



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. ED20-077

DATE: May 7, 2020

PROJECT/ENTITLEMENT: Blanchard/Old Creek Ranch PTP Minor Use Permit;DRC2018-00081

APPLICANT NAME: Terez-Maria Blanchard/Old Creek Ranch PTP

Email: oldcreekranch@gmail.com

ADDRESS: 12520 Santa Rita Rd, Cayucos CA

CONTACT PERSON: Terez-Maria Blanchard

Telephone: 805-748-0234

PROPOSED USES/INTENT: A request by **Terez-Maria Blanchard** of Old Creek Ranch PTP for a Minor Use Permit (DRC2018-00081) to allow for the establishment of 3 acres of outdoor cannabis cultivation and ancillary transport of cannabis products grown on-site on a portion of two parcels totaling 410 acres. The project would result in site disturbance of approximately 2.03 acres including minimal surface clearing and grubbing associated with installation of security fencing and manual preparation of the cultivation sites. The project includes a request to modify the screening and fencing standards set forth in LUO 22.40.050.D.6 to waive the standard for solid fencing materials to allow for the installation of electrified deer fencing to enclose each of the proposed cultivation areas.

LOCATION: The project site is located within the Agriculture land use designation at 12520 Santa Rita Road, approximately 4 miles northeast of the community of Cayucos in the Adelaida 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: California Department of Food and Agriculture - CalCannabis, California Department of Fish and Wildlife, Regional Water Quality Control Board, California Department of Forestry and Fire Protection

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 May 21, 2020 at 4:30 p.m. (2 wks from above May 7, 2020)

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 _____ 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. Blanchard Minor Use Permit ED20-077 DRC2018-00081

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 type="checkbox"/> Aesthetics	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input checked="" type="checkbox"/> Agriculture & Forestry Resources	<input checked="" type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input type="checkbox"/> Air Quality	<input checked="" 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 type="checkbox"/> Energy	<input type="checkbox"/> Noise	<input checked="" type="checkbox"/> Wildfire
<input checked="" type="checkbox"/> Geology & Soils	<input type="checkbox"/> Population & Housing	<input checked="" type="checkbox"/> Mandatory Findings of Significance

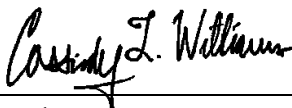
DETERMINATION: (To be completed by the Lead Agency)

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

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

Cassidy Williams, SWCA
Environmental Consultants


Prepared by (Print)


Signature

Date

David Moran, DLM

Reviewed by (Print)


Signature

Steve McMasters, Principal
Environmental Specialist

Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: A request by **Terez-Maria Blanchard** of Old Creek Ranch PTP for a Minor Use Permit (DRC2018-00081) to allow for the establishment of 3 acres of outdoor cannabis cultivation and ancillary transport of cannabis products grown on-site on two parcels totaling 410 acres. The project would result in site disturbance of approximately 2.03 acres, including minimal surface clearing and grubbing associated with installation of security fencing and manual preparation of the cultivation sites. The project includes a request to modify the screening and fencing standards (County of San Luis Obispo [County] Land Use Ordinance [LUO] Section 22.40.050.D.6) to allow for the installation of electrified deer fencing. The project site is located within the Agriculture land use designation at 12520 Santa Rita Road, approximately 4 miles northeast of the community of Cayucos in the Adelaida sub area of the North County Planning Area (Figures 1 and 2).

The project would consist of continued use of the existing 1.3-acre outdoor cannabis cultivation area registered under CCM No. 2016-00008 and establishment of a western 0.84-acre cultivation area and an eastern 0.86-acre cultivation area. Both proposed cultivation areas currently support avocado cultivation, and the 0.86-acre area also supports open grassland. Existing avocado trees located within the proposed cultivation areas would be topped-off and avocado tree stumps would be left in place at the time of project implementation. No additional terracing or grading would occur in the proposed cultivation areas. All outdoor cannabis cultivation would occur within aboveground fabric pots enclosed by 6-foot-high electrified deer fencing and would be harvested once per year. Two cannabis hoop structures are proposed to be located within the 1.3-acre existing outdoor cultivation area for plants to be staged until transferred to growing pots. These structures would be 12 feet high and 100 feet and 80 feet long, respectively, with white plastic hoop coverings.

To prevent nuisance odors from being detected off-site, the proposed and existing outdoor cultivation areas would be located a minimum of 630 feet from property lines and public right-of-way, which exceeds the required 300-foot minimum setback required by LUO Section 22.40.050.D.3.b.

The cannabis cultivation activities would result in a water demand of approximately 4.4 acre-feet per year (1,307 gallons per day per acre). This water demand is less than what was historically used for the irrigated avocado groves currently located within the proposed cultivation areas, and which would be removed as part of the project. Three existing on-site wells serve the property and provide a total combined supply rate of 80 gallons per minute.

Initial Study – Environmental Checklist

The project cultivation activities would operate Monday through Saturday between 8:00 a.m. and 8:30 p.m. year-round and would employ up to three full-time employees during harvest and regular operation periods. The project would include three unpaved parking spaces on-site, within an existing parking area located near existing structures on the southern end of the property.

Ordinance Modification: The project includes a request to modify the screening and fencing standards set forth in LUO Section 22.40.050.D.6 to waive the standard for solid fencing materials to allow for the installation of electrified deer fencing to enclose each of the proposed cultivation areas. The project security plan, including fencing, would be subject to review and approval of the San Luis Obispo County Sheriff's Office, which typically requires all cultivation areas to be enclosed by solid and durable fencing, such as chain link fencing with security slats. For the purposes of this document, it is assumed that either the proposed fencing materials or chain link fencing with slats would be installed to enclose each of the proposed outdoor cultivation areas.

Baseline Conditions: The project site currently supports citrus and avocado tree groves, livestock grazing, two single-family residences, several agricultural accessory structures, native oak woodland, a portion of Old Creek, portions of several ephemeral drainages, and an existing 1.3-acre outdoor cannabis cultivation site registered under CCM No. 2016-00008. The existing cannabis cultivation site is located within a terraced area that resulted in approximately 700 cubic yards of cut and 700 cubic yards of fill, for a total of 1,400 cubic feet of earthwork that was balanced on-site. Therefore, the applicant would be required to secure an as-built grading permit in order to continue cannabis cultivation in this area. Other existing development components include 6-foot electrified deer fencing along the perimeter of the property, a paved driveway entrance, an animal pen, and unpaved access roads throughout the property. Surrounding land uses include undeveloped, densely vegetated rural lands with moderately steep to steep topography to the north and south, and somewhat developed rural lands with scattered residential and agricultural uses to the east and west.

ASSESSOR PARCEL NUMBER(S): 046-131-047, 046-131-046

Latitude: 35° 29' 3" N

Longitude: 120° 50' 10" W

SUPERVISORIAL DISTRICT # 2

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 (CalFire)

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: Adelaida

Comm: Rural

Land Use Category: Agriculture

Combining Designation: Geologic Study Area

Initial Study – Environmental Checklist

Parcel Size: 183 acres, 227 acres (approximately 410 acres total)

Topography: Gently sloping to steeply sloping

Vegetation: Oak woodland, Agriculture

Existing Uses: Single-family residence(s), accessory structures, agricultural uses

Surrounding Land Use Categories and Uses:

North: Agriculture; undeveloped; rural lands

East: Rural Lands; single-family residence(s), undeveloped rural lands

South: Agriculture, rural lands; undeveloped rural lands, agriculture

West: Agriculture; undeveloped rural lands, agriculture

Initial Study – Environmental Checklist

Figure 1. Project Vicinity Map



Initial Study – Environmental Checklist

Figure 2. Project Location Map



Initial Study – Environmental Checklist

C. Environmental Analysis

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

I. AESTHETICS

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

Setting

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.

Initial Study – Environmental Checklist

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 LUO 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 (CDFA) cannabis cultivation regulations and the regulations went into effect immediately. These regulations have been set forth in Title 3, Division 8, Chapter 1, Article 4 of the California Code of Regulations (CCR) 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 area is located in a rural area accessed by an existing driveway off Santa Rita Road and is within proximity to Old Creek Road, which would serve as the primary public viewing location for the project site. For the purposes of determining significance under the California Environmental Quality Act (CEQA), a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public.

