



Negative Declaration & Notice Of Determination

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

ENVIRONMENTAL DETERMINATION NO. ED Number 20-082

DATE: April 27, 2020

PROJECT/ENTITLEMENT: Copper Creek Farms Minor Use Permit; DRC2019-00042

APPLICANT NAME: Copper Creek Farms
Email: nahiallandscaping@yahoo.com
ADDRESS: PO Box 1766, Templeton, CA 93465

CONTACT PERSON: Jeff Nahial

Telephone: 805-712-4743

PROPOSED USES/INTENT: The proposed project is a request by **Copper Creek Farms, LLC** for a Minor Use Permit (DRC2019-00042) to establish to establish a phased cannabis cultivation operation including outdoor cannabis cultivation, indoor mixed-light cannabis cultivation, ancillary cannabis nursery, ancillary cannabis processing, and ancillary cannabis transport activities on a portion of a 54-acre parcel. The proposed project would result in the disturbance of approximately 5.7 acres and would result in less than 50 cubic yards of grading. The project would be developed in two phases and at full-buildout would include approximately 3.0 acres (130,680 square-feet [sf]) of outdoor mature cannabis cultivation canopy, a maximum of 22,000 square-feet of indoor mixed-light cannabis cultivation canopy, up to 5,000 sf of immature cannabis cultivation canopy (nursery) for use only onsite, and processing (trimming, drying, packaging) of the cannabis grown and harvested onsite.

LOCATION: The project site is located on the north side of Neal Spring Road, approximately 2.5 miles east of the Templeton Urban Reserve Line. The project site is in the Agriculture land use category and in the El Pomar-Estrella Sub-Area of the North County Planning Area.

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

STATE CLEARINGHOUSE REVIEW: YES ☒ NO ☐

OTHER POTENTIAL PERMITTING AGENCIES: Air Pollution Control District
California Department of Fish and Wildlife, California Department of Food and Agriculture

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

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

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

Notice of Determination

State Clearinghouse No. _____

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

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

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

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

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



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

PLN-2039
04/2019

Project Title & No. Copper Creek Farms LLC Minor Use Permit ED20-082 DRC2019-00042

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 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.

Brandi Cummings, SWCA
Environmental Consultants
Prepared by (Print)

Brandi Cummings
Signature

Date

Dave Moran

Dave Moran
Signature

For Xzandrea Fowler,
Environmental Coordinator

4/16/2020
Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: The proposed project is a request by **Copper Creek Farms, LLC** for a Minor Use Permit (DRC2019-00042) to establish to establish a phased cannabis cultivation operation including outdoor cannabis cultivation, indoor mixed-light cannabis cultivation, ancillary cannabis nursery, ancillary cannabis processing, and ancillary cannabis transport activities on a portion of a 54-acre parcel. The proposed project would result in the disturbance of approximately 5.7 acres and would result in less than 50 cubic yards of grading. The project would be developed in two phases and at full-buildout would include approximately 3.0 acres (130,680 square-feet [sf]) of outdoor mature cannabis cultivation canopy, a maximum of 22,000 square-feet of indoor mixed-light cannabis cultivation canopy, up to 5,000 sf of immature cannabis cultivation canopy (nursery) for use only onsite, and processing (trimming, drying, packaging) of the cannabis grown and harvested onsite. The project site is located on the north side of Neal Spring Road, approximately 2.5 miles east of the Templeton Urban Reserve Line. The project site is in the Agriculture land use category and in the El Pomar-Estrella Sub-Area of the North County Planning Area.

The project would be located within the center portion of the 54-acre property (Figure 2). Access to the cannabis operation would occur via an existing graded dirt driveway that connects to the property entrance via an access easement across the east side of 2210 Neal Spring Road. The access driveway would be maintained with a Class II base (crushed aggregate).

The proposed cultivation activities would be implemented in two phases as described below and summarized in Table 1. Phase 1 will include the establishment of 3 acres of outdoor cultivation canopy including 0.75 acres of walkway area within a 3.75 acre cannabis cultivation area, along with site security improvements. The cultivation area would be located in an existing plowed field near the center of the property that is currently and has historically been used to grow grain crops. The cultivation area will be planted in furrows covered with plastic to retain soil moisture and be located within temporary hoop structures. Two 320 sf shipping containers ("seatrains") would be installed near the west part of the operation for ancillary processing activities (drying, trimming, packaging) of the cannabis grown on site. New irrigation lines would be extended from existing irrigation lines that connect to an existing 5,000-gallon water tank to the north of the property near the well. Two new 5,000-gallon water tanks would be installed to serve the cultivation operation, including one for irrigation and one for fire suppression purposes. No grading or vegetation removal would be required to implement Phase 1. A six-foot-six-inch-high welded pipe and chain-link fence with privacy slats would be erected around the perimeter of the operation, including the areas proposed with Phase 2. Temporary restroom facilities (port-a-potties) and wash trailers would be provided inside

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the fenced cannabis operation area. A designated parking area would be located at the east end of the cultivation area, outside the fencing, on an existing graded area. The parking area would be covered with compacted base material. No electricity would be installed for Phase 1, and security cameras would run off individual solar panels.

Phase 2 would include the construction of seven (7) 3,000-sf greenhouses for indoor-mixed-light cultivation and a 5,000-sf greenhouse to be used for ancillary nursery activities. The two 320-sf shipping containers would be removed, and a 3,000-sf pre-manufactured metal building would be installed to house the processing activities. Overhead electrical service would be installed to the greenhouses and processing building via an existing PG&E easement to the west of the property. Minimal grading of less than 50 cubic yards would be required to provide vehicle access around the facilities. The greenhouses and processing building would be built on-grade and not require grading.

Table 1. Proposed Project Phases.

Phase	Project Components
Phase 1	Establishment of 3.0 acres of outdoor cannabis cultivation canopy
	Installation of two new 320-sf shipping containers ("seatrains") for temporary processing of cannabis grown onsite
	Installation of new irrigation lines
	Installation of new 6-foot fencing around the cannabis operation
	Installation of solar-powered security cameras
	Erection of temporary restroom facilities and wash trailers
Phase 2	Construction of seven new 3,000 square feet greenhouses for indoor mixed-light cannabis cultivation (21,000 square feet total)
	Construction of one new 5,000 square foot greenhouse for ancillary nursery cultivation
	Removal of the two 320-sf shipping containers and construction of a new 3,000 square-foot metal building for ancillary processing activities

The project construction period for Phase 2 would be approximately 6 months. The project would employ up to 2 full-time employees, with an average of 2 employees on site each day, and the hours of operation would be from sunrise to sunset, seven days a week. During peak harvest times, the operation could employ up to 10 additional part-time/temporary employees. The outdoor cultivation area would be harvested two times per year and the indoor mixed-light cultivation area would be harvested three times per year. The proposed ancillary nursery would be utilized to support onsite cannabis cultivation only and would not be distributed offsite. The project is expected to generate a maximum of 6 daily trips including up to 0.6 vehicle trips during the PM peak hour (4:00 PM – 6:00 PM). The project would not include sales on-site and no exterior signage is proposed.

To prevent nuisance odors from being detected off-site, the proposed outdoor cultivation area would be located a minimum of 300 feet from the property lines of the site and public right-of-way in accordance with County of San Luis Obispo (County) Land Use Ordinance (LUO) Section 22.40.050.D.3.b. In addition, each of the proposed greenhouses and the proposed processing building would be equipped with carbon scrubbers in accordance with

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LUO Section 22.40.050.D.8.

The property is located within the Paso Robles Groundwater Basin and is located in the Area of Sever Decline. The project would utilize an existing well located on the property and install a new 5,000-gallon water storage tank on-site. The project would result in approximately 898,488 gallons (2.76-acre-feet) of water demand annually. The subject property is not currently under a Williamson Act contract.

Ordinance Modification: The project includes a request for a modification from the parking provisions set forth in Section 22.18.050.C.1 of the County Land Use Ordinance (LUO). The type of use that is most similar to the proposed cannabis cultivation is "Nursery Specialties" With a parking requirement of one parking space per 500 square feet of floor area. The proposed greenhouse would total approximately 5,000 square feet; application of this parking standard, would require the applicant to provide 10 parking spaces. The project proposes 3 parking spaces (including 1 ADA space), and additional room for parking is available adjacent to the access driveway. An additional ADA space will be required adjacent to the processing building. Up to 2 employees may be on site at any time during a regular day, and additional area along the driveway would be available for seasonal workers; therefore, the 3 permanent spaces proposed are sufficient to meet the parking demands of the project.

Baseline Conditions. The project site is developed with a single-family residence and two storage containers. The property is currently utilized for grain production and applications have been submitted for new residential structures. On-site vegetation generally consists of non-native grassland and several mature valley oak trees.

Surrounding land uses include active agricultural crops (vineyards) and scattered rural residential dwellings (Figure 2). A blue line creek is mapped through the property from the east and continues west and south and is located outside the project area of disturbance.

ASSESSOR PARCEL NUMBER(S): 020-301-010

Latitude: ° ' " N

Longitude: ° ' " W

SUPERVISORIAL DISTRICT # 1

Other Public Agencies Whose Approval is Required

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

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

B. Existing Setting

Plan Area: North County

Sub: El Pomar/Estrella

Comm: Rural

Land Use Category: Agriculture

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Combining Designation: None

Parcel Size: 54 acres

Topography: Gently rolling

Vegetation:

Existing Uses: undeveloped

Surrounding Land Use Categories and Uses:

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

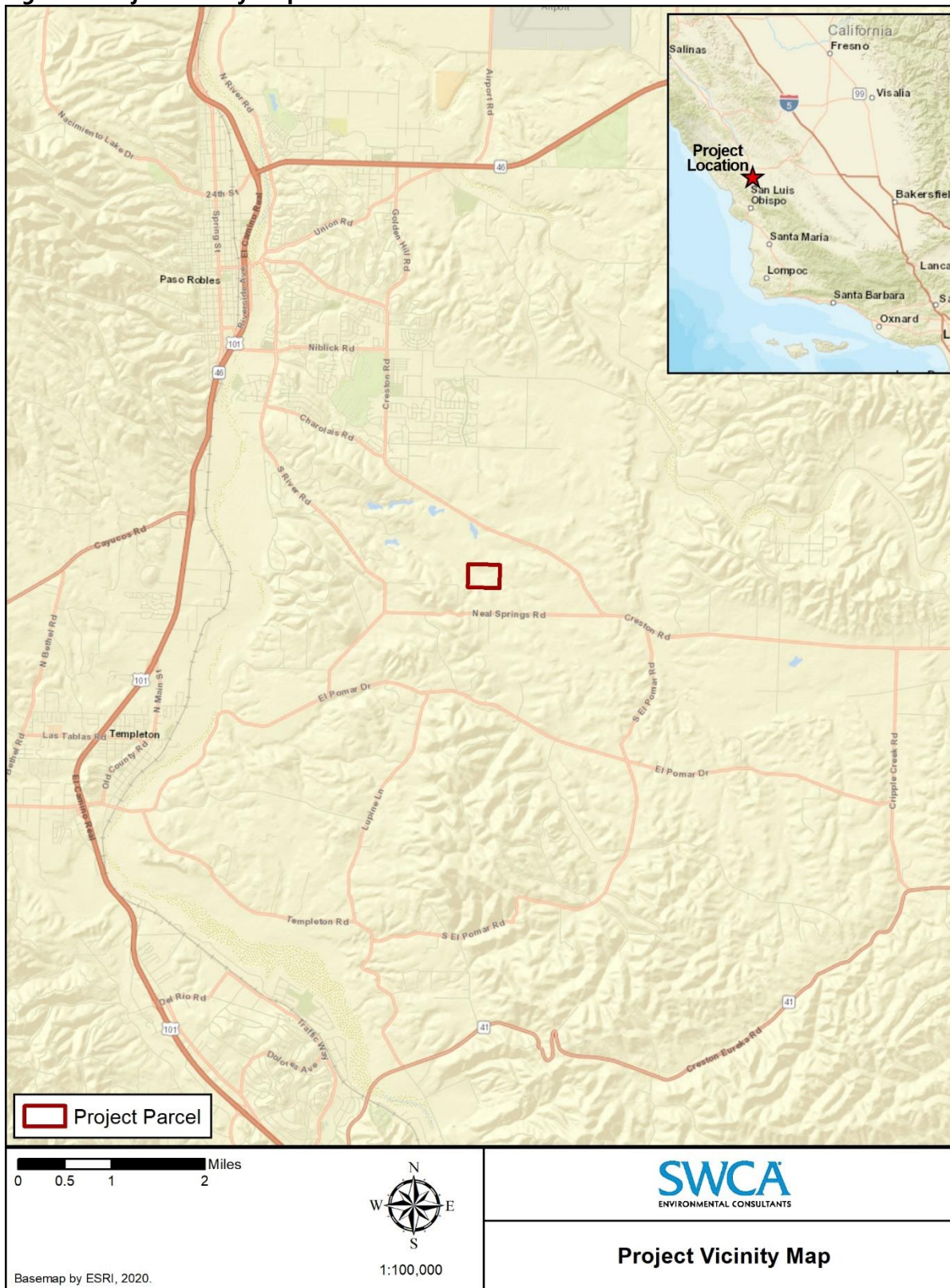
East: Residential Rural; single-family residence(s)
agricultural uses blue line creek

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

West: Agriculture; blue line creek single-family residence(s)
blue line creek

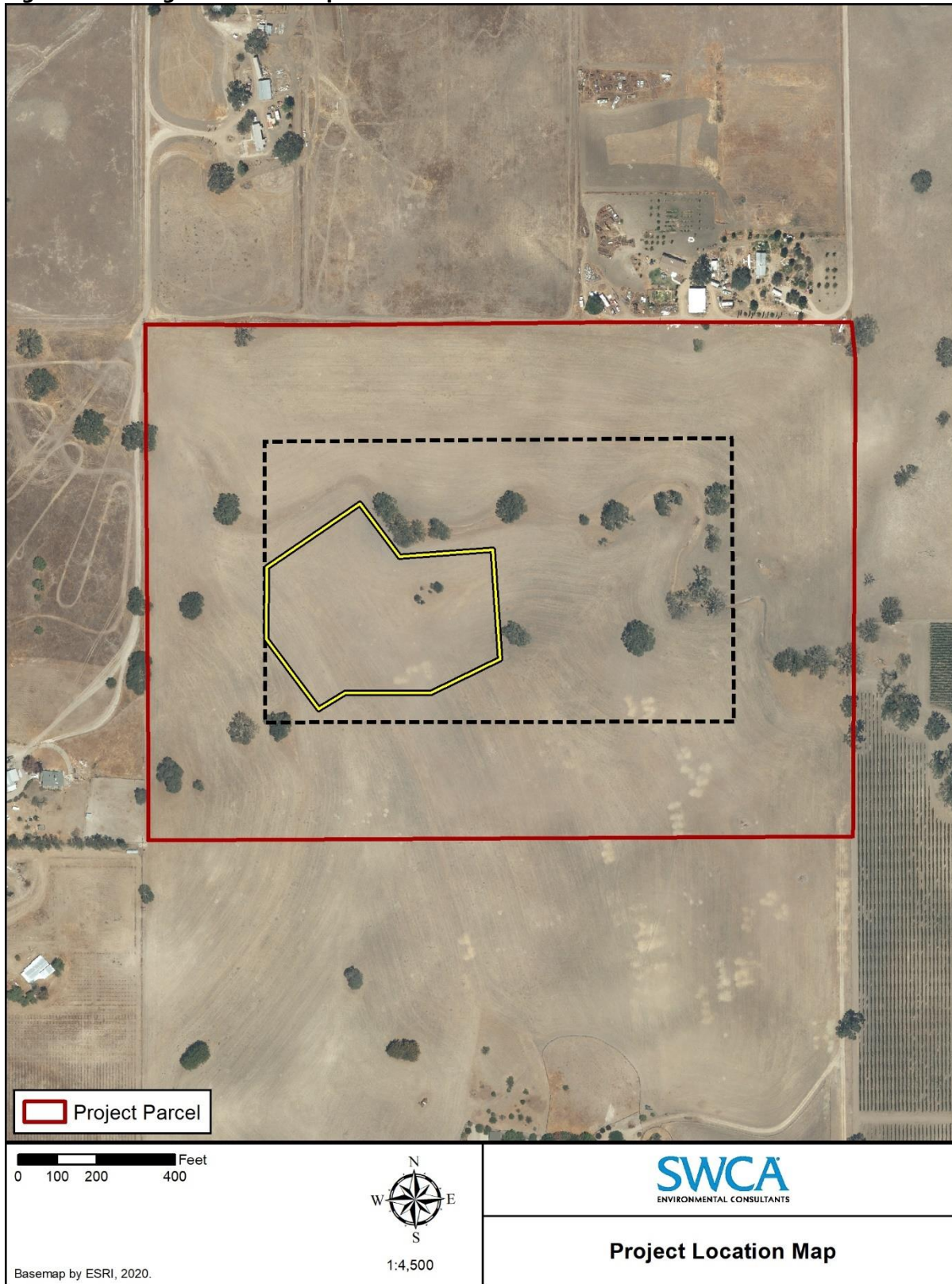
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Figure 1. Project Vicinity Map



