less than significant level. Based on this program, projects located within the SJKF habitat area that are 40 acres or more in size must be evaluated for SJKF by a qualified biologist. The habitat evaluation would be submitted to County staff, who would then review the application for completeness and conduct a site visit. The required mitigation ratio is determined in consultation with the CDFW. The mitigation ratio for the project determines the total amount of acreage needed to mitigate for the loss of habitat based on the total area of permanent disturbance.

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

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

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

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

**REVISED DEVELOPER'S STATEMENT FOR
LOVEJOY MINOR USE PERMIT
DRC2018-00193**

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

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

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

Aesthetics

AES-1 Nighttime lighting. Prior to issuance of construction permits, to minimize the effects of exterior lighting on special-status wildlife species and to address potential impacts associated with new sources of light and glare, the applicant shall submit a light pollution prevention plan (LPPP) to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

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

Monitoring (AES-1) Compliance will be verified at the time of grading/construction permit. The applicant shall **enroll in Cannabis Monitoring Program** for on-going compliance with above mentioned measures.

Air Quality

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

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- c. All dirt stock pile areas shall be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project plans (e.g., revegetation and landscape plans, etc.) shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air Pollution Control District (APCD) and for applications within close proximity to sensitive habitats, CA Department of Fish and Wildlife (CDFW)-compliant stabilizing methods shall be used”);
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CA Vehicle Code Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
- l. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

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

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

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- g. Diesel idling within 1,000 feet of any residence is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of any residence;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-3 PM10 Measures. The applicant shall implement one of the following in order to mitigate the unpaved access roads:

- a) For the life of the project, pave and maintain the roads, driveways, and/or parking areas;
or
- b) For the life of the project, maintain the unpaved roads, driveways, and/or parking areas with a dust suppressant (see Technical Appendix 4.3 of the CEQA Air Quality Handbook (2012) for a list of the APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD's 20% opacity limit for greater than 3 minutes in any 60-minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402) will occur;
- c) Also, to improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

AQ-4 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. For any questions regarding these requirements, contact the APCD at (805) 781-5912.

Monitoring (AQ-1 through AQ-4) Compliance will be verified at the time of grading/construction permit.

Biological Resources

BIO-1 **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County Department of Planning and Building (County) and California Department of Fish and Wildlife (CDFW) that states that one or a combination of the following three San Joaquin kit fox (SJKF) mitigation measures for loss of SJKF habitat has been implemented:

- a) Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 17.88 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

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

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

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy" (see contact information below), would total \$44,700 based on \$2,500 per acre (5.96 acres impacted x 3 acres mitigation per acre impacted x \$2,500 per acre).

- c) Purchase 17.88 credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$44,700. 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-2 **Prior to issuance of grading and/or construction permits,** all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

BIO-3 **Pre-construction survey for SJKF. Prior to issuance of grading and/or construction permits and prior to initiation of site disturbance and/or construction,** A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 250-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for sign of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was

conducted, survey method, and survey results, including a map of the location of any SJKF sign, and/or known or potential SJKF dens, if present. If no SJKF sign, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

- If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- If a known den is identified within 250-feet of any proposed project work areas, no work may start in that area.

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

BIO-4

Standard SJKF Avoidance and Protection Measures

- a) If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
- b) A maximum of 15 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
- c) All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
- d) To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
- e) All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.

- f) All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
- g) No deliberate feeding of wildlife shall be allowed.
- h) Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
- i) Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- j) Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
- k) The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
- l) Permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- m) During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.
- n) If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.

BIO- 5 Weekly Site Visits, During the site-disturbance and/or construction phase and for the life of the project, A qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., clearing, grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

BIO-6 Monthly Biological Monitoring

- The Applicant or project proponent must hire a qualified biologist to conduct monthly biological monitoring inspections, during, before, and after cannabis activities. No monthly monitoring will be required during the times of non-cannabis activities fallow. The qualified biologist will inspect the site to ensure compliance with the above-measures and to determine if any new activities have occurred. The biologist will provide a refresher survey and/or environmental training, as needed, during the monthly inspection. The biologist will be required to submit a report to the County within a week of the inspection. If major issues are identified during the inspection (e.g., encroachment into buffer zones, new activity outside previously surveyed area, etc.), then the biologist will notify the County immediately (via phone and/or in writing). If the results of monthly inspections show repeated noncompliance, the frequency of the inspections may be increased by the County. If the results of the monthly inspections consistently show compliance, the frequency of the inspections may be reduced by the County.
- Alternatively, if the County implements a biological monitoring program, then the Applicant or project proponent will participate in that program in lieu of hiring the biologist directly.