The COSE does not identify any designated scenic sensitive resource areas within the project vicinity or other scenic resource designations. While the project vicinity has high scenic value with its rolling hills, oak woodland, and rural 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. The proposed outdoor cultivation areas would not be visible to viewers travelling along Santa Rita and Old Creek Roads due to intervening steep topography, dense trees, and other vegetation. 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 (California Department of Transportation [Caltrans] 2019). Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and *no impacts would occur*.

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

The project is located in a rural, non-urbanized area. The proposed outdoor cultivation areas and proposed hoop structures would not be visible to viewers travelling along Santa Rita or Old Creek Roads due to intervening steep topography, dense trees, and other vegetation. Therefore, potential impacts associated with substantial degradation of the existing visual character or quality of public views of the site and its surroundings would be *less than significant*.

Initial Study – Environmental Checklist

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

The proposed hoop structures would be located outside of the viewshed from Santa Rita and Old Creek Roads due to existing topography, dense woodland, and other existing vegetation that would remain undisturbed. These existing features would effectively negate any potential glare produced from the hoop structure coverings from affecting viewers travelling along Santa Rita and Old Creek Roads.

The project does not include the use of new exterior lighting. Therefore, the project would not create a new source of substantial light or glare that would adversely affect day or nighttime views, and *no impacts would occur*.

Conclusion

The project would not result in a noticeable change from public viewpoints and is not located within a scenic vista or the viewshed of a scenic highway. The project does not include use of any new exterior lighting. Therefore, potential impacts associated with aesthetic resources would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and current land use. For environmental review purposes under CEQA, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land are considered "agricultural land." Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water. Based on the FMMP, soils at the project site are within the Unique Farmland and Grazing Land designations (Table 1; Figure 3).

Table 1. FMMP Soil Designations On-Site

	Acres Within Designation			Total
	Grazing Land	Other Land	Unique Farmland	
Proposed 1.3-acre Grow Site	-	-	1.3	1.3
Proposed 0.84-acre Grow Site	-	-	0.84	0.84
Proposed 0.86-acre Grow Site	0.03	0.03	0.80	0.86
Total	0.03	0.03	2.94	3.00

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

154. Lompico-McMullin loams, 30-75% slopes. This soil unit occurs within a small eastern area of the easternmost proposed cannabis cultivation area. These steep and very steep, moderately deep or shallow, and well-drained or somewhat excessively drained soils have moderate permeability and surface runoff is rapid or very rapid. The hazard of water erosion is high or very high. Homesite development and most other engineering practices require special design considerations because of the steep and very steep slopes, the

Initial Study – Environmental Checklist

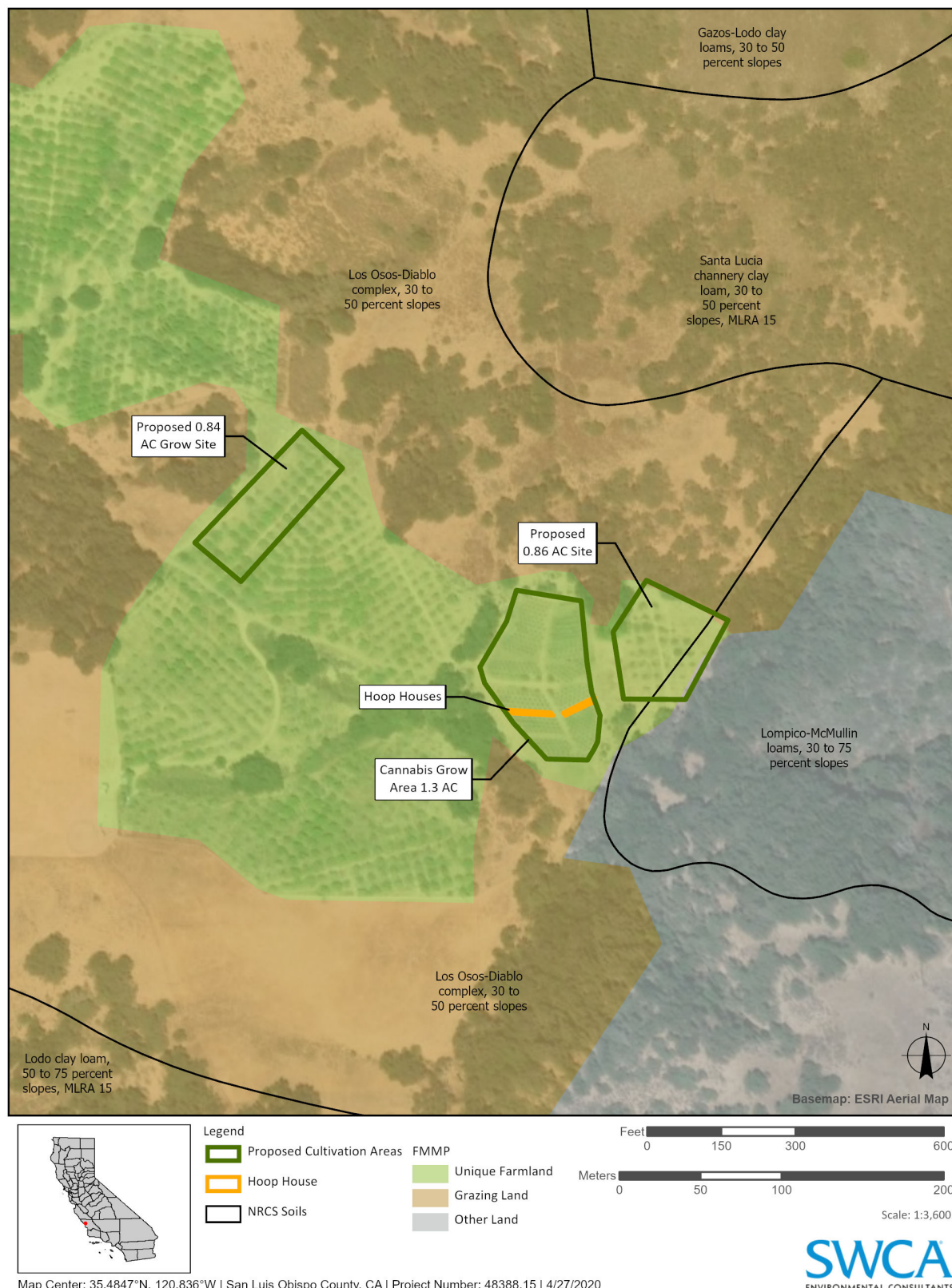
erosion hazard, depth to rock, and low strength of these soils. Footing and foundation designs must be adapted to the slope. Septic tank absorption fields do not function properly on these soils. This soil is not listed in Table SL-2 Important Agricultural Soils of San Luis Obispo County in the COSE.

165. Los Osos-Diablo complex, 30-50% slopes. This soil unit underlies the majority of the proposed cannabis cultivation areas. These steep soils are moderately deep to deep and well drained. Permeability is slow, surface runoff is rapid, and the hazard of water erosion is high. This soil has high shrink swell potential and is subject to slippage when wet. Urban development and most other engineering practices require special design considerations because of the erosion hazard, steep slopes, high shrink-swell potential, low strength, and slow permeability. Foundation and footing designs need to compensate for the high shrink-swell potential and low strength caused by the high clay content of these soils. Septic tank absorption fields do not function properly on this soil because of the slow permeability and slope. This soil is not listed in Table SL-2 Important Agricultural Soils of San Luis Obispo County in the COSE.

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 that are much lower than normal because they are based on farming and open space uses as opposed to full market value. The project site is located on a property currently under a Williamson Act Contract.

Initial Study – Environmental Checklist

Figure 3. Farmland Mapping and Monitoring Program Designation Map



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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 currently supports oak woodland that allows for aesthetic benefits, wildlife habitat, and water quality protection.