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Figure 2. Existing Conditions Map



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Figure 3. Proposed Site Plan



Initial Study – Environmental Checklist

C. Environmental Analysis

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

I. AESTHETICS

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

Setting

The project site is located on a portion of a 54-acre parcel along Neal Spring Road approximately 2.5 mile east of the community of Templeton. The property contains a modular residence and two shipping containers and previously was used for grain crop production (Figure 2). On-site vegetation generally consists of non-native grassland and several mature valley oak trees.

The visual character of the project vicinity is characterized by agricultural land uses including vineyards, grazing, and equestrian uses, with scattered rural residences, agricultural accessory structures, and mature oak trees. Topography of the area varies from nearly flat fields to rolling hills. Neal Spring Road is a local road that connects to El Pomar Drive to the south and Creston Road to the east, both of which are major collectors for both residential and agricultural lands located east of Templeton. Although neither Neal Spring Road, El Pomar Drive, or Creston Road have an official scenic designation, these roadways offer high-quality views of rural agricultural landscapes and experience a large number of daily viewers. Based on the most recent traffic counts of Templeton roadways, Neal Spring Road experienced 367 trips per day in 2016 (County of San Luis Obispo 2018).

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

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

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

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

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

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

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

Discussion

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

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

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

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

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

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

The project is in a non-urbanized area and would introduce new structural components that would result in a permanent noticeable change in the physical characteristics of the existing environment. While greenhouses are generally agricultural in nature, there are no existing greenhouses within the general project viewshed. Similarly, the project is proposing long linear planes of chain-linked fencing, as required by LUO requirements for security purposes, while most fencing in the project vicinity consists of barbed wire fencing or horizontal horse fencing with large gaps that are largely transparent. However, the project's proposed structural components would not have the potential to degrade public views of the open rural agricultural site and area as seen from nearby roadways because:

- The project site is located on an interior parcel that does not front on a public road;
- Components of the project will be screened from public view (Neal Springs Road) by to the intervening topography.

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

The project includes mixed-light cultivation, which includes cultivation techniques such as light deprivation and artificial light simulation. During this process, grow lights may be used in the evenings and nighttime within the proposed greenhouses to simulate artificial daylight. The project includes the use of shading and black-out screening within each greenhouse to reduce visibility of night lighting from off-site. In addition, the project includes use of exterior security lighting. Mitigation measure AES-1 has been identified to require a light pollution prevention plan that conforms to the County's exterior lighting standards (LUO Section 22.10.060), which requires techniques to properly shield and blackout facilities that may employ artificial lighting techniques during nighttime hours, and requires all external security lighting to be motion-activated only. Through use of black-out screening material within each greenhouse and implementation of measure AES-1, the project's overall cumulative impacts associated with lighting would be reduced to less than significant. In addition, implementation of this measure would ensure compliance with applicable state standards set forth in the CCR associated with shielding of security lighting and mixed-light cultivation uses. Therefore, impacts relating to nighttime lighting and glare would be *less than significant with mitigation*.

Conclusion

The project has the potential to result in visual impacts to the visual character or quality of public views of the site and its surroundings and nighttime views. Mitigation measure AES-1 has been identified to require implementation of a light pollution prevention plan to reduce potentially significant impacts to a less than significant level and to be consistent with County visual resource protection standards and design guidelines. Upon implementation of mitigation measures identified below, impacts to aesthetics would be *less than significant*.

Mitigation

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

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

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

II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

(a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and current land use. For environmental review purposes under CEQA, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land are considered "agricultural land." Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water. Based on the FMMP, soils at the project site are classified as Farmland of Local Importance.

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

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

159. Lockwood-Conception Complex, 2-9 percent slopes. This soil unit underlies the entire proposed project development area. This unit consists of approximately 50% Lockwood soils and 30% Conception soils, and the rest is soils of minor extent. The Lockwood soils are well-drained and the Conception soils are moderately well-drained. This soil unit has moderate erodibility, moderate to high shrink-swell potential, and low strength. This unit is suited to cultivated crops, rangeland, and open space wildlife habitat but is also used for urban land in a few areas. This soil is designated as Farmland of Statewide Importance by the COSE Table SL-2 – Important Agricultural Soils of San Luis Obispo County.

160. Lockwood-Concepcion complex, 9 to 15 percent slopes. This complex consists of rolling soils on terraces. This complex is very deep, moderately well to well drained, and has very slow to moderately slow permeability. The complex also has medium runoff potential and moderate erodibility. Main uses include cultivated crops and urban land. Soil erosion can be controlled by cultivating across the slope, maintaining crop residue on or near the surface during periods of rain, and by using crop rotation. This complex has moderate to high shrink-swell potential. This soil is classified as Not prime farmland by the NRCS and has a CA Storie Index of Grade 2 – Good.

152. Linne-Calodo complex, 9 to 30 percent slopes. This complex consists of shallow to moderately deep, well drained, moderately steep soils on hills with moderately slow permeability, rapid surface runoff potential, and high erodibility. The major uses include cultivated crops, rangeland, and urban land. Management considerations include paying special attention to runoff, erosion, and compaction. Excessive

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slope, slow absorption of effluent, and limited depth to rock severely limit these soils for use as septic tank absorption fields. This soil is classified as Not Prime Farmland by the NRCS. This soil has a CA Storie Index Rating of Grade 1 – Excellent.

179. Nacimiento-Los Osos complex, 9 to 30 percent slopes. This complex consists of moderately steep soils on hills. The complex is moderately deep, well drained, slow to moderately slow permeability, rapid surface runoff and high erodibility. The complex has a high shrink-swell potential. The major use includes rangeland. Management considerations include paying special attention to erosion and surface compaction. Maintaining adequate crop residue on the soil surface helps control erosion. This soil is classified as Not Prime Farmland by the NRCS. This soil is not applicable for Storie Index.

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

According to California Public Resources Code (PRC) Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. The project site does not support any forest land or timberland.

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?*

Soils of the project site are classified as Farmland of Local Importance by the FMMP and are not classified as Important Agricultural Soils of San Luis Obispo County by the Conservation and Open Space Element Table SL-2. The project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and therefore there would be *no impact*.

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

The subject property is located within the Agriculture land use designation and cannabis cultivation activities including the proposed outdoor cultivation, indoor cultivation, and processing activities are allowed uses within this land use designation (LUO Section 22.06.030).

The subject property is not under a Land Conservation Act contract. Therefore, the project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract and impacts would be *less than significant*.

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

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

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

No tree removal is proposed as a part of the project. The project site does not support forest land or timberland as defined by the California PRC/Government Code and would not result in the loss or conversion of these lands to non-forest use; *no impacts would occur*.

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

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

In addition, the project was reviewed by the County Department of Agriculture for ordinance and policy consistency as well as potential impacts to on- and off-site agricultural resources and operations; no impacts were identified. The project is not located within or adjacent to forest land. Therefore, the project would not result in other changes that could result in conversion of Farmland to non-agricultural use or forest land to non-forest use, and impacts would be *less than significant*.

Conclusion

No significant impacts to agricultural resources would occur. No mitigation measures are necessary.

Mitigation

None necessary.

III. AIR QUALITY

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

San Luis Obispo County Clean Air Plan

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

SLOAPCD Criteria Pollutant Thresholds

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

Use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NO_x), reactive organic gases (ROG), greenhouse gases (GHG), and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. The SLOAPCD has established thresholds of significance for each of these contaminants.

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

Sensitive Receptors

Sensitive receptors are people who have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest sensitive receptor location to the project site is approximately 640 feet to the north.

Naturally Occurring Asbestos

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

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Developmental Burning

As of February 25, 2000, the SLOAPCD 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 requires the following prior to any burning: SLOAPCD approval, payment of fee to the SLOAPCD based on the size of the project, and issuance of a burn permit by the SLOAPCD and the local fire department authority. As part of SLOAPCD approval, the applicant shall furnish a study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, project applicants contact the SLOAPCD at (805) 781-5912.

Discussion

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

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to two full-time regular employees and up to ten full-time seasonal employees. The project would not result in a significant increase in employees and therefore would not significantly affect the local area's jobs/housing balance.

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

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

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

Construction Emissions

As proposed, the project will result in approximately 5.7 acres of ground disturbance, including less than 50 cubic yards of grading. This will result in the creation of construction dust, as well as short-term vehicle emissions. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), estimated construction-related emissions were calculated and are shown in Table 2 below.

Table 2. Proposed Project Estimated Construction Emissions

Pollutant	Total Estimated Project Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) +	5.69 lbs	137 lbs/day	No

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Nitrogen Oxide (NO _x) (combined)			
Diesel Particulate Matter (DPM)	0.245 lbs	7 lbs/day	No
Fugitive Particulate Matter (PM ₁₀)	4.275 tons	2.5 tons/quarter	Yes

Source: SLOAPCD 2012; project operation plan

The project's daily emissions would not exceed SLOAPCD's significance thresholds for Reactive Organic Gases (ROG) + Nitrogen Oxide (NO_x) or Diesel Particulate Matter (DPM), as the total emissions are below the daily thresholds. Based on the size of the project, the project has the potential to exceed the monthly emissions threshold for Fugitive Particulate Matter (PM₁₀). The project would result in the disturbance of greater than 4.0 acres and would have the potential to exceed the 2.5 ton/quarter threshold; therefore, the project would be required to implement SLOAPCD standard construction fugitive PM₁₀ mitigation measures, as detailed in Mitigation Measure AQ-1.

Operation-Related Emissions

The project would result in long-term operational emissions of criteria air pollutants associated with electricity use, employee vehicle trips, and delivery vehicle trips. The project would employ up to two full-time regular employees and up to ten full-time seasonal employees and would generate approximately 6 daily traffic trips (Public Works referral response). Based on the size and scope of proposed operations, the project would not exceed operational thresholds for general light industry in Table 1-1 of the Clarification Memorandum for the San Luis Obispo County Air Pollution Control District's 2012 CEQA Air Quality Handbook (2017). Therefore, operational emissions would be less than significant.

Upon implementation of mitigation measure AQ-1, the project would not result in the exceedance of federal, state, or SLOAPCD ambient air quality standards; therefore, impacts would be *less than significant with mitigation*.

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

The project site is generally surrounded by agricultural land uses, including vineyards and grazing, with the nearest sensitive receptor (an off-site residence) located approximately 640 feet north of the proposed development area. As identified above, the project would be required to implement fugitive dust mitigation (AQ-1) to reduce potential impacts related to PM₁₀. Therefore, the project would not result in substantial air pollutant concentrations within close proximity to a sensitive receptor location and impacts would be *less than significant*.

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

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

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

Odor management of the outdoor cultivation area includes location of the cultivation area at a minimum of 300 feet from each property line and beyond 100 feet from any off-site residence, as required by LUO

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Section 22.40.050.D.3. This cultivation area could produce objectionable odors during the harvest season each year and has been determined to be located and designed in a manner that would prevent all cannabis nuisance odors from being detected off-site, in accordance with LUO Section 22.40.050.D.8.

Proposed indoor mixed-light cannabis cultivation would occur within seven 3,000-square-foot greenhouse structures and the ancillary nursery would occur within one 5,000 square-foot greenhouse structure, each equipped with carbon scrubbers. Carbon scrubbers absorb and filter odor-causing agents through activated carbon and have been demonstrated to be an effective odor abatement method for indoor cannabis facilities (County of Santa Barbara 2017). Proposed drying, curing, and storage of cannabis produced on-site would occur within a proposed 3,000-square-foot metal building that would also be equipped with carbon scrubbers.

Every proposed use that would have the potential to create objectionable odors would be located a minimum of 300 feet from the nearest property line and all structures to be utilized for proposed cannabis cultivation activities would be equipped with sufficient ventilation controls to significantly reduce the likelihood of odors being detected off-site; therefore, impacts related to other emissions, such as those leading to odors, adversely affecting a substantial number of people would be *less than significant*.

Conclusion

The project would have the potential to result in PM₁₀ emissions above the quarterly threshold established by SLOAPCD for construction emissions. Mitigation measures AQ-1 have been identified to require the applicant to implement fugitive dust control measures during all construction and site disturbance activities to reduce fugitive dust emissions to less than significant. No other potentially significant impacts to air quality were identified.

Mitigation

AQ-1 **Prior to issuance of grading permits**, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans:

- 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 and from exceeding the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stockpile areas should be sprayed daily or covered with tarps or other dust barriers, as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should 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 1 month after initial grading should 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 should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

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- 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 should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
- j. Install wheel washers or other devices to control tracking of mud and dirt onto adjacent roadways 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 should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and
- l. The applicant 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 the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and to prevent transport of dust off-site. 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 SLOAPCD Engineering & Compliance Division **prior to the start of any grading, site disturbance, or demolition.**

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"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

A Biological Resources Assessment (BRA) was prepared by Althouse and Meade, Inc. for the subject property (2019). The following discussion is based on the observations made of the project site during a site visit conducted in April 2019.

The project site is located on the north side of Neal Spring Road within a predominately agricultural area with scattered rural residential dwellings and agricultural support structures. The property is developed with a single-family residence and two shipping containers. An application has been submitted for construction of a new residential structure.

Dominant natural communities within the project site include annual grassland. The project site had been recently disked, though several forbs and grasses remained. A seasonal east-to-west drainage runs along the northern boundary of the project area and is vegetated with forbs and annual grasses. Several mature valley oaks (*Quercus lobata*) also occur within the project area.