BIO-7 Annual Surveys

Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping

Applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g., giant kangaroo rat and Nelson's [San Joaquin] antelope squirrel) no more than 14 days prior to the start of ground disturbance or initiating outdoor cannabis activities (including removal of stockpiled materials) to ensure SJKF and special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 250-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 250 feet of the disturbance area,

then the County must be contacted for further guidance. The County will contact the appropriate resource agencies.

BIO-8 The posted speed limit during project construction and operation shall not exceed 15 miles per hour during daylight hours (sunrise to sunset) and shall not exceed 15 miles per hour during nighttime hours (sunset to sunrise). During construction, the speed limit shall be posted at the site entrance, as well as the mid-way point of the access road. At least one permanent speed limit sign, indicating day and nighttime speed limits, shall be posted along the facility access road during operations.

BIO-9 Site Restoration Following End of Operations

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

BIO-10 Pre-construction survey for American Badger. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, a qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

- If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
- If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from

the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

BIO-11

Pre-construction Survey for Burrowing Owl (BUOW). Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, If work is planned to occur within 150 meters (approximately 492 feet) of BUOW habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied BUOW burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

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

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

BIO-12 Preconstruction Survey for Special-status Small Mammals (Giant kangaroo rat and Tulare grasshopper mouse). Prior to issuance of grading and/or construction permits and within 14 days prior to initiation of site disturbance and/or construction, A qualified biologist shall complete a preconstruction survey for special-status small mammal species (e.g. giant kangaroo rat and Tulare grasshopper mouse) no more than 14 days prior to the start of initial project activities to ensure special-status small mammal species are not present within proposed works areas. The survey will include mapping of all potentially active special-status mammal burrows within the proposed work areas, access routes, and staging areas plus a 50-foot buffer. All potentially active burrows will be mapped and flagged. If avoidance of the burrows is not feasible, the appropriate resource agency shall be contacted for further guidance.

BIO-13 Pre-construction Survey for Special Status Reptiles and Amphibians. Prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, A qualified biologist shall conduct a pre-construction survey immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring will be repeated.

BIO-14 Crotch Bumble Bee – Pre-Construction Surveys and Avoidance Measures. The Applicant shall retain a County-qualified biologist to conduct pre-construction surveys for Crotch bumble bee within suitable habitat on the project site. If Crotch bumble bee or its habitat (i.e. small mammal burrows, thatched/bunch grasses, brush piles, overgrown areas, dead trees, and hollow logs) is found within the areas of disturbance, the qualified biologist shall implement minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts. If initial ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW and the County is required to discuss how to implement project activities and avoid take. Any detection of Crotch bumble bee prior to, or during project implementation requires consultation with CDFW and the County to avoid take. This survey shall be repeated annually, including the areas of

outdoor cannabis cultivation area, and associated stockpile, storage or other associated area, prior to start of growing season.

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

- A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

BIO-1 through BIO-15 Monitoring/compliance.

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

Energy

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

- a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.
- b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
 1. Participating in an annual energy audit.

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

ENG-2. Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related greenhouse gas emissions below the 1,150 MTCO₂e Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

- a. Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:
 - i. American Carbon Registry;
 - ii. Climate Action Reserve;
 - iii. Verified Carbon Standard.
- iv. Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.
- b. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.
- c. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.

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

PG&E statement or contract showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

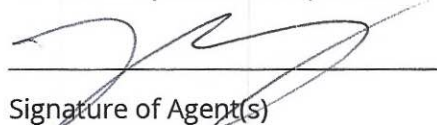
Monitoring (ENG-1 and ENG-2) Compliance will be verified at the time of grading/construction permit. The applicant shall **enroll in Cannabis Monitoring Program** for on-going compliance with above mentioned measures.

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

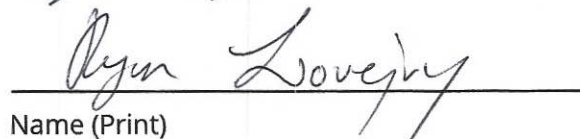
- a. Locating the equipment so that the building shields the noise from the nearest property line;
- b. Constructing an acoustical enclosure around the equipment;
- c. Any combination of equipment location and shielding that enables the project to meet the standards.

Monitoring (N-1) Compliance will be verified at the time of grading/construction permit. The applicant shall **enroll in Cannabis Monitoring Program** to for on-going compliance with above mentioned measures.

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


Signature of Agent(s)

3/26/2020
Date


Name (Print)