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

The areas proposed for outdoor cultivation are classified as Unique Farmland and Grazing Land by the FMMP (see Figure 3). The proposed outdoor cultivation would occur in aboveground pots and would not lead to the permanent conversion of land in these areas to a non-agricultural use. Proposed hoop structures would not have permanent foundations and would not result in any permanent conversion of Farmland. The property currently supports approximately 5.5 acres of citrus trees and 26 acres of avocado grove, as well as grazing land for sheep, goats, pigs, and cattle. Replacement of 3 acres of the existing 26 acres of existing avocado grove with cannabis cultivation activities would not result in a substantial conversion of land to non-agricultural activities within the property. Since this area would only be semi-permanently disturbed, the land could be easily converted back to agricultural use at the end of the life of the project, with removal of the fence. Mitigation Measure AG-1 would require the applicant to remove the proposed security fencing and footings within 60 days of ceasing the outdoor cannabis use. Therefore, potential impacts associated with conversion of Farmland per the FMMP would be *less than significant with mitigation*.

- (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 activities are allowed uses within this land use designation (LUO Section 22.06.030).

On May 15, 2018, the County Board of Supervisors approved amendments to the County Williamson Act Rules of Procedures, allowing cannabis activities on contracted land and designating them as compatible uses. The project property consists of two parcels, both under a Williamson Act Contract. The property currently supports approximately 5.5 acres of citrus trees and 26 acres of avocado grove, as well as grazing land for sheep, goats, pigs, and cattle. The proposed cannabis cultivation would occur within three areas totaling 3 acres in size where low-performing avocado trees had been or are located. Avocado trees in these cultivation locations would be topped off and removed from production, while the remaining citrus, avocado, and grazing activities would continue and would not be affected by the proposed cannabis cultivation. Based on the provisions outlined within the property's Williamson Act contract, and the classification of cannabis cultivation as a compatible use on Williamson Act contracted land, the proposed replacement of cannabis cultivation within 3 acres of land previously utilized for avocado groves would not result in a conflict with the contract. In addition, if approved, the project would be conditioned to maintain the existing qualifying uses on the property in compliance with the current contract for the life of the project, in accordance with the recommended conditions of approval detailed in the project referral response letter from the County Department of Agriculture dated July 11, 2018. Therefore, potential impacts associated with a conflict with existing zoning for agricultural use or a Williamson Act contract would be *less than significant*.

Initial Study – Environmental Checklist

- (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; therefore, *no impacts would occur.*

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

Based on the County online tool Land Use View, portions of the project property currently support 10–33% cover of local coastal oak woodland (County of San Luis Obispo 2020a). The proposed outdoor cannabis cultivation areas would occur entirely within areas that historically or currently support avocado groves. Based on the current project site plans and biological report prepared for the project, the project would not result in the removal or trimming of oak trees located on the property. Therefore, potential impacts associated with the loss of forest land or conversion of forest land to non-forest use would be *less than significant.*

- (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 would include topping off existing avocado trees within proposed cultivation areas, cultivation of cannabis plants in aboveground fabric planter bags, installation of proposed security fencing, and ancillary transportation of cannabis grown on-site. Due to the relatively small scale of the proposed project and prevalence of existing agricultural operations on the property, the project would not result in substantial increases of noise or traffic beyond existing conditions and would not substantially affect existing on-site agricultural operations or surrounding agricultural operations.

The proposed cannabis cultivation would require an overall lesser water demand than the historical/current irrigated avocado groves in those locations; therefore, the project's water use would not result in a decline of water resources in a shared groundwater basin used by surrounding agricultural operations. Project operations would not have the potential to substantially affect or result in the conversion of surrounding agricultural or forest land. Therefore, potential impacts associated with other changes that could result in the conversion of Farmland or forest land would be *less than significant.*

Conclusion

The project would result in potentially significant impacts to agricultural resources due to the conversion of Unique Farmland as designated by the FMMP to a non-agricultural use. Upon implementation of the measure identified below, potential impacts to agriculture and forestry resources would be less than significant.

Mitigation

- AG-1** **Within 60 days of permanent cessation of outdoor cannabis cultivation,** the applicant shall remove all fencing installed as part of the project that is located on Unique Farmland per the FMMP, including all concrete footings. Based on current FMMP mapping, this would generally include all fencing to enclose each of the outdoor cannabis cultivation areas.

Initial Study – Environmental Checklist

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

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) (SLOAPCD 2012) 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 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 (ROGs), greenhouse gases (GHGs), 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.

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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 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 area is an off-site single-family residence approximately 1,080 feet to the east.

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 located in an area identified as having potential for containing NOA by the SLOAPCD (SLOAPCD 2019).

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 must complete the following prior to any burning: SLOAPCD approval; payment of fee to SLOAPCD based on the size of the project; and issuance of a burn permit by the SLOAPCD and the local fire department authority. As a part of SLOAPCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application.

Discussion

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

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would 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 three full-time regular employees, who currently work on the property maintaining the existing agricultural operations. Therefore, project would not significantly affect the local area's jobs/housing balance.

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Adopted transportation control measures identified in the CAP 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 three 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 (County of San Luis Obispo 2016). 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.

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 would result in minimal site disturbance (25 cubic yards or less) associated with installation of the proposed fencing; clearing of existing avocado trees within the cultivation areas, through chopping the trunks and leaving the stumps in place; and manually preparing the cultivation areas. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), estimated construction-related emissions were calculated and are shown in Table 2 below.

Table 2. Proposed Project Estimated Construction Emissions

Pollutant	Total Estimated Project Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO _x) (combined)	2.8 lbs	137 lbs/day	No
Diesel Particulate Matter (DPM)	0.1 lbs	7 lbs/day	No
Fugitive Particulate Matter (PM ₁₀)	1.5 tons	2.5 tons/quarter	No

Note: lbs = pounds

The project would not result in a cumulatively considerable increase of any criteria pollutant during construction, and potential impacts would be *less than significant*.

Operation-Related Emissions

Based on the size and scope of proposed outdoor cannabis cultivation activities, outdoor cultivation would not result in a significant mobile or stationary source of criteria air pollutants. Planting and harvesting of cannabis would be done manually and the cultivation would be managed by three employees who currently already work on the property, and therefore would not result in a substantial increase in number of vehicle trips to and from the property.

LUO Section 22.40.050.D.4 states that cannabis cultivation sites accessed by an unpaved road shall incorporate measures to mitigate the air pollution (i.e., dust) effects created by the use. Santa Rita Creek Road is paved from where it intersects Old Creek Road to just past the project site access driveway. Because

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Old Creek Road serves as a regional connector between Highway 1 and Highway 46, it is assumed that the majority of project vehicle trips would come from the east side of Santa Rita Creek Road, which is paved.

For the minority of project vehicle trips that may come from the unpaved, west side of Santa Rita Creek Road, the SLOAPCD has quantified the number of vehicular round trips travelling on an unpaved roadway that would exceed the District's 25 pounds per day threshold for the emission of particulates (PM₁₀) based on the distance travelled on unpaved road surfaces. Based on the SLOAPCD thresholds, an unpaved roadway of 0.25 mile could accommodate about 19.5 daily vehicular round trips before exceeding the 25 pounds per day threshold. Given the seasonal nature of cultivation activities, employees, and ancillary transport for two harvests per year, project-related trips on unpaved surfaces would not exceed the SLOAPCD's operational PM₁₀ threshold.

From an operational standpoint, based on the size and scope of proposed operations, the project would not exceed operational thresholds for air pollutant emissions set forth by the SLOAPCD, therefore, potential impacts associated with a cumulatively considerable net increase of criteria pollutants during operation would be *less than significant*.

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

The nearest sensitive receptor location to the project site is an off-site single-family residence approximately 1,080 feet to the east. The project does not propose use of heavy machinery or equipment or major grading during construction or operation. Proposed construction activities would not result in emissions of air pollutants near or exceeding established applicable SLOAPCD thresholds. Therefore, potential impacts associated with exposure of sensitive receptors to substantial pollutant concentrations 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 located in an area identified as potentially containing NOA by the SLOAPCD (SLOAPCD 2019). However, based on the Geological Characterization report prepared for the project (Helms 2020), the proposed work sites are not located near a geologic unit containing ultramafic rocks; therefore, the potential for NOA does not occur within the areas proposed for disturbance. Based on the limited scope of proposed site disturbance activities, NOA emissions would not occur.