The County Oak Woodland Ordinance was adopted in April 2017 to regulate the clear-cutting of oak woodlands. This ordinance applies to sites located outside of Urban or Village areas within the inland portions of the county (not within the Coastal Zone). "Clear-cutting" is defined as the removal of 1 acre or more of contiguous trees within an oak woodland from a site or portion of a site for any reason, including harvesting of wood, or to enable the conversion of land to other land uses. "Oak woodland" includes the following species: blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizeni*), valley oak (*Quercus lobata*), and California black oak (*Quercus kelloggii*). The ordinance applies to clear-cutting of oak woodland only and does not apply to the removal of other species of trees; the removal of individual oak trees (except for heritage oaks); or the thinning,

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tree trimming, or removal of oak woodland trees that are diseased, dead, or creating a hazardous condition. Heritage oaks are any individual oak species, as defined in the Oak Woodland Ordinance, of 48 inches diameter at breast height (dbh) or greater, separated from all stands and oak woodlands by at least 500 feet. Minor Use Permit approval is required to remove any heritage oak.

CCR Title 3, Division 8, Chapter 1, Article 4 includes general environmental protection measures for cannabis cultivation projects, including the following requirements associated with compliance with biological resources :

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

Discussion

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

Special-Status Plants

Based on a 5-mile search within the California Natural Diversity Database (CNDDB) and a review of existing literature, four special status plants occur within the vicinity: Shining navarretia (*Navarretia nigelligiformis* subsp. *radians*), Santa Lucia dwarf rush (*Juncus luciensis*), Mesa horkelia (*Horkelia cuneate* var. *puberula*), and Lemmon's jewelflower (*Caulanthus lemmonii*). The BRA concluded that suitable habitat is present on the project site for only Shining navarretia, a CRPR 1B.2 species, and Santa Lucia dwarf rush, a CRPR 1B.2 species. Mesa horkelia requires sandy or gravelly chaparral, cismontane woodland, or coastal scrub habitat, which do not occur on the project site. Lemmon's jewel flower requires pinyon and juniper woodland, or valley and foothill grassland habitat, which is not present on the project site. Protocol level botanical surveys conducted in 2019 determined that no special status plant species occur within the project area. Therefore, impacts on special status plant species would be *less than significant*.

Special-Status Wildlife

Based on a search of the California Natural Diversity Database (CNDDB) and a review of existing literature, a total of 11 sensitive wildlife species have been documented within an approximate 5-mile radius of the project property: tricolored blackbird (*Agelaius tricolor*), northern California legless lizard (*Anniella pulchra*), vernal pool fairy shrimp (*Branchinecta lynchi*), western pond turtle (*Emys marmorata*), Atascadero June beetle (*Polyphylla nubila*), California red-legged frog (*Rana draytonii*), western spadefoot (*Spea hammondi*), American badger (*Taxidea taxus*), Lompoc grasshopper (*Trimerotropis occulens*), least Bell's vireo (*Vireo bellii pusillus*), and San Joaquin kit fox (*Vulpes macrotis mutica*).

The project site does not provide vernal pool habitat, coastal habitat, pond habitat, or sand dune habitat to support species such as vernal pool fairy shrimp (*Branchinecta lynchi*), Atascadero June beetle (*Polyphylla nubila*), or western pond turtle (*Emys marmorata*).

American badger and San Joaquin kit fox have potential to occur on the Property and were not present at the time of our 2019 surveys. Both of these mammals are known from the region and due to their highly mobile habits could be present on the property at any time in the future (Althouse and Meade 2019). American badgers have low potential to occur on the Property due to a low-density prey base. Badgers or their sign (dens, scat, tracks) were not detected on the Property during the 2019 surveys. Potential project impacts to American badger include direct impacts (injury or mortality) associated with the use and

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movement of construction equipment, construction materials and debris, and vegetation removal within the project site, if this species is present within proposed impact areas. Indirect impacts of construction activities, including destruction or modification of habitat/burrows and generation of noise, vibration, and dust may cause temporary disturbance to these species, which may cause them to leave burrows and migrate to adjacent work areas. The indirect effects of erosion and sedimentation could also impact American badger through destruction of burrows.

The Property is within the known range of San Joaquin kit fox. The disturbed grassland habitat could provide a low-abundance prey base for kit fox; however, the low-quality habitat is not preferred by denning kit fox. Habitat adjacent to the Property is less disturbed grasslands and agricultural fields that have grown back with tall annual grasses and could provide suitable denning habitat. Kit fox have low potential to occur on the Property. A habitat evaluation for San Joaquin kit fox was prepared by Althouse and Meade, Inc. Principal Biologist Dan Meade (Attachment G of the BRA). The Property received an evaluation score of 76 points, equivalent to a 3:1 mitigation ratio, which is higher than the County's standard 2:1 mitigation ratio for the area. Preconstruction surveys for both of these mammals are required prior to ground-disturbing activities, as detailed in Mitigation Measures BIO-2 and BIO-3. Impacts to grassland habitat within the range of the endangered San Joaquin kit fox require implementation of Mitigation Measures BIO-4 through BIO-12.

Loggerhead shrike, a California Species of Special Concern, was observed on site in 2019, but nesting was not confirmed. Typical nesting habitat of shrubby vegetation is not present in the Project footprint, however there is moderate potential for loggerhead shrikes to nest in the lower branches of oak trees on site. Other special status bird species were not observed onsite.

Potential impacts to least Bell's vireo (*Vireo bellii pusillus*), tricolored blackbird (*Agelaius tricolor*), and other bird species protected by the Migratory Bird Treaty Act (MBTA), including ground nesting birds (e.g., meadowlarks and California towhee [*Melospiza crissalis*]), include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials, and debris and vegetation removal within the project site, if these species are nesting within proposed impact areas. Indirect impacts of construction activities, including destruction or modification of habitat and generation of noise, vibration, and dust, may cause temporary disturbance to these species, if present. The project does not include direct trimming or removal of any trees located within the project site. Avoidance and mitigation Measures BIO-13 has been identified to ensure that project activities avoid impacts to migratory nesting birds. Upon implementation of these measures, impacts to MBTA-protected birds would be less than significant.

Silvery legless lizard is a fossorial species that spends most of its life underground; therefore, they are difficult to detect without shallow excavation of the soil surface. Although these species were not observed in the project site during the surveys, the project site has potential to support these species due to the presence of suitable habitat and inability to rule out the species from occurring at the project site. Potential project impacts to these species include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, vegetation and/or tree removal, and worker foot traffic. Indirect impacts of construction activities, including destruction or modification of habitat and generation of noise, vibration, and dust may cause temporary disturbance to these species, if present. Mitigation Measure BIO-14 have been identified to require the applicant to require pre-disturbance surveys for these species, monitoring for these species during initial ground disturbance activities, and relocation of individuals of these species outside of work areas if found.

Small ephemeral drainages that are offsite but in the vicinity of the project site may also provide suitable habitat for aquatic and semi-aquatic special-status species such as California red-legged frog (*Rana draytonii*) and western spadefoot (*Spea hammondi*). Potential project impacts to these species include

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direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, vegetation and/or tree removal, and worker foot traffic. Indirect impacts of construction activities, including destruction or modification of habitat and generation of noise, vibration, and dust may cause temporary disturbance to these species, if present. Mitigation measures BIO-15 through BIO-19 have been identified to require pre-disturbance surveys, construction worker awareness training, trash removal, and other measures to avoid and/or reduce potential impacts to California red-legged frog and western spadefoot.

While no roosting bats were observed during the preliminary survey of the project area, the existing structures and mature valley oak trees within and adjacent to the project site have the potential to support roosting Townsend's big-eared bat. Based on suitable roosting and foraging habitat within the project site and existing uses in the vicinity, Townsend's big-eared bat is considered to have potential to roost onsite. The project does not propose trimming or removal of existing structures or oak trees onsite; therefore, the project would not result in direct loss of roosting habitat. However, the project would result in temporary noise and dust disturbance associated with construction, and the loss of foraging habitat for these species within the project development site. Measure BIO-20 has been identified to avoid impacts to Townsend's big-eared bat through pre-disturbance surveys and identification of appropriate protocol if found roosting within or adjacent to the project site.

Avoidance and mitigation measures have been identified to reduce potential impacts the project may have on special-status birds, migratory nesting birds, western spadefoot, red-legged frog, American Badger, Silvery legless lizard, and SJKF to a less-than-significant level. In addition, the project would be required to comply with applicable CDFA regulations regarding compliance with CDFW policies and requests. Therefore, potential impacts associated with the loss of unique or special-status species or their habitats would be *less than significant with mitigation*.

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

A seasonal drainage is situated outside the northeastern and northern boundary of the Project footprint. The drainage is vegetated with forbs such as curly dock (*Rumex crispus*) and common bedstraw (*Galium aparine*), as well as annual grasses, including foxtail barley (*Hordeum murinum*) and soft chess brome (*Bromus hordeaceus*). Several valley oaks (*Quercus lobata*) align the western bank of the drainage which seasonally conveys water east-to-west in the central portion on the Property, just north of the Project footprint. The drainage that passes through the Property is considered an ephemeral watercourse, classified as Class III, according to the State Water Resources Control Board General Order for Cannabis Cultivation Activities (Order WQ 2017-0023-DWQ). Under the General Order, a minimum 50-foot setback is required from the bank-full stage or incised channel of Class III watercourses. Mitigation Measure BIO-23.

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

The nearest natural water feature is an unnamed drainage situated outside the northeastern and northern boundary of the Project footprint. No wetlands are present within the project area on the eastern portion of the property. In addition, the project would be required to comply with applicable CDFA regulations regarding compliance with Section 13149 of the Water Code. Based on the distance from the creek, the existing intervening development, and the topography of the site, the project would have no direct or indirect effect on wetland habitat and *no impacts would occur*.

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

As described in *threshold c* above, the project disturbance area is not located within close proximity to natural water features and therefore would have no impact on resident or migratory fish species. The project is located within moderate proximity to the Salinas River SJKF migratory corridor and therefore there is a low likelihood that SJKF may pass through the project area. Mitigation measure BIO-12 has been identified to require all proposed fencing to be modified to include ground-level gaps every 10 yards to allow for SJKF passage. Therefore, impacts related to interference of migratory fish or wildlife would be *less than significant with mitigation*.

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

Scattered mature valley oak trees occur within and around the proposed development area on-site, which are considered a sensitive resource by the County and are endemic to California. Based on the current site plans, it appears approximately 4 mature oak trees are located within close proximity to proposed disturbance activities. While no tree removal is proposed, project activities have the potential to result in impacts to mature valley oaks on-site if disturbance activities, such as compaction, grading, tilling, or year-round irrigation, are located within a tree's critical root zone (measured to be a radius of 1.5 times the dripline of the tree). Mitigation measure BIO-21 has been identified to require the applicant to identify on final site plans any valley oak trees that would be impacted as a result of project. Measure BIO-22 has also been identified to ensure any trees not identified as impacted would be maintained for the life of the project. Therefore, impacts associated with conflict with local ordinances or policies protecting biological resources would be *less than significant with mitigation*.

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

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

Conclusion

The project has the potential to result in impacts to special-status and nesting birds protected by the MBTA, SJKF, and native oak trees. Mitigation measures BIO-1 through BIO-23 have been identified to avoid and/or minimize potential impacts to these species to a less-than-significant level. Upon implementation of these measures, the project's potential impacts to biological resources would not be cumulatively considerable. Therefore, upon implementation of measures identified below, the project would not result in significant impacts to biological resources.

Mitigation

- BIO-1** **Prior to issuance of construction permits or initiation of any ground disturbance, whichever occurs first,** the applicant shall provide evidence to the County that they have retained a County-approved qualified biologist. The scope of work shall include preconstruction surveys, training, monitoring, and reporting, as detailed in the mitigation measures listed below.
- BIO-2** **Environmental Awareness Training.** Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of

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all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BIO-3 American Badger Surveys and Avoidance. 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.

If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infrared, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.

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

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

:

BIO-4 SJKF Protection Measures. 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-5 San Joaquin Kit Fox Habitat Conservation and Compensation. Prior to issuance of grading and/or construction permits, or initiation of any ground disturbance, for each project phase, the applicant shall submit evidence to the County Department of Planning and Building and CDFW that satisfactorily demonstrates one or a combination of the following three San Joaquin kit fox (SJKF) mitigation measure options for loss of SJKF habitat has been implemented to offset the project's calculated compensatory impacts at a 3:1 ratio:

- a. Habitat Set Aside: Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, the number of acres of required mitigation of suitable habitat in the kit fox corridor area, as determined by CDFW, (e.g., within the San Luis Obispo kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for

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management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the CDFW and the County. This mitigation alternative (a.) requires that all aspects of this program be in place before County permit issuance or initiation of any ground-disturbing activities.

- b. In-Lieu Fee: Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area 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.
- c. Conservation Bank Credit: Purchase the number of credits required by CDFW in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. 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 the CEQA. This fee is 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-6

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

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction of each project phase, the qualified biologist shall conduct a pre-activity (i.e., pre-construction) transect survey of the work area and 250-foot buffer around the proposed disturbance areas for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within 250 feet of the work area.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., grading, disking, excavation, stock piling of dirt or gravel, etc.) of each project phase that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-8 through BIO-12. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (e.g., Mitigation Measure BIO-4diii). When weekly monitoring is required, the

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qualified biologist shall submit weekly monitoring reports to the County within 14 days of project site disturbance initiation of each project phase.

- c. Prior to and during project activities of all project phases, if any observations are made of SJKF, or any known or potential SJKF dens are discovered within the project limits, the qualified biologist shall reassess the probability of incidental take (e.g., harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the USFWS and CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS and CDFW determine it is appropriate to resume work. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and CDFW. The results of this consultation may require the applicant to obtain a federal and/or state permit for incidental take during project activities. The applicant shall be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.
- d. In addition, the qualified biologist shall implement the following measures:
 - i. Within 30 days prior to initiation of site disturbance and/or construction of all project phases, fenced exclusion zones shall be established around all known and potential kit fox dens. Dens will be avoided by the following distances: 50 feet for potential or atypical dens, 100 feet for known dens, and 250 feet for pupping dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey lath or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e., potential, known, active, or natal den), to be determined by the kit fox biologist.
 - ii. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
 - iii. If kit foxes or known or potential kit fox dens are found on-site, daily monitoring by a qualified biologist shall be required during ground-disturbing activities.

BIO-7 Kit Fox Speed Limit Signage. Prior to issuance of grading and/or construction permits for each project phase, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction of each project phase.