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 outdoor cannabis cultivation, as well as ancillary transport of cannabis grown on-site. These activities often produce potentially objectionable odors during the flowering and harvest phases of the proposed operations and could disperse through the air and be detected by surrounding receptors. The project would include two harvests per year, so any objectional odors would be limited to a relatively short period of time during the flowering, harvest, and transport loading phases. The proposed outdoor cannabis cultivation areas are located a minimum of 300 feet from outside property lines, and approximately 1,080 feet away from the nearest off-site sensitive receptor. Therefore, cultivation odor emissions would have sufficient distance to naturally dissipate before reaching off-site receptors. The project's other emissions (such as those leading to odors) would not adversely affect a substantial number of people and impacts would be *less than significant*.

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Conclusion

The project would be consistent with the SLOAPCD CAP and would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment. The project would not expose sensitive receptors to substantial pollutant concentrations or result in other emissions adversely affecting a substantial number of people. Therefore, the project's potential impacts associated with air quality would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

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

The County of San Luis Obispo Oak Woodland Ordinance was adopted in April 2017 to regulate the clear-cutting of oak woodlands. This ordinance applies to sites located outside of Urban or Village areas within the inland portions of the county (not within the Coastal Zone). "Clear-cutting" is defined as the removal of 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, individual oak trees (except for heritage oaks), or the thinning, tree trimming, or removal of oak woodland trees that are diseased, dead, or creating a hazardous condition. Heritage oaks are any individual oak species, as defined in the Oak Woodland Ordinance, of 48 inches diameter at breast height (dbh) or greater, separated from all Stands and Oak Woodlands by at least 500 feet. Minor Use Permit approval is required to remove any heritage oak.

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) *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.*

The following information is based on information provided in the Biological Resource Assessment prepared for the project (Althouse and Meade, Inc. 2018).

Cultivation Area Biological Setting

The majority of the project area consists of a large, open-canopy cultivated area surrounded by coast live oak woodland and riparian habitat. Oak woodland density increases southeast of the project area, with dense patches of riparian and oak woodland comprising the immediate periphery of open space.

Special-Status Plant and Wildlife Species

The California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) On-line Inventory of Rare and Endangered Plants of California listed 99 special-status plant species, subspecies, and varieties and 46 special-status animal species reported to occur in the vicinity of the project area. Based on the field survey and

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botanical survey conducted on-site, one special-status plant, three special-status animals, and nesting birds protected under the Migratory Bird Treaty Act (MBTA) have the potential to occur within the project area.

A September 2018 site visit included a late season botanical survey, which identified 67 species and subspecies of vascular plants in the project area. The botanical survey effort did not include early or mid-season coverage and therefore is not considered a protocol-level survey. Special-status plant species were not detected in the project area.

The project vicinity is known to support numerous special-status plant species in a variety of microhabitats (Althouse and Meade, Inc. 2018). One special-status plant species, Cambria morning glory (*Calystegia subacaulis* ssp. *episcopalis*), has low potential to occur in the project area, due to the suitable open scrub and woodland habitat elements present in the relatively undisturbed margins of the project area. Other special-status plant species reported from the region are not expected to occur due to the lack of suitable soils, habitat, and historical cultivated land use of the project area. No special-status plants were observed during September 2018 surveys.

One special-status bird, Cooper's hawk (*Accipiter cooperii*), has moderate potential to occur in the project area. Cooper's hawk is a California Department of Fish and Wildlife (CDFW) Watch List species (for nesting occurrences only) that occurs regularly in California during the winter months and spring and fall migration. Cooper's hawk frequent oak and riparian woodland habitats, and increasingly urban areas, where they prey primarily upon small birds. The project area is surrounded by coast live oak woodland, which is suitable nesting habitat for this species. Though no Cooper's hawk nests were detected during our September 2018 survey, there is potential for nests to be in the vicinity and for transient activity of this species to occur within the project area.

One special-status reptile, western pond turtle (*Emys marmorata*), and one special-status amphibian, California red-legged frog (*Rana draytonii*), have low potential to occur in the project area. The closest reported occurrence of western pond turtle is in a north-south flowing reach of Old Creek approximately 1.3 miles east of the cultivation area. Ephemeral drainages near the grow area do not provide a suitable water source for this species year-round. Though suitable nesting and estivation habitat is present near the project area, female turtles are not known to travel more than 400 meters from the water to find a suitable nesting spot, making turtle movement through the grow area unlikely to occur. The closest reported occurrence of California red-legged frog to the project area is in Old Creek, approximately 0.5 mile southeast of the cultivation location. Drainages immediately next to the grow location do not contain breeding habitat for California red-legged frog and have very low potential to support California red-legged frog seasonally when water is present. Old Creek, located approximately 1,600 feet from the proposed cultivation sites, is known to support California red-legged frog. Based on the distance from suitable habitat features and known occurrences, upland movements of California red-legged frog through the project area are unlikely (Althouse and Meade, Inc. 2018). California red-legged frog was not observed during the September 2018 surveys.

Wetlands and Other Water Features

Two potentially jurisdictional drainage features occur through the southwestern and eastern portions of the property, where they converge at the southern edge of the study area at Old Creek. Old Creek continues to convey water downslope into Whale Rock Reservoir, and eventually outlets into the Pacific Ocean. There was no flowing water in the ephemeral drainages surrounding the study area, though elements of riparian vegetation were evident. Old Creek, which flows through the property adjacent to Santa Rita Creek Road, had surface water in September 2018. These drainages are not within the proposed project footprint. The existing dirt access road crosses through a dry, fragmented portion of riparian corridor, distinguished by mature willow trees surrounding a swale-like feature to the north and south of the road.

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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

Cambria morning glory, a CNPS rank 4.2 species, has low potential to occur in the project area. The project site supports suitable open scrub and woodland habitat elements for Cambria morning glory in the relatively undisturbed margins of the proposed project disturbance area. Mitigation Measure BIO-1 has been identified to require the retention of a County-qualified biologist, and Mitigation Measure BIO-2 has been identified to require a seasonally timed survey for Cambria morning glory in accordance with the protocols established by the U.S. Fish and Wildlife Service (USFWS), CDFW, and County policies. If Cambria morning glory are identified within the area of disturbance, a salvage and relocation program shall be prepared and implemented to transplant individuals to suitable unoccupied habitat outside of project disturbance areas on the project property. Upon implementation of Mitigation Measure BIO-1 and BIO-2, potential impacts to Cambria morning glory would be *less than significant*.

Special-Status Wildlife

The project property provides suitable nesting habitat for a variety of bird species that are protected by the MBTA and California Fish and Game Code, including Cooper's hawk, which is a CDFW Watch List species. The on-site nesting habitat could be impacted by project activities, including construction activities, site disturbance, and topping off existing avocado trees. If the project activities are conducted between March and September, the typical nesting bird season, birds may be nesting within or adjacent to the affected area and the individuals could be indirectly impacted. Noise or other disturbances may cause an individual to abandon a nest resulting in an indirect impact. Mitigation Measure BIO-3 has been identified to require construction activities to occur outside of the typical nesting season, if feasible, and to require pre-disturbance surveys if project disturbance activities are to occur within the typical nesting season. Mitigation Measure BIO-3 also identifies the appropriate procedure for construction employees and the project biological monitor to follow if active nests are observed on-site prior to or during project site disturbance activities. Upon implementation of Mitigation Measures BIO-1 and BIO-3, potential impacts to special-status bird species and bird species protected under the MBTA would be *less than significant*.

One special-status reptile, western pond turtle, and one special-status amphibian, California red-legged frog, have very low potential to occur in the project area. Western pond turtle and California red-legged frog were not detected in the study area during the September 2018 site surveys but are known to occur in Old Creek. There is a very low likelihood of either of these aquatic species to be present in the grow area, over 1,600 feet from Old Creek. If western pond turtle or California red-legged frog were to be present within the proposed disturbance areas, the project could result in potential direct impacts, such as trampling the species underfoot or under cloth pots or other equipment, and/or disturbances to nesting areas, as well as indirect impacts associated with noise or soil erosion within the area during construction activities. Mitigation Measures BIO-4 through BIO-6 have been identified to require worker awareness training, clear delineation of work areas, and a preconstruction survey to be conducted and relocation of any special-status reptiles or amphibians found to avoid impacts to western pond turtle and California red-legged frog. Upon implementation of Mitigation Measures BIO-4 through BIO-7, potential impacts to these species would be *less than significant*.

The project would have the potential to result in impacts to Cambria morning glory, Cooper's hawk and other bird species protected under the MBTA, western pond turtle, and California red-legged frog. Upon

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implementation of Mitigation Measures BIO-1 through BIO-7, potential impacts associated with having a substantial adverse effect on special-status species 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?*

The project cultivation areas are located within close proximity to several potentially jurisdictional ephemeral drainages and associated riparian habitat, and the entire project site is located within CDFW designated critical habitat area for California red-legged frog (Althouse and Meade, Inc. 2018). The project includes topping off existing avocado trees within the proposed cultivation areas, manual preparation of the cannabis cultivation sites, and installation of security fencing around each cultivation area. Based on current site plans, the proposed work areas and cultivation areas would be located greater than 50 feet from the upper limits of on-site ephemeral drainages, in accordance with County and Regional Water Quality Control Board (RWQCB) setback requirements.

Proposed site disturbance and vegetation removal within these areas could also have the potential to indirectly adversely affect riparian habitat and water quality of sensitive areas located downslope of the proposed disturbance areas through erosion and sedimentation. Mitigation Measures BIO-7 and BIO-8 have been identified to limit disturbance activities to the dry season if feasible, implement standard erosion and sedimentation control measures on-site during construction work activities, and implement additional sedimentation and erosion control measures as necessary if activities take place during the rainy season. Upon implementation of Mitigation Measures BIO-7 and BIO-8, potential impacts to riparian and California red-legged frog critical habitat would be *less than significant with mitigation*.

- (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?*

No federally or state-protected wetlands occur within the proposed project site or disturbance areas. The project would not involve work or disturbance within any of the surrounding ephemeral drainages located within the project property. Therefore, potential impacts would be *less than significant*.

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

As described in threshold c above, the project would involve work near ephemeral drainages and associated riparian habitat, however, these drainages would not have sufficient depth or flow to support migratory fish species. No migratory wildlife would be expected to traverse the project site. In addition, the proposed cultivation areas would be fenced individually and located a minimum of 50 feet from the upland extend of ephemeral drainages on-site allowing for species to travel through riparian corridors on-site uninterrupted. Therefore, potential impacts would be *less than significant*.

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

The proposed disturbance areas would be located within close proximity to mature native oak woodland, which is considered a sensitive resource by the County and is endemic to California. Based on the current site plans, no oak trees are proposed for removal, but proposed fencing installation or manual site preparation (e.g., tilling, irrigation) could have the potential to impact the critical root zone (1.5 times the dripline) of one or more existing oak trees located on-site. In addition, the existing structure to be retrofitted and utilized for drying and storage of cannabis grown on-site may likely require vegetation trimming or removal per County Fire/California Department of Forestry and Fire Protection (CAL FIRE) requirements.

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Mitigation Measures BIO-9 through BIO-13 have been identified to require protection of existing oak trees and replacement of oak trees that are removed at a 4:1 ratio and replacement of oak trees that are impacted at a 2:1 ratio. Therefore, impacts would be *less than significant with mitigation*.

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

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

Conclusion

Upon implementation of Mitigation Measures BIO-1 through BIO-13 to reduce potential impacts to special-status plants, special-status wildlife, riparian habitat, and native oak trees, listed below, potential impacts to biological resources would be less than significant.

Mitigation

BIO-1 Prior to issuance of business license, establishment of the use, or any site 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 for the retained biologist shall include a seasonal botanical survey, preconstruction surveys, worker awareness training, monitoring, reporting, and agency coordination, as detailed in the mitigation measures listed below.

BIO-2 Cambria Morning Glory Avoidance and Restoration. Prior to initial ground disturbance or initiation of proposed activities, the following measures must be conducted in order to address potential project impacts to Cambria morning glory:

- a. Prior to initial ground disturbance and staging activities, seasonally timed surveys shall be completed to determine the presence or absence of Cambria morning glory. The surveys shall be in accordance with the protocols established by USFWS, CDFW, and County policies. The surveys shall be conducted during the blooming period of Cambria morning glory and blooming shall be confirmed with local reference sites at the time surveys are conducted.
- b. If no Cambria morning glory are identified within the project footprint, the qualified biologist shall document their methodology and findings in a botanical survey report and submit it to the County prior to initiation of site disturbance and proposed project activities.
- c. If Cambria morning glory are identified within the project footprint, then a salvage and relocation program to preserve open space areas on-site containing appropriate habitat shall be implemented to ensure the long-term survivability of the species. A Cambria morning glory transplanting plan shall be prepared to identify suitable locations, methods, and success criteria for Cambria morning glory mitigation through transplanting individuals located within the project disturbance area to suitable unoccupied habitat on-site. The plan shall be submitted to the County Department of Planning and Building for approval prior to initiation of site disturbance activities and/or initiation of proposed project activities, whichever occurs first.

BIO-3 Nesting Birds Avoidance. To the maximum extent possible, all site preparation, ground disturbance, and construction activities shall be conducted outside of the migratory bird breeding season (February 1 through September 15). If work is planned to occur between February 1 and

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September 15, a qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- a. 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. If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- c. The results of the survey shall be provided to the County prior to initial project activities, and 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 2 weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of earthwork), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

- BIO-4 Worker Awareness Training.** Prior to initiation of site preparation, ground disturbance, or vegetation removal, a County-approved qualified biologist shall conduct on-site environmental training to aid workers in recognizing and avoiding western pond turtles and California red-legged frog within the project area, and instruct all construction personnel to conduct work activities within the defined area only.
- BIO-5 Clear Delineation of Work Areas.** Prior to initiation of site preparation, ground disturbance, or vegetation removal, the applicant shall clearly mark boundaries of the proposed work area before construction activities (e.g., fence installation, avocado tree removal, etc.) with highly visible flagging or fencing and avoid expanding the work area into any adjacent vegetation.
- BIO-6 Special-Status Reptile and Amphibian Preconstruction Survey and Relocation.** A qualified biologist shall conduct a preconstruction survey immediately prior to initial ground disturbance (i.e. the morning of the commencement of disturbance). If any special-status reptiles or amphibians, such as western pond turtle, are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. However, if federally or state-listed animals, such as California red-legged frog, are observed, all work shall cease and USFWS and/or CDFW shall be consulted as appropriate. Federally or state-listed animals shall not be captured, harmed, or relocated without prior approval from the appropriate agency.

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- BIO-7** **California Red-Legged Frog Surveys and Avoidance During Ongoing Operations.** For the life of the project, the applicant shall make every effort to schedule work activities when impacts to California red-legged frog and western pond turtles would be minimal. This would include the following:
- a. 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 inch or greater.
 - b. 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 Operational Management Plan will be subject to the review and approval of the USFWS and County Planning and Building Department prior to operational activities during the rainy season.
- The Management Plan shall address items including, but not limited to:
- i. Monitoring that will occur during ground disturbance and related activities (e.g., monitoring duration, time, frequency);
 - ii. Procedures to follow if a California red-legged frog, western pond turtle, or other sensitive species are encountered during operational-related activities;
 - iii. Pre-activity worker training;
 - iv. Scheduling of such activities proposed to minimize impacts to sensitive species (i.e., completing activities closest to potential California red-legged frog habitat first); and
 - v. The filing of a post-activity report "lessons learned" on the effectiveness of the required measures.
- c. 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 California red-legged frog or western pond turtle would occur based on conditions and the scope of work.
- BIO-8** **Erosion Control / Avoid Rainy Season.** If feasible, project construction and ground-disturbing activities shall be limited to the dry season (April 15 through October 15). If construction activities cannot occur during the dry season, a qualified biologist, retained by the applicant and approved by the County Planning and Building Department, shall determine what additional erosion and sedimentation control measures are required to protect the downslope riparian habitat and drainages that occur within proximity to proposed disturbance areas.
- BIO-9** **Surface Water Protection.** Prior to initiation of ground-disturbing activities, to minimize potential sedimentation within the ephemeral tributaries to Old Creek located downslope of the project site, a sedimentation and erosion control plan shall be prepared that minimizes project sediment from reaching the creek. Best management practices shall be used to minimize sediment from reaching the closest waterway(s). At a minimum, straw wattles (or comparably effective devices [as determined by the qualified biologist]) shall be placed on the downslope sides of the proposed work, which would direct flows into temporary sedimentation basins. This shall be checked and maintained regularly and after all larger storm events. All remedial work shall be done immediately after discovery so sedimentation control devices remain in good working order.