BIO-8 Kit Fox Night Construction Limitations. During the site disturbance and/or construction of each project phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BIO-9 Kit Fox Entrapment Avoidance. During the site-disturbance and/or construction of each project phase, to prevent entrapment of the SJKF, all excavations, steep-walled holes, and trenches in excess of 2 feet in depth shall be covered at the close of each working day by plywood or similar materials,

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or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume or be removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

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

- BIO-10** **Kit Fox Trash Removal Procedures.** During the site-disturbance and/or construction of each project phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract SJKF onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BIO-11** **Pesticide and Herbicide Minimization Procedures.** Prior to, during, and after the site-disturbance and/or construction of each project phase, use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which SJKF depend.
- BIO-12** **Kit Fox Mortality Procedures.** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures an SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the USFWS and CDFW for care, analysis, or disposition.
- BIO-13** **Kit Fox Fencing Requirements.** Prior to final inspection or establishment of the use, whichever occurs first, all proposed fencing (chain link with security slats) shall be installed to provide for kit fox passage and 8 x 12-inch openings near the ground shall be provided every 100 yards. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines and shall be inspected during quarterly monitoring by the County.
- BIO-14** **Nesting Birds Avoidance.** To the maximum extent possible, all site preparation, ground-disturbing, and construction activities shall be conducted outside of the migratory bird breeding season (February 1 through August 31). If such activities are required during this period, the qualified biologist shall conduct a nesting bird survey within one week prior to site disturbance and/or vegetation removal/trimming activities. 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. If nesting activity is detected, the following measures shall be implemented:

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- a. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- b. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- c. ; and
- d. 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-15

Silvery Legless Lizard Surveys and Avoidance. Between 2 and 4 weeks prior to initiation of construction activities or site disturbance activities of all project phase and during initial grading activities of all project phases, a County-approved biologist shall conduct surveys for silvery legless lizards (*Anniella pulchra*). The surveyor shall utilize hand search or cover board methods in areas of disturbance where legless lizards are expected to be found (e.g., under shrubs, other vegetation, or debris). If cover board methods are used, they shall commence at least 30 days prior to the start of construction. Hand search surveys shall be completed immediately prior to and during grading activities. During grading activities, the County-approved biologist shall walk behind the grading equipment to capture silvery legless lizards that are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the site but outside of the work area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of silvery legless lizards and other reptiles captured and relocated, and the number of legless lizards or other reptiles taken during grading activities. Observations of these species or other special-status species shall be documented on CNDDDB forms and submitted to CDFW upon project completion.

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BIO-16

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

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

- Avoid work during the rainy season (October 15 through April 15). If work must occur in the rainy season, no work shall occur during or immediately after rain events of 0.25 inches or greater.
- A follow-up survey shall be conducted prior to the start of work following any rain event of 0.25 inches or greater.
- Avoid nighttime work. If nighttime work is deemed necessary, a qualified biologist shall be on site until it is determined that no potential impacts to CRLF or FYLF would occur based on conditions and the scope of work.

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

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

BIO-17

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

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- BIO-18** **California Red-Legged Frog Trash Management.** During project activities of each project phase, trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly. Following construction, trash and construction debris will be removed from work areas.
- BIO-19** **Western Spadefoot Surveys and Avoidance.** Between 2 to 4 weeks prior to initiation of construction or site disturbance activities of each project phase, a qualified biologist shall survey the project site and, if present, capture and relocate any western spadefoots to suitable habitat outside of proposed disturbance areas. Observations of these or other special-status species shall be documented on California Natural Diversity Database forms and submitted to the California Department of Fish and Wildlife upon phase completion. The project biologist shall submit a survey report to the County Department of Planning and Building documenting the number of observations of these or other special-status species (even if none are observed) as well as the areas in which individuals were relocated, if applicable.
- BIO-20** **Roosting Bat Avoidance.** Site preparation, ground disturbance, and construction activities of each project phase including any tree trimming and/or vegetation removal shall be conducted outside of the typical bat maternity roosting and pupping season (from February 1st to August 31st), if feasible. If site disturbance activities of any project phase are to occur within this season, the applicant shall retain a County-qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County Planning and Building Department within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed, and no further mitigation is required.
- BIO-21** **Native Tree Impacts. Prior to issuance of construction or grading permits or prior to any site disturbance, whichever occurs first,** a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees would be impacted by project activities, such as compaction (e.g., regular use of vehicles), grading (includes cutting and filling of material), tilling, placement of impermeable surfaces (e.g., pavement), or year-round irrigation within the critical root zone (measured to be a radius of 1.5 times the dripline of the tree), and which trees are to remain unimpacted.
- BIO-22** **Unimpacted Oak Tree Maintenance. For the life of the project,** all oak trees not identified as being impacted shall be maintained. Unless identified as impacted in the finalized site plans, the following activities are not allowed within the critical root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless “establishing” new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).
- BIO-23** **Drainage Setback. Prior to issuance of construction or grading permits or prior to any site disturbance, whichever occurs first,** a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all drainages and waterways within 50 feet of areas where project activities would occur, and shall show all activities outside the 50-foot setback.

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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

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

As defined by CEQA, a historical resource includes:

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

The COSE identifies and maps anticipated culturally sensitive areas and historic resources within the county and establishes goals, policies, and implementation strategies to identify and protect areas, sites, and buildings having architectural, historical, Native American, or cultural significance. There are no known historical resources within the nearby vicinity of the project site.

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

Discussion

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

A Cultural Resources Survey of the project site was prepared for the project (Central Coast Archaeological Research Consultants [CCARC] 2019) and included a Phase I Archaeological surface survey and a records

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search using the National Register of Historic Places (NRHP), California Inventory of Historic Places, and Central Coast Information Center (CCIC). Based on the results of the field survey and literature searches, the project site does not contain, nor is it located near, any historic resources identified in the NRHP or CRHR. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would not result in an adverse change in the significance of a historical resources and *no impacts would occur*.

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

A records search was conducted within the California Historical Resources Information System (CHRIS) and CCIC. The CCIC records search indicated that one cultural resource has been identified within a 0.25-mile radius of the project property. The field investigation did not reveal prehistoric or historic cultural resources in the project area, and the site is characterized with low archaeological sensitivity (CCARC 2019).

In the unlikely event resources are uncovered during project construction activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required. This section requires that in the event archaeological resources are encountered during project construction, construction activities cease, and the County Department of Planning and Building be notified of the discovery. If the discovery includes human remains, the County Coroner shall also to be notified. This protocol would be required to be implemented in full compliance with California State Health and Safety Code Section 7050.5 as well as CDFA requirements regarding accidental discovery of cultural resources. Therefore, impacts would be *less than significant*.

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

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

Conclusion

Based on comprehensive literature review, an intensive pedestrian survey conducted on the project property, and compliance with LUO archaeological resources standards, the project's impacts associated with archaeological, historic, paleontological, and cultural resources would be less than significant and no mitigation is required.

Mitigation

None necessary.

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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**Local Utilities*

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

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

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

Local Energy Plans and Policies

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

State Building Code Requirements

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the *2019 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal

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envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements. While the CBC has strict energy and green-building standards, U-occupancy structures (such as greenhouses used for cultivation activities) are typically not regulated by these standards.

Vehicle Fuel Economy Standards

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

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

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

In January 2012, CARB approved the Advanced Clean Cars Program, which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15% of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light-duty trucks will emit 34% fewer global warming gases and 75% fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

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

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idling, reporting and labeling off-road vehicles, limiting the use of old engines, and applying performance requirements.

Energy Use in Cannabis Operations

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

The total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, location of the project, and the types of equipment required. Outdoor cultivation involves minimal equipment and has relatively low energy demands, while indoor cultivation involves more equipment that tends to have much higher energy demands (e.g., high-intensity light fixtures, climate control systems) (County of Santa Barbara 2017). Specific energy uses in indoor grow operations include high-intensity lighting, dehumidification to remove water vapor and avoid mold formation, space heating or cooling during non-illuminated periods and drying processes, preheating of irrigation water, generation of carbon dioxide (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 that are highly inefficient and may result in the wasteful use of energy resources. Such operations may include the use of old equipment, highly inefficient light systems (e.g., incandescent bulbs), reliance on multiple diesel generators, and other similar inefficiencies (County of Santa Barbara 2017).

Discussion

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

Project Construction Activities

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. Federal and state 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

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state or local plan for renewable energy and would not be wasteful, unnecessary, or inefficient, and therefore would be less than significant.

Project Operations

Electricity and Natural Gas Use. Based on an analysis of cannabis cultivation operations throughout the County, it is assumed that cannabis cultivation projects typically use an insignificant amount of natural gas. Natural gas use is typically associated with cooking appliances and space heating, and neither of these uses are expected to be needed for cultivation projects, as indoor cultivation lighting produces sufficient heat needed for indoor or mixed-light cultivation operations. Accordingly, this assessment of impacts is based on electricity use.

The proposed greenhouses and associated lighting and the proposed processing/storage building would utilize a connection to PG&E infrastructure.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards. The project's proposed 3,000-square-foot processing structure would be subject to the CBC 2019 Building Energy Efficiency Standards; therefore, the energy demand of these uses would not be wasteful, inefficient, or unnecessary.

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

In order to calculate the proposed mixed-light and nursery facilities' energy demand, the County utilizes the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018). This calculation form contains formulas for estimating electricity use of cannabis operations. The form assumes that mixed-light (greenhouse) cultivation uses 110 kWh/sf annually. Based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form, a preliminary estimate of the project's mixed-light facilities' energy demand was calculated and compared to the energy use of a standard commercial building of the same size as shown in Table 3 below.

Table 3. Energy Demand Comparison

	Size (sf)	Annual Energy Demand Rate (kWh/sf)	Projected Energy Demand (kWh/year)
Proposed Mixed-Light (Indoor) Cultivation and Nursery Activities	27,000 sf	110	2,970,000
Generic Commercial Building Uses	27,000 sf	21.25	573,750
Percent Project Energy Demand in Excess of Generic Commercial Building			518%

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The proposed project would include 22,000 square feet of indoor mixed-light cannabis cultivation within seven proposed greenhouses and 5,000 square feet of nursery cultivation within one proposed greenhouse. Based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018), the project's expected energy consumption for the mixed-light cultivation activities would be approximately 2,970,000 kWh per year (kWh/year).

Based on the California Energy Commission Report, a generic non-cannabis commercial building uses approximately 21.25 kWh/year/sf, which would be equivalent to 573,750 kWh/year for a 27,000-square-foot building. Based on the energy consumption rates above, the proposed project's cultivation activities would use 518% more energy than a generic non-cannabis commercial building of the same square footage. This amount of energy use would potentially be wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures and, depending on the project's proposed energy sources, would have the potential to result in significant environmental impacts through associated GHG emissions.

Greenhouse Gas Emissions. Energy inefficiency contributes to higher GHG emissions and by nature would conflict with state and local plans for energy efficiency, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP (additional background information on GHG Emissions is provided in Section VIII). The California Energy Emissions Model (CalEEMod) was utilized to determine the approximate GHG emissions from a standard mixed-light cultivation operation based on square footage of the proposed use in order to estimate the project's projected annual carbon dioxide equivalent emissions in metric tons (MTCO₂e; Table 4).

Table 4. Projected Project Operational GHG Emissions

Project Component	Size (sf)	Emissions Rate ¹ (Annual MTCO ₂ e/sf)	Estimated Projected Annual CO ₂ Emissions (MT/year)
Mixed-Light Cultivation (greenhouses)	27,000	0.058	1,566

¹ Source: County of San Luis Obispo Staff 2019. Assumptions include an energy use factor of 110 kWh/sf annually and energy source from Pacific Gas & Electric Company.

Based on the CalEEMod emissions rate, the proposed project would result in approximately 1,566 MTCO₂e per year, which exceeds the SLOAPCD's Bright Line Threshold of 1,150 MTCO₂e. Mitigation Measures ENG-1 through ENG-3 would reduce the project's environmental impact from wasteful and inefficient energy use to less than significant through preparation of an Energy Conservation Plan prepared by a certified energy analyst, which would include measures such as enrollment in PG&E's renewable energy programs, structure retrofitting, use of renewable energy sources, and other strategies or programs that effectively reduce energy use and/or increase the project utilization ratio of GHG-free energy sources. The applicant would be required to implement one or more of these strategies/programs until the project's energy demand is reduced and/or offset to a level within 20% of the energy use of a standard commercial building of the same size (573,750 kWh/year) and project GHG emissions are reduced below the 1,150 MTCO₂e Brightline Threshold.

The project's energy use and use of energy resources would contribute cumulatively to use of energy resources within the vicinity. As proposed, the project would result in a substantial energy demand in comparison to standard commercial facilities of the same square footage. Mitigation measures ENG-1 through ENG-3 have been identified to reduce and/or offset project environmental impacts associated with

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energy usage through preparation of an Energy Conservation Plan and implementation of a combination of measures that would collectively reduce project energy use to a level within 20% of the energy use of a standard commercial building of the same size (573,750 kWh/year) and project GHG emissions are reduced below the 1,150 MTCO₂e Brightline Threshold. In addition, the project would be required to comply with CDFA regulations requiring electrical power used for commercial cannabis activities meet the average electricity GHG emissions intensity of their local utility provider, when they take effect in 2023. Therefore, upon implementation of identified mitigation measures, the project's individual impacts associated with energy use would be reduced to less than significant with mitigation.

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

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

Conclusion

The project would result in a potentially significant energy demand and inefficient energy use during long-term operations, which could lead to an increase in GHG emissions and result in potentially significant environmental impacts. Inefficient energy use would potentially conflict with state or local renewable energy or energy efficiency plans. Potential impacts related to energy would be less than significant with implementation of mitigation measures ENG-1 through ENG-3.

Mitigation

ENG-1

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

- a. A detailed breakdown of energy demand prepared by a certified energy analyst. The energy breakdown shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities, including, but not limited to, lighting, odor management, and climate control equipment. Such quantification shall be expressed in total kWh per year and non-electrical sources shall be converted to kWh per year.
- b. A program for providing a reduction or offset of all energy demand that is 20% or more above a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (e.g., solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.

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

ENG-2

Prior to issuance of building permits, the applicant shall provide to the County Department of Planning and Building for review and approval a program for providing a reduction or offset of GHG emissions below 1,152 MTCO₂e. Such a program (or programs) may include, but is not limited to, the following:

- c. Purchase of GHG offset credits from any of the following recognized and reputable voluntary carbon registries:
 - i. American Carbon Registry;
 - ii. Climate Action Reserve; or
 - iii. Verified Carbon Standard.

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

- d. 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.

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

VII. GEOLOGY AND SOILS

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

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the county and are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The project site is not located within an Alquist-Priolo Fault Hazard Zone; the Rinconada fault zone traverses north-to-south approximately 1.93 miles west of the project parcel (CDOC 2015).

The project site is not located within the LUO Geologic Study Area (GSA) combining designation. Based on the Safety Element, the project site is located in an area with low landslide risk potential and liquefaction potential.

The project site is underlain by Valley Alluvial Sediments of the Pleistocene era (Diblee 2004). This type of underlying geologic material is considered to have moderate paleontological sensitivity (SWCA 2019).

Discussion

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

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

The project site is not located within an Alquist-Priolo Fault Hazard Zone; however, the Rinconada fault zone traverses west of the project parcel (CDOC 2015). This fault has not seen activity in the past 700,000 years and is not considered active; however, it is considered potentially capable of producing an earthquake. All proposed structures would follow the regulations set forth in the CBC and thereby would be compliant with earthquake standards. Therefore, potential impacts related to the project location within known fault zones would be *less than significant*.

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

The project would be required to comply with the CBC and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. The project does not include unique components that would be particularly sensitive to seismic ground shaking or result in an increased risk of injury or damage as a result of ground shaking.

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Implementation of the project would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant*.

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

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

(a-iv) *Landslides?*

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

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

The project would result in the disturbance of approximately 5.7 acres, including less than 50 cubic yards of grading. During grading activities, there would be a potential for erosion to occur. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize potential impacts related to erosion, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project would be subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site erosion. Upon implementation of the above control measures, impacts related to soil erosion would be *less than significant*.

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

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

The project would be required to comply with CBC seismic requirements to address potential seismic-related ground failure including lateral spread. Based on the Safety Element and USGS data, the project is not located in an area of historical or current land subsidence (USGS 2019). Based on the Safety Element Liquefaction Hazards Map, the project site is located in an area with low 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*.

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

The entirety of the project site proposed for development is underlain by Lockwood-Concepcion Complex, 2-9 percent slopes. This soil has a moderate to high shrink-swell (expansion) potential (USDA 1983). Expansive soils tend to swell with seasonal increases in moisture and shrink during the dry season as subsurface moisture decreases. Volume changes that this type of soil undergoes can result in stress and damage to slabs and foundations if precautionary measures are not incorporated into the design and construction procedures. According to the NRCS soil survey for the area, the Concepcion soil has severe limitations for building sites and roads and streets because of the high shrink-swell potential and low strength of the subsoil. All proposed structures would be designed and constructed to comply with CBC requirements to minimize safety hazards associated with expansive soils, including preparation of soil tests to determine the presence or absence of expansive soils on proposed building sites, and preparation of a geotechnical report to include recommendations for foundation type and design criteria and provisions to mitigate the effects of expansive soils, as necessary therefore, impacts would be *less than significant*.

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

The entirety of the project site proposed for development is underlain by Lockwood-Concepcion Complex, 2-9 percent slopes. Based on the NRCS soil survey, the slow absorption of effluent in septic tank absorption fields installed in this unit of soil can be overcome by increasing the size of the absorption area. Based on the proposed uses and location, the new septic system would meet Tier 1 minimum horizontal setbacks including distance from parcel property lines and structures, distance from existing wells unstable land masses and surface water bodies. In order to demonstrate full compliance with Tier 1 minimum site evaluation and siting standards, the proposed septic system location would need to be evaluated by a qualified professional to perform all necessary soil and site evaluations including soil depth, level of groundwater, and percolation rates. This would be required through the building permit process. Therefore, impacts related to soil suitability for septic tanks would be *less than significant*.

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

The project site is underlain by Valley Alluvial Sediments of the Pleistocene era and this subsurface geological unit has moderate paleontological sensitivity (Diblee 2004; SWCA 2019). However, the proposed earth movement is minimal (less than 50 cubic yards) and no substantial quantities or deep cuts into the land are proposed. Therefore, the project would not result in the disturbance of paleontological resources and impacts would be *less than significant*.

Conclusion

The project site is not within the GSA combining designation or an area of high risk of landslide, liquefaction, subsidence, or other unstable geologic conditions. The project would be required to comply with CBC and standard LUO requirements that have been developed to properly safeguard against seismic and geologic hazards. Therefore, potential impacts related to geology and soils would be *less than significant* and no mitigation measures are necessary.

Mitigation

None necessary.

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VIII. GREENHOUSE GAS EMISSIONS

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

Setting

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

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

In March 2012, the SLOAPCD approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. The Bright-Line Threshold of 1,150 MTCO₂e/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 MTCO₂/yr. Projects that exceed the criteria or are within 10% 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, the CARB published its *Climate Change Proposed Scoping Plan*, which is the state's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32. The Scoping Plan included CARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, implementation of energy efficiency measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

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

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

Discussion

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

As discussed in Section VI, Energy, the project would result in inefficient or wasteful energy use that would contribute to higher GHG emissions and by nature would be in conflict with state and local plans for the reduction of GHG emissions, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. As shown in Table 3 (see Section VI, Energy), the project would exceed the SLOAPCD Bright-Line Threshold of 1,150 MT CO₂e/year. Mitigation measures ENG-1 through ENG-3 have been identified to reduce or offset the project's GHG emissions to a less-than-significant level. In addition, the project would be required to comply with CDFA regulations requiring electrical power used for commercial cannabis activities meet the average electricity GHG emissions intensity of their local utility provider, when they take effect in 2023. Potential impacts would be *less than significant with mitigation*.

Conclusion

The project would result in potentially significant GHG emissions during long-term operations and would potentially conflict with plans adopted to reduce GHG emissions. Implementation of mitigation measures ENG-1, ENG-2, and ENG-3 would reduce potential impacts to less than significant.

Mitigation

Implement measures ENG-1 through ENG-3.

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"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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"/>

Setting

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

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

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County of San Luis Obispo General Plan provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high fire hazard severity zones. The project would be located within the State Responsibility Area in a high fire hazard severity zone. Based on CAL FIRE's referral response letter, it would take approximately 10-15 minutes

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to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

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

Discussion

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

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

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

Oils, gasoline, lubricants, fuels, and other potentially hazardous substances would be used and temporarily stored on-site during construction activities. A spill or leak of these materials under accident conditions during operation or construction activities could create a hazard to the environment. Refilling, use, and dispensing procedures of these materials would be required to be conducted in accordance with the California Fire Code and the project Storage and Hazard Response Plan during operation and construction to limit spill potential. Therefore, impacts would be *less than significant*.

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

The closest school facility is located approximately 1.312 miles northwest of the project site. The project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

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

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

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

The nearest airstrip in proximity to the project site is the Paso Robles Municipal Airport, located approximately 5.52 miles northwest of the site. The project is not located within an Airport Review designation or within close proximity of a private airstrip; therefore, *no impacts* would occur.

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

The project does not require any road closures and would be designed to accommodate emergency vehicle access. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, *no impacts* would occur.

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

The proposed project is located in a high fire severity zone and is located in a State Responsibility Area. The applicant would be required to comply with all applicable standards of the California Fire Code, which requires, among other things, a dedicated water storage tank for firefighting, a fire pump, and emergency vehicle access improvements. Upon implementation of these provisions, the project would have a *less than significant impact* related to exposure of people and structures to risks from wildfire.

Conclusion

No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

Mitigation

None necessary.

X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

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

The project site is in the Paso Robles Groundwater Basin, which has been assigned a Level of Severity III by the 2016-2018 Resource Management System Summary Report. The Board of Supervisors adopted Resolution 2015-288 in 2015 to establish the Countywide Water Conservation Program (CWWCP) in response to the declining water levels in the Nipomo Mesa Water Conservation Area (NMWCA) part of Santa Maria Groundwater Basin), Los Osos Groundwater Basin (LOGWB), and the Paso Robles Groundwater Basin (PRGWB). A key strategy of the CWWCP is to ensure all new construction and new or expanded agriculture will offset its predicted water use by reducing existing water use on other properties within the same water basin. In addition, LUO Section 22.040.050(5) requires all cannabis cultivation sites located within a groundwater basin with a Level of Severity III to provide an estimate of water use associated with cultivation activities, and a description of how the new water use will be offset. All water demand within a groundwater basin with LOS III is required to offset at a minimum 1:1 ratio, and all water demand within an identified Area of Severe Decline shall offset at a ratio of 2:1, unless a greater offset is required through the land use permit approval process. The project site is located in an Area of Severe Decline.

Cannabis cultivators that plan to divert surface water need a water right to irrigate cannabis. The SWRCB Cannabis Policy requires cannabis cultivators to forbear (or cease) from diverting surface water during the dry season, which starts April 1 and ends October 31 of each calendar year. This means that water must be diverted during the wet season and stored for use during the dry season. Water is required to be stored off-stream. The Cannabis Small

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Irrigation Use Registration (SIUR) is a streamlined option to obtain a small appropriative water right (less than 6.6 acre-feet per year) to divert and store surface water to irrigate commercial cannabis crops.

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

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

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

Discussion

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

The project would result in approximately 5.7 acres of site disturbance, including less than 50 cubic yards of grading. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Because the project would result in more than 1 acre of site disturbance, the applicant would be required to prepare a SWPPP to ensure appropriate BMPs are implemented during construction activities to control storm water runoff.

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

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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?*

The project's total estimated annual water use is approximately 898,488 gallons (2.76-acre-feet), which would be drawn from an existing on-site well. Based on information from the applicant, the well produces 67 gallons per minute.

Based on the location and depth of the on-site well that would support the operation, the well draws water from the Paso Robles Formation aquifer within the PRGWB, which is categorized as being in a state of critical overdraft and is located within the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018) and is required to offset water usage at a 2:1 ratio per LUO requirements. A water demand analysis prepared for the project (Civil Design Solutions 2019) estimates that the total water demand for the project would be 2.76 acre-feet per year (AFY). Per the CWWCP, the project applicant would be required to offset this new water use at a 2:1 ratio through installation of efficient water systems and fixtures and/or participation in an approved water conservation program, as detailed in mitigation measures WQ-1 and WQ-2. Offsetting the water demand of the proposed project in accordance with the CWWCP would result in a net-neutral water demand on the groundwater basin; therefore, impacts related to available surface or ground water would be *less than significant with mitigation*.

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

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

The project would not result in the substantial alteration of the existing drainage pattern of the project site. The project would be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a SWPPP that incorporates BMPs during construction. Water quality protection measures would include protection of stockpiles, protection of slopes, protection of all disturbed areas, protection of access roads, and perimeter containment measures. Therefore, potential impacts associated with erosion and siltation from substantial alteration of the existing on-site drainage pattern would be *less than significant*.

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

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could result in flooding on- or off-site. The proposed outdoor cultivation areas would occur in-ground, in cloth pots, or in aboveground planters, and would include the use of cannabis hoop structures. Based on the nature and size of the project, overall changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff resulting in flooding would be *less than significant*.

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

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could exceed the capacity of existing stormwater or drainage systems. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff exceeding stormwater capacity would be *less than significant*.

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

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

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

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

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

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

Conclusion

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

Mitigation

WQ-1

Prior to issuance of building permits (or prior to establishment of the use), all applicants for cannabis related activities within the Paso Robles Groundwater Basin shall provide to the County of San Luis Obispo Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by Land Use Ordinance Sections 22.40.050 D. 5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

- e. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by Land Use Ordinance Sections 22.40.050 C. 1 and 22.40.060 C.1.
- f. A program for achieving a water demand offset of the quantified water demand as required by Land Use Ordinance Sections 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:
 - i. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified

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professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:

1. Drip irrigation.
 2. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
 3. Installation of float valves on water tanks to prevent tanks from overflowing.
 4. Converting from using overhead sprinklers to wind machines for frost protection. [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.]
 5. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]
- ii. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
 - iii. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.
- g. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent and shall not result in adverse environmental effects beyond those assessed by the California Environmental Quality Act compliance document for the proposed cannabis project.

WQ-2

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

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XI. LAND USE AND PLANNING

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

Setting

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

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

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

Discussion

(a) Physically divide an established community?

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of development within the project vicinity and would not create, close, or impede any existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community and *no impacts would occur*.

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- (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 components are allowed uses within the property's land use designation and would be generally consistent with the guidelines and policies for development within the applicable area plan, inland LUO, and COSE. The project has been located and designed to minimize potential environmental impacts (e.g., not visible from surrounding roadways, avoid removal of oak trees to the greatest extent feasible, etc.) and would be required to comply with applicable County plans and policies intended to reduce environmental impacts (e.g., sedimentation and erosion control requirements, LUO odor control requirements, etc.). Mitigation measures WQ-1 and WQ-2 have been identified to detail allowable methods for the project to achieve compliance with the CWWCP, therefore, the project would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating environmental effects and impacts would be *less than significant with mitigation*.

Conclusion

Upon implementation of mitigation measures WQ-5 and WQ-6, the project would be consistent with all local and regional land use designations, plans, and policies adopted for the purpose of avoiding or mitigating environmental effects. The project would not result in the division of an established community. Therefore, upon implementation of the measures identified below, potential impacts related to land use and planning would be less than significant.

Mitigation

Implement mitigation measures WQ-1 and WQ-2.

XII. MINERAL RESOURCES

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

Setting

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

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

- **MRZ-1:** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.

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

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

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

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

Discussion

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

Based on the CGS Information Warehouse for Mineral Land Classification, the project site is located within an area that has been evaluated for mineral resources aggregate materials but is not located in a designated mineral resource extraction area. The project would not be located in the area of an active mine since active mines are located in the Salinas riverbed, which is 2.23 miles west of the project site (CGS 2015). In addition, based on COSE Chapter 6, Minerals, the project site is not located within an extractive resource area or an energy and extractive resource area. Therefore, impacts related to the loss of availability of a known mineral resource would be *less than significant*.

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

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

Conclusion

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

Mitigation

None necessary.

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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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

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

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

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

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- Offices

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

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

Table 5. Maximum Allowable Exterior Noise Level Standards⁽¹⁾

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

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

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

Discussion

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

The project includes minor grading activities and construction of seven 3,000-square-foot greenhouses, one 5,000-square-foot greenhouse, and a 3,000-square-foot processing structure. These construction activities would have the potential to generate short-term construction noise. All construction activities would be limited to the daytime hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday or Sunday, in accordance with County construction noise standards (County Code Section 22.10.120.A). In addition, these activities would occur at a minimum of 0.42 mile (2,220 feet) from sensitive receptors. All construction noises would considerably attenuate over this distance and would not approach or exceed Noise Element thresholds.

The project proposes the use of odor control systems, including carbon scrubbers within the proposed greenhouses and processing building, which would result in new sources of stationary noise during project operation. Climate controls (heating, ventilation, and air conditioning systems (HVAC) including evaporative through-wall coolers, and dehumidifiers) are not proposed at this time, but could be used in the greenhouse and processing building in the future. Based on a general evaluation of HVAC equipment specifications used for greenhouses, noise associated with the use of wall- or roof-mounted HVAC and odor mitigation equipment associated with the proposed greenhouses would be expected to generate noise levels of approximately 65 dBA at a distance of 25 feet from the source. Noise naturally attenuates (diminishes) at a rate of 6 dB per doubling of distance (OSHA 2013), so noise levels at the nearest property lines approximately 325 feet away from these proposed uses would be approximately 41 decibels, which would be below the general noise level of normal conversation (CDC 2018) and would be well below the maximum allowable nighttime exterior noise standard (65dB) and the maximum hourly equivalent nighttime noise standard (45 dB) set forth in the County Noise Element.

Therefore, based on the distance of the proposed noise sources and surrounding receptors, project noise impacts would be *less than significant*.

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

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

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

The nearest airstrip in proximity to the project site is the Paso Robles Municipal Airport, located approximately 5.52 miles northwest of the site. The project site is not located within an Airport Review designation or adjacent to a private airstrip; therefore, *no impacts would occur*.

Conclusion

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per County LUO standards. No long-term operational noise or ground vibration would occur as a result of the project. Therefore, potential impacts related to noise would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

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

Setting

The Housing Element of the County of San Luis Obispo General Plan recognizes the difficulty for residents to find suitable and affordable housing within San Luis Obispo County. The Housing Element includes an analysis of vacant

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and underutilized land located in urban areas that is suitable for residential development and considers zoning provisions and development standards to encourage development of these areas. Consistent with state housing element laws, these areas are categorized into potential sites for very low- and low-income households, moderate-income households, and above moderate-income households.

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

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to two full-time employees and up to ten additional seasonal employees during harvest times. The general scope and scale of the proposed activities would not directly or indirectly induce substantial population growth in the area and would not result in a need for a significant amount of new housing nor displace any housing in the area. In addition, the project would be subject to inclusionary housing fees to offset any potential increased need for housing in the area. Therefore, impacts to housing and population would be *less than significant*.