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- BIO-10** **Native Tree Impacts.** Prior to any project site disturbance or vegetation removal, 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 (including 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-11** **Native Tree Protection.** Throughout the project site disturbance and construction activities, native oak trees located within 20 feet of proposed grading, trenching, building construction, road improvements, tilling, year-round irrigation, or other impactful activities shall be protected by placement of protective fencing until site disturbance activities are complete.
- BIO-12** **Oak Tree Replacement Plan.** If the finalized site plans (as described in BIO-10) indicate that native trees on-site would be removed or impacted by project activities, prior to site disturbance activities, the qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement native oak trees on the project parcel and surrounding parcels owned by the Applicant and shall be reviewed and approved by the County Planning and Building Department. Mitigation replacement plantings for each oak tree removed shall be at a 4:1 ratio and at a 2:1 ratio for each oak tree impacted (e.g., if nine trees are impacted, 18 trees shall be planted). The Oak Tree Replacement Plan shall include the following components:
- a. A brief narrative of the project location, description, and purpose;
 - b. Clearly identified parties responsible for the mitigation program and their contact information;
 - c. A landscape map showing and quantifying all oak tree planting areas;
 - d. A requirement that all replacement oak trees be located at least 50 feet from the proposed aboveground power connection and from existing powerlines.
 - e. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
 - f. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
 - g. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.
 - h. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
 - i. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and
 - j. Methods for removing nonnative species from the replanting areas.
- BIO-13** **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-

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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).

V. CULTURAL RESOURCES

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

Setting

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

As defined by CEQA, a historical resource includes:

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

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

In the event of an accidental discovery or recognition of any human remains, 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 California Health and Safety Code. California Health and Safety Code Section 7050.5 and LUO Section 22.10.040 (Archaeological Resources) require that in the event of accidental discovery or recognition of any human remains, no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California PRC Section 5097.98.

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Discussion

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

A Phase 1 Archaeological Surface Survey was prepared for the project (Heritage Discoveries 2019) and included a surface survey and records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System (CHRIS). Based on the results of the field survey and literature searches, the project site does not contain, nor is it located near, any historic resources identified in the National Register of Historic Places (NRHP) or CRHR (Heritage Discoveries 2019). The project site does not contain a site under the Historic Site (H) combining designation. The project would not result in an adverse change in the significance of a historical resources and impacts would be *less than significant*.

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

A Phase 1 Archaeological Surface Survey was prepared for the project and included a records search using the CHRIS CCIC. The records search identified that no previous archaeological surveys had been conducted within the project site or surrounding areas within 0.5 mile of the project site. The Phase I Archaeological Surface Survey produced negative results for the presence of cultural resources. Based on the results of the records search and surface survey, the project site has low potential for containing archaeological or cultural resources.

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

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

Based on the results of the archaeological surface 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 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 Public Resources Code Section 5097.98. With adherence to California Health and Safety Code Section 7050.5 and the LUO, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant*.

Conclusion

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

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 Energy 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. The COSE provides the basis and direction for the development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide 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

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nonresidential structures, the most recent version of which are referred to as the 2019 Building Energy Efficiency Standards. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements. While the CBC has strict energy and green-building standards, U-occupancy structures (such as greenhouses used for cultivation activities) are typically not regulated by these standards.

Vehicle Fuel Economy Standards

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

In January 2017, USEPA 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, USEPA Administrator Scott Pruitt and Department of Transportation Secretary Elaine Chao announced that the USEPA intends to reconsider the Final Determination. On April 2, 2018, USEPA Administrator 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 USEPA, these key assumptions include gasoline prices and overly optimistic consumer acceptance of advanced technology vehicles. The April 2nd notice is not USEPA's final agency action, and the USEPA intends to initiate rulemaking to adopt new standards. Until that rulemaking has been completed, the current standards remain in effect (USEPA 2017, 2018).

As part California's overall approach to reducing pollution from all vehicles, the CARB has established standards for clean gasoline and diesel fuels and fuel economies of new vehicles. The CARB has also established 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 2017–2025. 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 a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34% 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 the CARB's Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road regulation). This includes vehicles that are rented or leased (rental or leased fleets). The overall purpose of the Off-Road regulation is to reduce emissions of nitrogen oxides (NO_x) and particulate matter

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(PM) from off-road diesel vehicles operating within California through the implementation of standards including, but not limited to, limits on idling, reporting and labeling of off-road vehicles, limitations on use of old engines, and performance requirements.

Energy Use in Cannabis Operations

The 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 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?*

During construction, fossil fuels, electricity, and natural gas would be used by equipment during removal of existing avocado trees within the proposed cultivation areas. The energy consumed during site preparation activities 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

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

Ongoing operation of the project cultivation activities and ancillary transport of cannabis grown on-site would result in fuel use associated with employee motor vehicle trips and deliveries. The project would employ up to three full-time 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*.

Conclusion

The project includes outdoor cannabis cultivation and ancillary transport of cannabis grown on-site. Based on the minimal amount of energy demand required for the project and required compliance with applicable federal and state fuel efficiency standards, the project would not have a potentially significant impact on the environment due to consumption of energy resources or conflict with applicable renewable energy or energy efficiency policies. Therefore, potential impacts associated with energy resources would be less than significant and no mitigation is necessary.

Mitigation

None necessary.

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 checked="" type="checkbox"/>	<input 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) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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: San Andreas, Hosgri-San Simeon, and Los Osos.

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 moderate to high landslide risk potential and low liquefaction potential.

The project cultivation sites are located within areas with gentle to moderate sloping topography and are located atop a southeast-trending spur ridge or eroded bedrock surface. The sites are bound to the north and west by moderately steep to steeply ascending and descending slopes. The sites are bound to the south and intersected by south-flowing tributary seasonal drainages and hummocky topography (Helms 2020). The 1.3-acre cultivation area

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that currently supports cannabis cultivation is located in an area that was previously terraced and included 700 cubic yards of cut and 700 cubic yards of fill material balanced on-site.

Discussion

The analysis provided below is based on the Geological Characterization Report prepared for the project (Helms 2020). This report was peer-reviewed by the County geologist (LandSet Engineers, Inc. 2020) and was found to have adequately characterized the project engineering geologic constraints.

(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 located within proximity to an earthquake fault zone identified by maps produced by the Alquist-Priolo Earthquake Fault Zoning Act (Helms 2020; CDOC 2015). The active Oceanic Fault Zone is located directly south and west of the project sites, approximately 1,300 feet from the proposed cultivation areas. The project does not include the construction or use of structures for human occupancy. Therefore, due to the distance from known fault zones and no proposed structural components for human occupancy, potential impacts related to the rupture of a known earthquake fault would be *less than significant*.

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

The existing structure proposed for cannabis drying and storage would be required to be retrofitted 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.

Based on the Geological Characterization report prepared for the project site, ground shaking from a large magnitude earthquake along any faults in the vicinity could result in structural damage and potentially cause injuries to people if the proposed cultivation area is not properly designed to sustain seismic activity (Helms 2020). Therefore, the project has the potential to exacerbate existing risks and indirectly result in potentially significant impacts associated with strong seismic ground shaking. Mitigation Measure GEO-1 has been identified to require all project as-built grading, drainage, and erosion control plans be reviewed by the project geologist and the preparation of a written review letter verifying conformance with the recommendations of the project geological characterization report prior to ground-disturbing activities or establishment of use, whichever occurs first. Therefore, upon implementation of the project geologist's recommendations, the project would not expose people or structures to significant increased risks associated with seismic ground shaking and impacts would be *less than significant with mitigation*.

(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. Due to the dense conditions of shallow bedrock encountered during the field analysis and absence of a shallow groundwater table on-site, the potential for liquefaction is low (Helms 2020). The project would not include the construction or use of structures for human occupancy that could be at risk for damage from seismic-related ground failure; therefore, the potential impacts would be *less than significant*.

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(a-iv) *Landslides?*

According to local geologic mapping, adverse bedrock bedding conditions potentially exist regionally, but were not observed locally in the area of the proposed cultivation areas. No evidence of prior landslides or slumping features were observed during field inspection, aerial photograph interpretation, or geologic map review. Therefore, the potential for landslides to occur within the project site would be low (Helms 2020). The Geological Characterization report prepared for the project site recommended stringent erosion control measures to minimize the potential for any surficial slope sliding. Mitigation Measure BIO-8 has been identified to limit disturbance activities to the dry season if feasible, implement standard erosion and sedimentation control measures on-site during construction work activities, and implement additional sedimentation and erosion control measures as necessary if activities take place during the rainy season. Mitigation Measure GEO-1 has been identified to require all project as-built grading, drainage, and erosion control plans be reviewed by the project geologist and the preparation of a written review letter verifying conformance with the recommendations of the project Geological Characterization report prior to ground-disturbing activities or establishment of use, whichever occurs first. Therefore, upon implementation of BIO-8 and GEO-1, potential impacts associated with landslides would be *less than significant with mitigation*.

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

Soils within the project site are of a fairly loose silty clayey sand. High rates of rainfall in winter months and moderately inclined slopes make the project site moderately susceptible to erosion and sedimentation effects (Helms 2020). Mitigation Measures BIO-7 and BIO-8 have been identified to limit disturbance activities to the dry season if feasible, implement standard erosion and sedimentation control measures on-site during construction work activities, and implement additional sedimentation and erosion control measures as necessary if activities take place during the rainy season. Therefore, potential impacts associated with soil erosion and loss of topsoil would be *less than significant with mitigation*.

(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?*

No evidence of prior landslides or slumping features were observed during field inspection, aerial photograph interpretation, or geologic map review. Therefore, the potential for landslides to occur within the project site would be low (Helms 2020). The Geological Characterization report prepared for the project site recommended stringent erosion control measures to minimize the potential for any surficial slope sliding. Mitigation Measure BIO-8 has been identified to limit disturbance activities to the dry season if feasible, implement standard erosion and sedimentation control measures on-site during construction work activities, and implement additional sedimentation and erosion control measures as necessary if activities take place during the rainy season. Mitigation Measure GEO-1 has been identified to require all project as-built grading, drainage, and erosion control plans be reviewed by the project geologist and the preparation of a written review letter verifying conformance with the recommendations of the project Geological Characterization report prior to ground-disturbing activities or establishment of use, whichever occurs first.

The project is not located in an area with known historical or current subsidence (U.S. Geological Survey [USGS] 2019). Based on the Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction. Due to the dense conditions of shallow bedrock encountered during the field analysis and absence of a shallow groundwater table on-site, the potential for liquefaction is low (Helms 2020). The project would not include the construction or use of structures for human occupancy that could be at risk for damage from seismic-related ground failure, such as liquefaction. Therefore, impacts associated with unstable earth conditions would be *less than significant with mitigation*.

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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 proposed cultivation areas are underlain by Lompico-McMullin loams, 30 to 75 percent slopes, and Los Osos-Diablo complex, 30 to 50 percent slopes. While these soil units have the potential for being expansive, only above-ground pots and security fencing are proposed in these areas; therefore, no substantial direct or indirect risks to life or property would occur, and potential impacts associated with expansive soil would be *less than significant*.

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

The project would not include the construction or use of structures for human occupancy that would require installation of a septic system. Therefore, potential impacts associated with having soils incapable of adequately supporting the use of septic tanks *would not occur*.

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

The project does not propose large quantities of grading or significant cuts into slopes that would disturb the underlying geological formation/bedrock. Therefore, the project has low potential to disturb any paleontological resources, if present, and impacts related to paleontological resources are expected to be *less than significant*.

Conclusion

Upon implementation of Mitigation Measures BIO-8 and GEO-1 detailed below, potential impacts associated with geology and soils would be less than significant.

Mitigation

Implement Mitigation Measure BIO-8.

- GEO-1** Prior to ground disturbance or establishment of uses, a qualified engineering geologist shall review the project as-built grading, drainage, and erosion control plans and prepare a written review letter. The review letter shall verify conformance with recommendations of the project Geological Characterization report and shall be submitted to the County Planning and Building Department.

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 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
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 million tons of CO₂ equivalent per year (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 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 LCFS program, implementing 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 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 the 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.

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Discussion

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

As discussed in Section VI, Energy, the project would not result in inefficient or wasteful energy use during project operation due to the relatively low overall energy demand, proposed energy sources, and compliance with applicable state and federal fuel economy standards. Therefore, the project's operational GHG emissions would be minimal. 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, the project's potential direct and cumulative GHG emissions would be *less than significant*.

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

The proposed project would be required to comply with existing state regulations, which include increased energy conservation measures, reduced potable water use, increased waste diversion, and other actions adopted to achieve the overall GHG emission reduction goals identified in SB 32 and EO S-3-05. The project would not conflict with the control measures identified in the CAP, EWP, or other state and local regulations related to GHG emissions and renewable energy. Therefore, the project would be consistent with applicable plans and programs designed to reduce GHG emissions and potential impacts would be *less than significant*.

Conclusion

The project would not generate significant GHG emissions above existing levels and would not exceed any applicable GHG thresholds, contribute considerably to cumulatively significant GHG emissions, or conflict with plans adopted to reduce GHG emissions. Therefore, potential impacts related to GHG emissions would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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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 (State Water Resources Control Board [SWRCB] 2015; California Department of Toxic Substance Control [DTSC] 2019).

The County has adopted general emergency plans for multiple potential natural disasters, including the Local Hazard Mitigation Plan, County Emergency Operations Plan, Earthquake Plan, Dam and Levee Failure Plan, Hazardous Materials Response Plan, County Recovery Plan, and 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 (FHSZs). The project would be located within the State Responsibility Area in a high FHSZ. Based on County Fire/CAL FIRE's referral response letter, it would take approximately 20 minutes to

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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 2 miles of the project site.

Discussion

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

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?*

The proposed cultivation sites are located upslope of sensitive riparian habitat and tributaries to Old Creek. Oils, gasoline, lubricants, fuels, and other potentially hazardous substances would potentially be used for equipment during avocado tree removal or security fence construction/installation activities. A spill or leak of these materials under accident conditions during construction activities could create a potentially significant hazard to the surrounding environment. Mitigation Measures HAZ-1 and HAZ-2 have been incorporated to reduce potential impacts associated with upset or accident conditions during project construction.

Outdoor cannabis cultivation activities during operation would occur within aboveground cloth pots and therefore would have little potential to result in fertilizer spills into downslope waterways. Therefore, potential impacts associated with hazards through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be *less than significant with mitigation*.

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

The closest school facility is located more than 4 miles southwest of the project site. The project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

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

Based on the 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.

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

The project site is not located within an Airport Review designation or within proximity to a private airstrip. The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impacts would occur*.

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

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

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

The project is located within a very high fire hazard severity area. Based on the referral response letter received from County Fire/CAL FIRE, it would take approximately 20 minutes for personnel to respond to a call regarding fire or life safety. County Fire/CAL FIRE has prepared a Commercial Fire Safety Plan for the project for which the applicant will be required to comply with prior to final inspection or establishment of use. This plan includes, but is not limited to, maintenance of the existing driveway, installation of a Knox box, a minimum of 10,000 gallons of water storage for fire protection uses, and installation of portable fire extinguishers within structures associated with the project. The project site currently has two 10,000-gallon water tanks located on-site—one for irrigation water storage and one for fire suppression storage. Based on required compliance with applicable Fire Code standards, potential impacts associated with significant risk of loss involving wildland fires would be *less than significant*.