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

The project would not displace existing housing or necessitate the construction of replacement housing elsewhere; therefore, *no impacts would occur*.

Conclusion

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

Mitigation

None necessary.

XV. PUBLIC SERVICES

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

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the project would be served by CAL FIRE station #30, located approximately 2.98 miles west of the project site in the community of Templeton. Based on the referral response letter received from CAL FIRE regarding the proposed project, emergency personnel would be able to reach the site within 10 minutes of receiving a call.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North Station in Templeton, and the South Station in Oceano. The project would be served by the County Sheriff's Office, and the nearest sheriff station is located approximately 3.48 miles southwest of the project site, in the community of Templeton.

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

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

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

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Discussion

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

Fire protection?

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

Police protection?

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

Schools?

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

Parks?

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

Other public facilities?

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

Conclusion

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

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Mitigation

None necessary.

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

Setting

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

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

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

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to two full-time employees and up to ten additional seasonal employees during harvest times. Due to the limited number of project employees, the project would not result in increased demand on existing recreational facilities in the County.

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There are no existing or proposed trail corridors on Neal Spring Road or adjacent to the project site; therefore, *no impacts would occur*.

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

The project does not include the construction of new recreational facilities and would not result in a substantial increase in demand or use of parks and recreational facilities. Implementation of the project would not require the construction or expansion of recreational facilities; therefore, *no impacts would occur*.

Conclusion

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

Mitigation

None necessary.

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 San Luis Obispo Council of Governments (SLOCOG) holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA), SLOCOG is responsible for conducting a comprehensive, coordinated transportation program; preparing a Regional Transportation Plan (RTP); programming state funds for transportation projects; and administering and allocating transportation development act funds required by state statutes. The 2019 RTP, adopted June 5, 2019, is a long-term blueprint of San Luis Obispo County's transportation system. The plan identifies and analyzes transportation needs of the region and creates a framework

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for project priorities. SLOCOG represents and works with the County as well as the Cities within the county in facilitating the development of the RTP.

In 2013 SB 743 was signed into law with the intent to “more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions” and required the Governor’s Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3 [b]). Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts must be implemented statewide.

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

The project is located off of Neal Spring Road, an east-west two-lane collector road maintained by the County. Neal Springs Drive serves as a major collector for residential and agricultural lands east of Templeton. Based on the County Department of Public Works most recent traffic counts Neal Spring Road experienced 367 trips per day in 2016 (County of San Luis Obispo 2018).

Discussion

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

The project includes establishment of indoor and outdoor cannabis cultivation and processing of cannabis grown on-site. Based on the County Public Works referral response for the project, the project is expected to generate a maximum of 6 daily trips including up to 0.6 vehicle trips during the PM peak hour (4:00 PM – 6:00 PM). Based on average trip rates provided by the Institute of Transportation Engineers (ITE), the project would generate similar traffic levels as a rural residence, which generates an average of 10 trips per day per residential dwelling unit. The project would be subject to Road Improvement Fees and public facility fees to offset the relative impacts on surrounding roadways.

The Templeton Community Plan includes a Circulation Element that identifies key issues that affect the regional transportation system and establishes policies and objectives to address those issues. The project is located outside of the Templeton Urban Reserve Line and no proposed roadway improvements are currently proposed on Neal Spring Road. As detailed in Section XVI, Recreation, no proposed trail corridors run through adjacent to the project parcel. Therefore, the project would not conflict with an established measure of effectiveness for the performance of a circulation system or conflict with a program plan, ordinance, or policy addressing the circulation system, and potential impacts would be *less than significant*.

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

The County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. State CEQA Guidelines Section 15064.3(b) states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project’s VMT qualitatively.

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In operation, the project would generate vehicle trips from two regular full-time employees and ten seasonal employees, as well as delivery of harvested cannabis to an off-site testing facility, and occasional deliveries of soil, supplies, and diesel fuel. Based on the nature and location of the project, the project would not generate a significant increase in construction-related or operational traffic trips or VMT. The project would not substantially change existing land uses and would not result in the need for additional new or expanded transportation facilities. Therefore, potential impacts would be *less than significant*.

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

The proposed project and access routes have been reviewed by the Department of Public Works (David Grim 2019) and identified no concerns associated with the current access road design. The project would be required to make improvements to the existing driveway on the project property as necessary to comply with any access requirements established by the County Fire/CAL FIRE. The project would not substantially change the existing roadway design and does not include geometric design features that would create new hazards or an incompatible use. Therefore, *impacts would be less than significant*.

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

The project would be required to make improvements to the existing access driveway as necessary to accommodate emergency access vehicles. No public road closures are necessary to implement these improvements. Therefore, the project would provide for adequate emergency access and impacts would be *less than significant*.

Conclusion

The project would be subject to payment of the Templeton Area B Road Improvement Fee as well as public facilities fees to off-site relative impacts to surrounding roadways. Potential impacts related to transportation and circulation would be less than significant, and no mitigation is necessary.

Mitigation

None necessary.

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:				

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

Setting

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

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

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

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

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In accordance with AB 52 Cultural Resources requirements, outreach to four Native American tribes has been conducted: Northern Salinan, Xolon Salinan, tiṭu tiṭu yak tịhini Northern Chumash, and Northern Chumash Tribal Council. No responses from the tribes were received.

Discussion

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

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

The County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52 and the project site does not contain any known tribal cultural resources that have been listed or been found eligible for listing in the CRHR or in a local register of historical resources as defined in California PRC Section 5020.1 (Albion Environmental 2018).

Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO Section 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Department of Planning and Building shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with federal and state law. Therefore, impacts related to a substantial adverse change in the significance of tribal cultural resources would be *less than significant*.

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

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

Conclusion

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

Mitigation

None necessary.

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XIX. UTILITIES AND SERVICE SYSTEMS

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

Setting

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

Per the County's Stormwater Program, the Department of Public Works is responsible for ensuring that new construction sites implement BMPs during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB's Construction General Permit. PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county.

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There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo; Chicago Grade Landfill, located near the community of Templeton; and Paso Robles Landfill, located east of the city of Paso Robles.

Discussion

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

The project includes the construction of a new wastewater (septic) system that would be located to the east of the proposed processing building. Based on the proposed uses and location, the new septic system would meet Tier 1 minimum horizontal setbacks, including distance from parcel property lines and structures, existing wells, unstable land masses, and surface water bodies. In order to demonstrate full compliance with Tier 1 minimum site evaluation and siting standards, the proposed septic system location would need to be evaluated by a qualified professional to perform all necessary soil and site evaluations including soil depth, level of groundwater, and percolation rates. This would be required through the building permit process. Therefore, impacts related to the construction of new wastewater treatment facilities would be *less than significant*.

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

The project would attain its water supply from an existing well located on-site. Based on information from the applicant, the well produces 67 gallons per minute.

The project is located within the PRGWB, which is categorized as being in a state of critical overdraft and is located inside the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018X). A water demand analysis prepared for the project (Civil Design Solutions 2019) estimates that the total water demand for the project would be 2.76 acre-feet per year (AFY).

Because the project's sole water source is currently designated as being in a state of critical overdraft, the project may have the potential to not have sufficient water supplies available during normal, dry, and multiple dry years. Mitigation measures WQ-1 and WQ-2 have been identified to require the project applicant implement one or a combination of actions that would result in the overall offset of project water use within the PRGWB at a 2:1 ratio, as required by the CWWCP and LUO Section 22.94.025. Through implementation of these measures, the project's water use would result in an overall decrease of water use within the basin; therefore, the project's impacts associated with sufficient water supplies available during normal, dry, and multiple dry years would be *less than significant with mitigation*.

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

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

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

Construction activities would result in the generation of minimal solid waste materials. The nearest waste facility to the project site is Paso Robles Landfill, which has a remaining capacity of 4,216,402 cubic yards. The project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure; therefore, impacts would be *less than significant*.

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

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

Conclusion

Mitigation measures WQ-1 and WQ-2 have been identified to require that the project applicant implement one or a combination of actions that would result in the overall offset of project water use within the PRGWB at a 2:1 ratio, as required by the CWWCP and LUO Section 22.94.025. The project would not result in significant increased demands on wastewater or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. Therefore, project impacts associated with utilities and service systems would be less than significant with mitigation.

Mitigation

Implement measures WQ-1 and WQ-2.

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

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Setting

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. Fire Hazard Severity Zones (FHSZ) are defined by CALFIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project would be located within the State Responsibility Area in a high fire hazard severity zone. Based on CAL FIRE's referral response letter, it would take approximately 10-15 minutes to respond to a call regarding fire or life safety.

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

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

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

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

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

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

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Discussion

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

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

- (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 gently rolling and prevailing wind speeds range between 6.6 and 8.8 mph and predominately come from the west (WeatherSpark.com 2016). The project does not include major grading that would alter the site's slope or removal of a substantial number of trees, buildings, or other natural wind breaks or barriers. The project components would be required to be designed and constructed in accordance with the California Fire Code. Therefore, the project would not exacerbate fire risks and potential impacts would be *less than significant with mitigation*.

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

The project includes improvements to an existing driveway off of Neal Spring Road to provide access to the project area, which would be required to be designed and constructed in compliance with County Department of Public Works and CAL FIRE regulations to ensure emergency vehicles would have adequate access during an emergency.

The project would require a new power line connection to the existing PG&E transmission tower located on the adjacent property to the north of the project site. This new power connection would serve the proposed greenhouses and processing building and would be required to be installed in compliance with all applicable California Public Utilities Commission (CPUC) and California Fire Code standards. Therefore, project impacts would be *less than significant*.

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

The project site is in a low landslide potential area, and the likelihood of landslides affecting the project site as a result of post-fire slope instability, runoff, or drainage changes is low. The soil in this area is moderately susceptible to fire damage. Due to the makeup of the soil, wind erosion is common post fire and can contribute to slope instability (NRCS 2017). The low slopes in the area reduce the hazards related to slope failure and subsequent impacts to surrounding developed lands. People and structures would not be exposed to these risks and thus project impacts would be *less than significant*.

Conclusion

The project would result in new development located in a High FHSZ. The project would not substantially impair an emergency response plan or require the installation of new infrastructure that may exacerbate fire risk or result in temporary ongoing impacts to the environment. The project would not include any design elements that would

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expose people or structures to significant risk as a result of runoff, post-fire instability, or drainage changes. Therefore, potential impacts associated with wildfire would be less than significant.

Mitigation

None Necessary.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion

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

As discussed in each resource section above, the proposed project would have the potential to result in significant impacts to special-status and nesting birds protected by the MBTA, SJKF, and native oak trees. Mitigation measures BIO-1 through BIO-23 have been identified to avoid and/or minimize potential impacts

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to these species to a less-than-significant level. Therefore, impacts would be *less than significant with mitigation incorporated*.

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

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

Existing and Reasonably Foreseeable Cannabis Facilities

In 2016, the County estimated that there were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming 0.5 acre per site, the canopy associated with these activities could be as high as 250 acres. Unpermitted cannabis operations are expected to continue to be abated throughout the county.

Table 6 below provides a summary of the maximum possible cannabis cultivation activities that could be approved through permit applications that have been received by the County as of December 9, 2019. Each of these proposed activities is considered a reasonably foreseeable future project for the purposes of this cumulative impact analysis. It is important to note, however, that many proposed activities are subject to change during the land use permit process and a portion of these applications may be withdrawn by the applicant or denied by the County approving body. Figure 4 shows the project site along with other approved and proposed cannabis project sites within 5 miles of the proposed project site.

Table 6. Summary of Cannabis Facility Applications for Unincorporated San Luis Obispo County¹

Proposed Cannabis Cultivation Type	Total Number of Proposed Cannabis Cultivation Permits ^{1,2}	Total Proposed Canopy (acres)	Approved Activities
Indoor Cultivation and Indoor Nursery	115	89	10
Outdoor Cultivation		241	10
Total	115	330	20

1. As of December 9, 2019.

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

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

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- (a) *All 115 applications for cultivation sites would be approved and developed;*
- (b) *Each cultivation site would be developed with the maximum allowed cultivation uses:*
 - i. 3 acres of outdoor cultivation;
 - ii. 0.5 acres of indoor cultivation;
 - iii. 19,000 square feet of ancillary nursery;
 - iv. A total of six full-time employees;
 - v. A total of 12 average daily motor vehicle trips; and
 - vi. All sites would be served by a well and septic leach field.

Aesthetics

The analysis provided in Section I, Aesthetic and Visual Resources, provides an overview of the visual setting and concludes that the potential project-specific impacts would be less than significant with mitigation identified to implement and maintain vegetative screening and eliminate off-site nighttime light overspill. The project site is located in an area with 28 potential cannabis facilities within 5 miles (as of March 12, 2020). Surrounding proposed cannabis cultivation operations would require discretionary permits if County staff determine they have the potential to result in potentially significant environmental effects, including potential impacts to visual resources. Based on the rural and agricultural visual character of the area, newly proposed structures visible from surrounding public roadways would undergo evaluation for consistency with the surrounding visual character and may be required to implement visual screening and/or other measures if County staff identify potential impacts to visual resources. Proposed cannabis cultivation projects, including use of mixed-light growing techniques, would be subject to standard County mitigation measures to eliminate off-site nighttime light overspill.

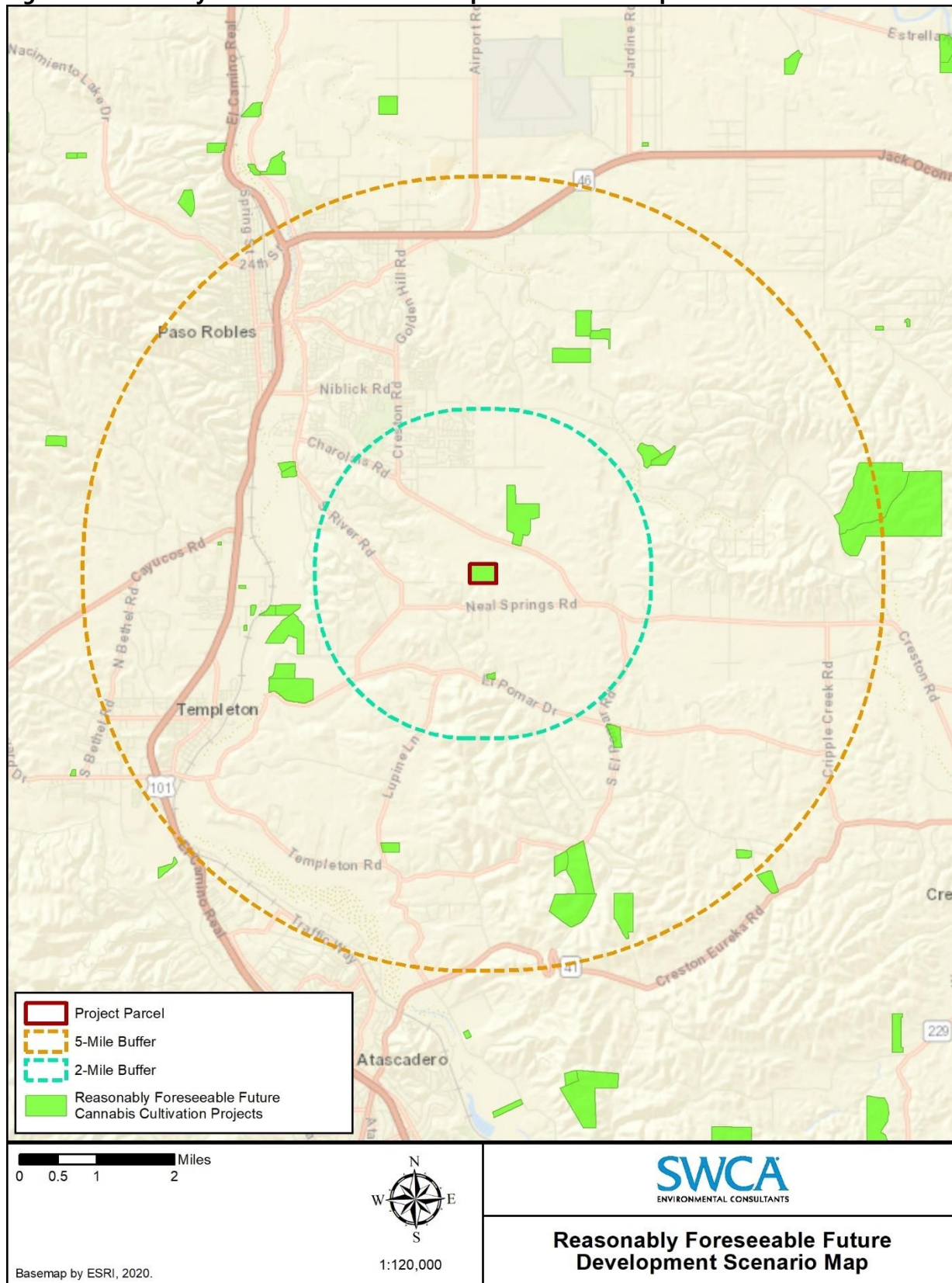
Based on the mitigation measures identified to reduce potential project impacts and discretionary review of surrounding proposed cannabis projects, the impacts to aesthetic and visual resources of this project, when considered with the potential impacts of other reasonably foreseeable development in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

Agriculture and Forestry Resources

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

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Figure 4. Reasonably Foreseeable Future Development Scenario Map



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Air Quality

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

The project is one of 115 land use permit applications for cannabis cultivation activities located within the county. All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts to air quality. These proposed cannabis cultivation projects would undergo evaluation for their potential to exceed applicable SLOAPCD thresholds and result in potentially cumulatively considerable contribution to the county's non-attainment status for ozone and/or fugitive dust. Proposed projects with the potential to exceed SLOAPCD thresholds would be subject to standard SLOAPCD mitigation measures to reduce potential air pollutant emissions to a less-than-significant level. These measures would also be applied for projects located within close proximity of sensitive receptor locations.

The project site is located in an area with two other reasonably foreseeable future cannabis cultivation facilities within 2 miles (as of March 12, 2020). The analysis provided in Section III, Air Quality, concludes that the project's potential other emissions (such as those leading to odor) would be less than significant based on the distance of proposed odor-emitting uses from the project property lines and proposed odor control technology to be implemented within proposed structures. All surrounding proposed cannabis development projects would be required to comply with County LUO ordinance cannabis odor control requirements, including preparation of an odor control plan, minimum setback distances, and installation of sufficient ventilation controls to prevent odors from being detected off-site.

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

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project would have a less-than-significant impact upon implementation of the identified avoidance and mitigation measures for nesting migratory birds, spadefoot toad, San Joaquin kit fox, and native trees. Mitigation measures have been identified to require limitations on construction timing, preconstruction surveys, modification of fencing, establishment of no-disturbance buffers and other avoidance and compensatory measures.

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

Based on the mitigation measures identified to reduce potential project impacts and discretionary review of surrounding projects, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts are considered less than cumulatively considerable.

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Energy

Cannabis cultivation operations typically use an insignificant amount of natural gas. Accordingly, this assessment of cumulative energy impacts is based on electricity use. The analysis provided in Section VI, Energy, states that the project could increase the demand for electricity by 2,970,000 kWh per year.

Table 7 provides a summary of the estimated worst-case scenario of total electricity demand associated with development of all 115 proposed and/or approved cannabis cultivation projects with 22,000 square feet (0.5 acre) of mixed-light (indoor) cannabis cultivation based on the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form.

Table 7. Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects

Proposed Land Use	Total Electricity Demand from Proposed Cannabis Cultivation Projects ¹ (Kilowatt-Hours/Year)	Total Electricity Demand (Gigawatt Hours/Year)	Electricity Consumption in San Luis Obispo County in 2018 ² (Gigawatt Hours)	Total Demand in San Luis Obispo County with Proposed Cannabis Cultivation (Gigawatt Hours/Year)	Percent Increase Over 2018 Electricity Demand
Mixed-light (indoor) Cultivation	620,400,000	620			
Total	620,400,000	620	1,765.9	2,385	35%

¹Source: CalEEMOD 2016 v.3.2. Assumes 115 cultivation projects with 0.5 acre of mixed-light cannabis canopy.

²Source: California Energy Commission 2019.

Table 7 indicates that electricity demand in San Luis Obispo County could increase by as much as 35% if all 115 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and are approved. PG&E is required by state law (the Renewable Portfolio Standard) to derive at least 60% of their electricity from renewable sources by 2030. These sources are “bundled” and offered for sale to other Load Serving Entities (utility providers). Table 8 shows the percent increase in the projected 2030 demand for these bundled sources of electricity throughout PG&E’s service area for, assuming all 115 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and approved.

Table 81. Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared With Projected PG&E 2030 Available Service Load

Increased Electricity Consumption in San Luis Obispo County with 115 Cannabis Cultivation Projects ¹ (Gigawatt Hours/Year)	620
Projected PG&E 2030 Bundled Service Load ² (Gigawatt Hours)	33,784
Percent Increase in 2030 Demand With Cannabis Cultivation	1.8%

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

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

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The project's contribution to the overall increased demand for electricity would have the potential to result in potentially significant environmental impacts through GHG emissions. Mitigation measures ENG-1, ENG-2, and ENG-3 require the applicant to provide an Energy Conservation Plan to identify strategies to reduce or offset for cannabis-related electricity demand and GHG emissions. In addition, all proposed cannabis cultivation projects within the county would be subject to discretionary review by County staff. Indoor and mixed-light cultivation projects that are determined to have the potential to result in potentially significant impacts from their proposed energy use would be required to implement mitigation measures to reduce their energy demand and use sources that result in less GHG emissions. It is also important to note that while many proposed cannabis cultivation projects would result in new permitted facilities, a portion of these facilities are being proposed in existing buildings previously used for unpermitted cannabis cultivation activities or other uses. Therefore, the estimated increases in energy demand provided in Tables 7 and 8 are very likely overestimations.

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

Greenhouse Gas Emissions

As discussed in Section VI, Energy, the project is estimated to generate approximately 1,566 metric tons of CO₂ emissions per year. Accordingly, the project has the potential to exceed the SLOAPCD Bright-Line Threshold of 1,150 metric tons of GHG emissions per year. Mitigation measures ENG-1, ENG-2, and ENG-3 have been identified to require the applicant to prepare and submit an Energy Conservation Plan that identifies strategies to offset and/or reduce project GHG emissions to a less-than-significant level.

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

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

Hydrology and Water Quality

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

All proposed cannabis cultivation projects located in the county would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. All potentially hazardous materials (e.g., pesticides, fertilizers, etc.) proposed to be utilized for these projects would be required to comply with the applicable storage, refilling, and dispensing County Department of Environmental Health standards. All cannabis cultivation projects within the county would also be required to comply with applicable riparian, wetland, and other waterway setbacks established by the RWQCB.

The project is located within the PRGWB, which is categorized as being in a state of critical overdraft and is located outside the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018). As indicated in Table 9, 33 applications for

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cannabis cultivation projects located within the PRGWB have been submitted to date (December 9, 2019). Table 9. Proposed Cannabis Cultivation Projects in the Atascadero Groundwater Basin

Bulletin 118 Groundwater Basin ¹	Number of Proposed Cultivation Projects	Total Estimated Water Demand from Cannabis Cultivation ³	Basin Estimated Safe Yield ¹
Paso Robles Groundwater Basin	33 ²	190.09	Approximately 400,000

¹ Source: California Department of Water Resources Bulletin 118.

² Includes 661.21 acres (12 projects) in the Area of Severe Decline.

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

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

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

Noise

As discussed in Section XIII, Noise, noise associated with proposed HVAC and odor management systems are considered less than significant.

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

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

Population and Housing

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

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

Public Services

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

Transportation

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

The County Department of Public Works has derived trip generation rates for cannabis cultivation activities through the trip generation rates published by the Institute of Traffic Engineers. Table 10 provides an estimate of total average daily trips (ADT) and PM peak hour trips associated with buildout of the 115 currently proposed cannabis cultivation projects.

Table 10. Cumulative Average Daily Trips From Cannabis Cultivation

Use	Unit	ADT per Unit	Total Proposed Cannabis Cultivation Area	Total ADT	PM Peak Hour Trips
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000 sf	0.27	2,530,000 sf	690	10.3
Cultivation, Outdoor (includes hoop house)	Acres	2.00	345 acres	683	68.3
Seasonal Employees*	Employee	2.00	460 employees	460	460
Total				1,833	538.6

* Seasonal Trips are adjusted based on the annual frequency.

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The County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. State CEQA Guidelines Section 15064.3(b) states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project's VMT qualitatively.

The most recent estimate of total VMT for the county is from 2013, at which time total VMT per day was estimated to be 7,862,000 VMT. Assuming a 1% annual growth in VMT during the intervening 6 years, the current daily total is estimated to be around 8,333,720 VMT. Accordingly, the VMT associated with proposed cannabis cultivation projects throughout the county is estimated to result in a very marginal increase in the total county VMT. The marginal increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections. Moreover, each project will be required to mitigate the project-specific impacts to the transportation network. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to serve the project and the payment of applicable road improvement fees. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to roadway impacts would be less than cumulatively considerable.

Other Impact Issue Areas

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

- Cultural Resources;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Land Use Planning;
- Mineral Resources;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

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

The project would have the potential to result in PM₁₀ emissions above the quarterly threshold established by SLOAPCD for construction emissions. Mitigation measures AQ-1 have been identified to require the applicant to implement fugitive dust control measures during all construction and site disturbance activities to reduce fugitive dust emissions to less than significant. Mitigation measure N-1 has been identified to reduce potential impacts associated with the exceedance of nighttime noise standards set forth in the LUO to less than significant. Therefore, through implementation of these measures, potential impacts associated with wildfire would be less than significant; therefore, impacts would be *less than significant with mitigation*.

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Conclusion

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

Mitigation

Implement measures AES-1, AQ-1, BIO-1 through BIO-23, ENG-1 through ENG-3, and N-1.

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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	None
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	None
<input checked="" type="checkbox"/>	County Sheriff's Department	None
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	None
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	In File**
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other USFWS	In File**
<input type="checkbox"/>	Other	None

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

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

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

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

- Althouse and Meade, Inc. 2019. Biological Resource Assessment for CC Ranch, 2200 Neal Spring Road, San Luis Obispo County.
- Barros, Ana M.G., Jose M.C. Pereira, Max A. Moritz, and Scott L. Stephens. 2013. Spatial Characterization of Wildfire Orientation Patterns in California. *Forests* 2013, 4; Pp 197-217." 2013.
- California Department of Conservation (CDOC). 2004. A Guide to the Farmland Mapping and Monitoring Program. California Department of Conservation Division of Land Resource Protection.
- _____. 2015. Fault Activity Map of California. Available at < <http://maps.conservation.ca.gov/cgs/fam/>> Accessed March 16, 2020.
- _____. 2019. San Luis Obispo County Tsunami Inundation Maps. Available at <<https://www.conservation.ca.gov/cgs/tsunami/maps/San-Luis-Obispo>> Accessed March 2020.
- California Department of Forestry and Fire Protection (CAL FIRE). 2007. "Draft Fire Hazard Severity Zones in Local Responsibility Areas." Available at <http://frap.fire.ca.gov/webdata/maps/san_luis_obispo/fhszl06_1_map.40.pdf>
- California Department of Toxic Substances Control (DTSC). 2019. EnviroStor. Available at <<https://www.envirostor.dtsc.ca.gov/public/>> Accessed March 2020.
- California Geological Survey (CGS). 2015. CGS Information Warehouse: Mineral Land Classification. Available at <<https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>> Accessed March 2020.
- Central Coast Archaeological Research Consultants. September 2019. Cultural Resources Survey of the Neal Springs Cannabis Cultivation, San Luis Obispo County, California.
- County of San Luis Obispo. 2007. San Joaquin Kit Fox Standard Mitigation Ratio Areas. Available at: <<https://www.slocounty.ca.gov/getattachment/2c0fc293-eb37-4a0c-af22-5e0992efd025/Kit-Fox-Habitat-Area.aspx>>
- _____. 2016. 2015/2016 County Bikeways Plan. July 6th, 2016.
- County of Santa Barbara. 2008. Final Environmental Impact Report Lompoc Wind Energy Project – 3.12 Paleontological Resources. August 2008.
- _____. 2017. Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program. December 2017.
- _____. 2018. County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form.
- County of San Luis Obispo Staff. 2019. California Emissions Estimator Model (CalEEMod) Results.
- Dibblee, T.W. 2004. Geologic Map of the Templeton Quadrangle, San Luis Obispo County, California. Santa Barbara Museum of Natural History. June 2004.

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Neil O. Anderson and Associates. 2013. Geotechnical Investigation Vintner Solar Project 1050 El Pomar Drive. August 6, 2013.

Omni Means. 2017. Templeton Community 2017 Travel Demand Model and Circulation Study Update. May 2017.

Occupational Safety and Health Administration (OSHA). 2013. OSHA Technical Manual – Section III: Chapter 5 Noise. Updated August 15, 2013. Available at: <https://www.osha.gov/dts/osta/otm/new_noise/index.html#soundpressure>. Accessed January 2020.

Pacific Gas and Electric (PG&E). 2019. Delivering Low-Emission Energy. Available at: <https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page>.

San Luis Obispo Air Pollution Control District (SLOAPCD). 2012. CEQA Air Quality Handbook. April 2012.

_____. 2017. Clarification Memorandum for the San Luis Obispo County Air Pollution Control District's 2012 CEQA Air Quality Handbook. November 2017.

State Water Resources Control Board (SWRCB). 2015. GeoTracker. Available at <<http://geotracker.waterboards.ca.gov/>> Accessed March 2020.

U.S. Department of Agriculture (USDA). 1983. Soil Survey of San Luis Obispo County, California, Paso Robles Area. U.S. Department of Agriculture, Soil Conservation Service. May 1983.

U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). 2017. Web Soil Survey. Available at <<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>> Accessed March 2020.

U.S. Environmental Protection Agency (USEPA). 2012. Biopesticides Registration Action Document – Cold Pressed Neem Oil PC Code 025006. Available at <https://www3.epa.gov/pesticides/chem_search/reg_actions/registration/decision_PC-025006_07-May-12.pdf>. Accessed March 2020.

United States Geological Survey (USGS). 2019. Areas of Land Subsidence in California. Available at: <https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html>

WeatherSpark. 2016. Average Weather in Templeton, California, United States. Available at <<https://weatherspark.com/y/1290/Average-Weather-in-Templeton-California-United-States-Year-Round>>. Accessed March 2020.

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Exhibit B – Other Agency Approvals That May Be Required

California Department of Food and Agriculture, CalCannabis Cultivation Licensing Division

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

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

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

Section 8102 – Annual State License Application Requirements

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

Section 8106 – Cultivation Plan Requirements

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

Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

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

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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

Federal Endangered Species Act

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

State Water Resources Control Board

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

California Department of Fish and Wildlife

Lake or Streambed Alteration

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

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

California Endangered Species Act

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

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR COPPER CREEK FARMS LLC CONDITIONAL USE PERMIT
(DRC2019-00042)**

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

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

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

AESTHETICS (AES)

AES-1 Nighttime Lighting. Prior to issuance of construction permits, the applicant shall submit a light pollution prevention plan (LPPP) to the County 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 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. Any exterior lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; 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: Required with construction permits. Must be maintained for the life of the project. Compliance will be verified by the County Department of Planning and Building.

AIR QUALITY (AQ)

AIR-1 Upon application for construction and/or encroachment permits, all required PM10 measures shall be shown on applicable grading or construction plans and made applicable during grading and construction activities, as described below.

- 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 and from exceeding the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period shall be implemented. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water shall be used whenever possible;
- c. All dirt stock pile areas shall be sprayed daily or covered with tarps or other dust barriers, as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans 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 1 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 San Luis Obispo County Air Pollution Control District;
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads should 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 miles per hour on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (minimum vertical

distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;

- j. Installation of wheel washers or other devices to control tracking of mud and dirt onto adjacent roadways where vehicles enter and exit unpaved roads onto streets shall be implemented, or trucks and equipment shall be washed prior to leaving the site;
- k. Streets shall be swept 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. Roads shall be pre-wetted prior to sweeping when feasible;
- l. The applicant 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 the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and to prevent transport of dust off-site. 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 San Luis Obispo County Air Pollution Control District Engineering & Compliance Division **prior to the start of any grading, earthwork, or demolition.**

Monitoring: Required with construction or grading permits. Must be maintained for the life of the project. Compliance will be verified by the County Department of Planning and Building and SLOAPCD.

BIOLOGICAL RESOURCES (BIO)

- BIO-1** **Qualified Biologist.** Prior to issuance of construction permits or initiation of any ground disturbance, whichever occurs first, the applicant shall provide evidence to the County that they have retained a County-approved qualified biologist. The scope of work shall include preconstruction surveys, training, monitoring, and reporting, as detailed in the mitigation measures listed below.
- BIO-2** **Environmental Awareness Training.** Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and

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the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

Monitoring: Require prior to issuance of construction permits or the establishment of any activities authorized under the conditional use permit. Compliance will be verified by the County Department of Planning and Building.

BIO-3

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

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

Monitoring: Required 2 to 4 week before initiation of construction activities or site disturbance, for all project phases. Compliance will be verified by the County Department of Planning and Building.

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BIO-4 SJKF Protection Measures. Prior to issuance of grading and/or construction permits, all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

Monitoring: Required on grading/construction permits, for all project phases. Compliance will be verified by the County Department of Planning and Building.

BIO-5 San Joaquin Kit Fox Habitat Conservation and Compensation. Prior to issuance of grading and/or construction permits, or initiation of any ground disturbance, for each project phase, the applicant shall submit evidence to the County Department of Planning and Building and CDFW that satisfactorily demonstrates one or a combination of the following three San Joaquin kit fox (SJKF) mitigation measure options for loss of SJKF habitat has been implemented to offset the project's calculated compensatory impacts at a 3:1 ratio:

- a. Habitat Set Aside: Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, the number of acres of required mitigation of suitable habitat in the kit fox corridor area, as determined by CDFW, (e.g., within the San Luis Obispo kit fox habitat area), 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 conserved shall be subject to the review and approval of the CDFW and the County. This mitigation alternative (a.) requires that all aspects of this program be in place before County permit issuance or initiation of any ground-disturbing activities.
- b. In-Lieu Fee: Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area 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.
- c. Conservation Bank Credit: Purchase the number of credits required by CDFW in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. 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 the CEQA. This fee is based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

Monitoring: Required before initiation of construction activities or site disturbance, or before issuance of grading/construction permits, for all project phases. Compliance will be verified by the County Department of Planning and Building.

BIO-6 San Joaquin Kit Fox Preconstruction Surveys and Monitoring Activities.

In accordance with BIO-1, the qualified biologist shall perform the following monitoring activities for all project phases:

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction of each project phase, the qualified biologist shall conduct a pre-activity (i.e., pre-construction) transect survey of the work area and 250-foot buffer around the proposed disturbance areas for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within 250 feet of the work area.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., grading, disking, excavation, stock piling of dirt or gravel, etc.) of each project phase that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-7 through BIO-13. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the qualified biologist shall submit weekly monitoring reports to the County within 14 days of project site disturbance initiation of each project phase.
- c. Prior to and during project activities of all project phases, if any observations are made of SJKF, or any known or potential SJKF dens are discovered within the project limits, the qualified biologist shall reassess the probability of incidental take (e.g., harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the USFWS and CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS and CDFW determine it is appropriate to resume work. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and CDFW. The results of this consultation may require the applicant to obtain a federal and/or state permit for incidental take during project activities.

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The applicant shall be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:
- i. Within 30 days prior to initiation of site disturbance and/or construction of all project phases, fenced exclusion zones shall be established around all known and potential kit fox dens. Dens will be avoided by the following distances: 50 feet for potential or atypical dens, 100 feet for known dens, and 250 feet for pupping dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey lath or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e., potential, known, active, or natal den), to be determined by the kit fox biologist.
 - ii. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
 - iii. If kit foxes or known or potential kit fox dens are found on-site, daily monitoring by a qualified biologist shall be required during ground-disturbing activities.

Monitoring: Required before issuance of grading/construction permits, within 30 days of initiation of construction or ground disturbing activities, and during project construction, for all project phases. Compliance will be verified by the County Department of Planning and Building.

- BIO-7 Kit Fox Speed Limit Signage.** Prior to issuance of grading and/or construction permits for each project phase, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction of each project phase.
- BIO-8 Kit Fox Night Construction Limitations.** During the site disturbance and/or construction of each project phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BIO-9 Kit Fox Entrapment Avoidance.** During the site-disturbance and/or construction of each project phase, to prevent entrapment of the SJKF, all excavations, steep-walled holes, and trenches in excess of 2 feet in depth shall be covered at the close of each working day by plywood or similar

materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume or be removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

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

- BIO-10 Kit Fox Trash Removal Procedures.** During the site-disturbance and/or construction of each project phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract SJKF onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BIO-11 Pesticide and Herbicide Minimization Procedures.** Prior to, during, and after the site-disturbance and/or construction of each project phase, use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which SJKF depend.
- BIO-12 Kit Fox Mortality Procedures.** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures an SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the USFWS and CDFW for care, analysis, or disposition.
- BIO-13 Kit Fox Fencing Requirements.** Prior to final inspection or establishment of the use, whichever occurs first, all proposed fencing (chain link with security slats) shall be installed to provide for kit fox passage and 8 x 12-inch openings near the ground shall be provided every 100 yards. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines and shall be inspected during quarterly monitoring by the County.

Monitoring: BIO-7 through BIO-13 are required during construction. Compliance will be verified by the County Department of Planning and Building.

BIO-14 Nesting Birds Avoidance. To the maximum extent possible, all site preparation, ground-disturbing, and construction activities shall be conducted outside of the migratory bird breeding season (February 1 through August 31). If such activities are required during this period, the qualified biologist shall conduct a nesting bird survey within one week prior to site disturbance and/or vegetation removal/trimming activities. 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. If nesting activity is detected, the following measures shall be implemented:

- a. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- b. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.; and
- c. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

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Monitoring: Required during construction between February 1 and August 31 and one week prior to site disturbance or vegetation removal. Compliance will be verified by the County Department of Planning and Building.

- BIO-15 Silvery Legless Lizard Surveys and Avoidance.** Between 2 and 4 weeks prior to initiation of construction activities or site disturbance activities of all project phase and during initial grading activities of all project phases, a County-approved biologist shall conduct surveys for silvery legless lizards (*Anniella pulchra*). The surveyor shall utilize hand search or cover board methods in areas of disturbance where legless lizards are expected to be found (e.g., under shrubs, other vegetation, or debris). If cover board methods are used, they shall commence at least 30 days prior to the start of construction. Hand search surveys shall be completed immediately prior to and during grading activities. During grading activities, the County-approved biologist shall walk behind the grading equipment to capture silvery legless lizards that are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the site but outside of the work area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of silvery legless lizards and other reptiles captured and relocated, and the number of legless lizards or other reptiles taken during grading activities. Observations of these species or other special-status species shall be documented on CNDDB forms and submitted to CDFW upon project completion.

Monitoring: Required between 2 and four prior to site disturbance or vegetation removal. Compliance will be verified by the County Department of Planning and Building.

- BIO-16 (a) California Red-Legged Frog Surveys and Avoidance.** A United States Fish and Wildlife Service-approved biologist will survey the project area no more than 48 hours before the onset of project site disturbance activities of all project phases. If any life stage of the California red-legged frog is found and these individuals are likely to be killed or injured by work activities, the approved biologist will be allowed sufficient time to move them from the site before work activities begin. The United States Fish and Wildlife Service-approved biologist will relocate the California red-legged frogs the shortest distance possible to a location that contains suitable habitat and will not be affected by the activities associated with the project. The relocation site should be in the same drainage to the extent practicable. The project biologist shall coordinate with the California Department of Fish and Wildlife on the relocation site prior to the capture of any California red-legged frogs.
- (b) California Red-Legged Frog Surveys and Avoidance During Ongoing Operations.** The applicant shall make every effort to schedule work activities during the dry season when impacts to CRLF and FYLF would be minimal. This would include the following:

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- Avoid work during the rainy season (October 15 through April 15). If work must occur in the rainy season, no work shall occur during or immediately after rain events of 0.25 inches or greater.
- A follow-up survey shall be conducted prior to the start of work following any rain event of 0.25 inches or greater.
- Avoid nighttime work. If nighttime work is deemed necessary, a qualified biologist shall be on site until it is determined that no potential impacts to CRLF or FYLF would occur based on conditions and the scope of work.

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

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

Monitoring: Required 48 hours prior to site disturbance or vegetation removal. Compliance will be verified by the County Department of Planning and Building.

- BIO-17 Aquatic Habitat Protection.** During project construction and site disturbance activities of all project phases, all refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from riparian habitat or water bodies and in a location from where a spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water). The monitor will ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the applicant shall submit a plan detailing prompt and effective response to any accidental spills to the County Planning and Building Department for review and approval. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
- BIO-18 California Red-Legged Frog Trash Management.** During project activities of each project phase, trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly. Following construction, trash and construction debris will be removed from work areas.

Monitoring: BIO-17 and BIO-18 are required during project construction. Compliance will be verified by the County Department of Planning and Building.

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- BIO-19 Western Spadefoot Surveys and Avoidance.** Between 2 to 4 weeks prior to initiation of construction or site disturbance activities of each project phase, a qualified biologist shall survey the project site and, if present, capture and relocate any western spadefoots to suitable habitat outside of proposed disturbance areas. Observations of these or other special-status species shall be documented on California Natural Diversity Database forms and submitted to the California Department of Fish and Wildlife upon phase completion. The project biologist shall submit a survey report to the County Department of Planning and Building documenting the number of observations of these or other special-status species (even if none are observed) as well as the areas in which individuals were relocated, if applicable.

Monitoring: Required between 2 and four prior to site disturbance or vegetation removal. Compliance will be verified by the County Department of Planning and Building.

- BIO-20 Roosting Bat Avoidance.** Site preparation, ground disturbance, and construction activities of each project phase including any tree trimming and/or vegetation removal shall be conducted outside of the typical bat maternity roosting and pupping season (from February 1st to August 31st), if feasible. If site disturbance activities of any project phase are to occur within this season, the applicant shall retain a County-qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County Planning and Building Department within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed, and no further mitigation is required.

Monitoring: Required during construction between February 1 and August 31 and within 14 days prior to site disturbance or vegetation removal. Compliance will be verified by the County Department of Planning and Building.

- BIO-21 Native Tree Impacts.** Prior to issuance of construction or grading permits or prior to any site disturbance, whichever occurs first, a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees would be impacted by project activities, such as compaction (e.g., regular use of vehicles), grading (includes cutting and filling of material), tilling, placement of impermeable surfaces (e.g., pavement), or year-round irrigation within the critical root zone (measured to be a radius of 1.5 times the dripline of the tree), and which trees are to remain unimpacted.

- BIO-22 Unimpacted Oak Tree Maintenance.** For the life of the project, all oak trees not identified as being impacted shall be maintained. Unless identified as impacted in the finalized site plans, the following activities are not allowed within the critical root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native

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compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).

Monitoring: BIO-21 and BIO-22 are required during project construction and for the life of the project. Compliance will be verified by the County Department of Planning and Building.

BIO-23 Drainage Setback. Prior to issuance of construction or grading permits or prior to any site disturbance, whichever occurs first, a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all drainages and waterways within 50 feet of areas where project activities would occur, and shall show all activities outside the 50-foot setback.

Monitoring: Require prior to issuance of construction or grading permits or prior to any site disturbance. Compliance will be verified by the County Department of Planning and Building.

ENERGY/GREENHOUSE GAS EMISSIONS (ENG)

ENG-1 Prior to issuance of building permits for any structures to be utilized for indoor cultivation or nursery cultivation, 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.

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- 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 for any structures to be utilized for indoor cultivation or nursery cultivation, 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

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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.

Monitoring: ENG-1 and ENG-2 are required prior to issuance of any building permits for the indoor cultivation or nursery components. Compliance will be verified by the County Department of Planning and Building.

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: Required for the life of the project. Compliance will be verified by the County Department of Planning and Building.

HYDROLOGY/WATER QUALITY (WQ)

WQ-1 **Prior to issuance of building permits** (or prior to establishment of the use), all applicants for cannabis related activities within the Paso Robles Groundwater Basin shall provide to the County of San Luis Obispo Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by Land Use Ordinance Sections 22.40.050 D. 5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

- d. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by Land Use Ordinance Sections 22.40.050 C. 1 and 22.40.060 C.1.
- e. A program for achieving a water demand offset of the quantified water demand as required by Land Use Ordinance Sections 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:
 - i. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:

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1. Drip irrigation.
 2. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
 3. Installation of float valves on water tanks to prevent tanks from overflowing.
 4. Converting from using overhead sprinklers to wind machines for frost protection. [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.]
 5. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]
- ii. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
 - iii. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.
- f. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent and shall not result in adverse environmental effects beyond those assessed by the California Environmental Quality Act compliance document for the proposed cannabis project.

WQ-2

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

Monitoring: WQ-1 is required prior to issuance of building permits or prior to establishment of the use and WQ-2 is required for the life of the project. Compliance will be verified by the County Department of Planning and Building.

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


Signature of Applicant

Jeff Mahiel
Name (Print)

4-14-

Date