Conclusion

The project does not propose the routine transport, use, or disposal of hazardous substances. Based on the 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. Mitigation measures have been identified to address potential impacts associated with spills of potentially hazardous materials during site preparation and construction activities. Upon implementation of Mitigation Measures HAZ-1 and HAZ-2, potential impacts associated with hazards and hazardous materials would be less than significant with mitigation.

Mitigation

- HAZ-1 Equipment Maintenance and Refueling.** During all site preparation and construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. The project applicant shall consult with the local Resource Conservation District to identify suitable staging areas and feasible Best Management Practices that shall be implemented on-site to minimize potential for stormwater runoff and release of hazardous contaminants. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills. All Best Management Practices shall be detailed on all final project site plans.

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

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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The RWQCB's Water Quality Control Plan for the Central Coast Basin (Basin Plan; RWQCB 2019) describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Basin Plan outlines the beneficial uses of streams, lakes, and other water bodies for humans and other life. There are 24 categories of beneficial uses, including, but not limited to, municipal water supply, water contact recreation, non-water contact recreation, and cold freshwater habitat. Water quality objectives are then established to protect the beneficial uses of those water resources. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

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

The LUO dictates which projects are required to prepare a drainage plan, including any project that would, for example, change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent. Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing. The LUO also dictates that an erosion and sedimentation control plan is required year-round for all construction and grading permit projects and site disturbance activities of 0.5 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 Public Works Department 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 Stormwater Pollution Prevention Plan (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

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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 minor site disturbance of approximately 2.03 acres, including minimal earthwork associated with installation of security fencing and manual preparation of the cultivation sites. Soils within the project site are of a fairly loose silty clayey sand. High rates of rainfall in winter months and moderately inclined slopes make the project site moderately susceptible to erosion and sedimentation effects (Helms 2020). Mitigation Measures BIO-8 and BIO-9 have been identified to limit disturbance activities to the dry season if feasible, implement standard erosion and sedimentation control measures on-site during construction work activities, and implement additional sedimentation and erosion control measures as necessary if activities take place during the rainy season.

Proposed cultivation activities do not include the use of pesticides. Outdoor cannabis cultivation activities during operation would occur within aboveground cloth pots and therefore would have little to no potential to result in fertilizer spills into downslope waterways. Therefore, the project would not have the potential to substantially degrade surface or ground water quality and impacts would be *less than significant with mitigation*.

- (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 water demand would be met by three existing groundwater wells located on the property that have a combined sustained supply rate of approximately 80 gallons per minute. The project is not located within groundwater basin defined by the California Department of Water Resources (DWR) (County of San Luis Obispo 2020b); therefore, the project would not result in depletion of groundwater resources in a groundwater basin that is designated as being in severe decline or Level of Severity III by the Sustainable Groundwater Management Act. In addition, existing irrigation for avocado groves would be removed in the areas proposed for cannabis cultivation and result in no net increase in water demand. The project would not include the installation or establishment of a substantial amount of new impervious services or rainwater capture facilities that would have the potential to interfere with local groundwater basin recharge. Therefore, potential impacts associated with substantially decreasing groundwater supplies or interference with groundwater recharge would be *less than significant*.

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

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

The project would include topping off avocado trees within the proposed cultivation sites, manual site preparation (e.g., tilling, etc.), and installation of security fencing. Outdoor cultivation would occur within aboveground cloth pots. All proposed work would be located a minimum of 50 feet from the upland extent of on-site ephemeral drainages, in accordance with County ordinance requirements and RWQCB regulations. The project would not include any activities that would substantially alter the existing drainage pattern of the site or area, nor does it include any direct work within ephemeral drainages located within the area. Therefore, potential impacts associated with alteration of existing drainage patterns that would result in substantial erosion or siltation would be *less than significant*.

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- (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 include topping off avocado trees within the proposed cultivation sites, manual site preparation (e.g., tilling, etc.), and installation of security fencing. Outdoor cultivation would occur within aboveground cloth pots. All proposed work would be located a minimum of 50 feet from the upland extent of on-site ephemeral drainages, in accordance with County ordinance requirements and RWQCB regulations. The project would not include any activities that would substantially alter the existing drainage pattern of the site or area, nor does it include any direct work within ephemeral drainages located within the area. The project does not include the installation or establishment of a substantial amount of new impervious services. Therefore, potential impacts associated with alteration of existing drainage patterns that would result in a substantial increase in the rate or amount of surface runoff 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 include topping off avocado trees within the proposed cultivation sites, manual site preparation (e.g., tilling, etc.), and installation of security fencing. Outdoor cultivation would occur within aboveground cloth pots. All proposed work would be located a minimum of 50 feet from the upland extent of on-site ephemeral drainages, in accordance with County ordinance requirements and RWQCB regulations. The project does not include any activities that would substantially alter the existing drainage pattern of the site or area, nor does it include any direct work within ephemeral drainages located within the area. Therefore, potential impacts associated with alteration of existing drainage patterns that would contribute runoff water exceeding the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff would be *less than significant*.

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

Based on the County Flood Hazard Map, the project site is not located within or adjacent to 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 and online Land Use View tool, the project site is not located within a 100-year flood zone (County of San Luis Obispo 2020a). 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 would not include any activities that would substantially alter the existing drainage pattern of the site or area, nor does it include any direct work within ephemeral drainages located within the area. The project would not include regular use of hazardous materials, such as pesticides. The project is not located within groundwater basin defined by the DWR (County of San Luis Obispo 2020b) and would not conflict with the Sustainable Groundwater Management Act or other applicable groundwater management policies or programs. Therefore, potential impacts associated with conflict or obstruction of implementation of a water quality control plan or sustainable groundwater management plan would be *less than significant*.

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Conclusion

The project would not include any activities that would substantially alter the existing drainage pattern of the site or area, nor does it include any direct work within ephemeral drainages located within the area. The project would not include regular use of hazardous materials, such as pesticides. The project is not located within a groundwater basin defined by the DWR and would not conflict with the Sustainable Groundwater Management Act or other applicable groundwater management policies or programs. Mitigation Measures BIO-8 and BIO-9 have been identified to address potential impacts associated with potential erosion and sedimentation impacts during site preparation activities. Therefore, impacts to hydrology and water quality would be less than significant with mitigation.

Mitigation

Implement Mitigation Measures BIO-8 and BIO-9.

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

Setting

The LUO was established to guide and manage 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, archaeological, 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.

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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 Adelaida 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*.

(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 subject property is located within the Agriculture land use designation and cannabis cultivation activities and ancillary cannabis transport are allowed uses within this land use designation (LUO Section 22.06.030).

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 would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating environmental effects. The project would be consistent with existing land uses and designations for the proposed site and would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating environmental effect; therefore, potential impacts would be *less than significant*.

Conclusion

The project would be consistent with local and regional land use designations, plans, and policies and would not divide an established community. Therefore, potential impacts related to land use and planning would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

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XII. MINERAL RESOURCES

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

Setting

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

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

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

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

1. Mineral or petroleum extraction occurs or is proposed to occur;
2. The State Geologist has designated a mineral resource area of statewide or regional significance pursuant to California PRC Section 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.

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Discussion

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

The project is not located within a designated MRZ or within an Extractive Resource Area combining designation. Based on the Mineral Land Classification map of the area, the project site is located in an area classified as MRZ-1, which indicates that little likelihood exists for the presence of significant mineral resources (CGS 2011). There are no known mineral resources in the project area; therefore, *no impacts would occur*.

- (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 MRZ or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, *no impacts would occur*.

Conclusion

Potential impacts associated with mineral resources would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

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"/>

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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
- 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 describes 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 3 includes the maximum allowable exterior noise level standards.

Table 4. Maximum Allowable Exterior Noise Level Standards¹

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.

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Discussion

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

The project would result in minor site disturbance of approximately 2.03 acres, including minimal earthwork associated with installation of security fencing and manual preparation of the cultivation sites. Proposed site preparation activities for the cultivation areas would require the use of equipment to install security fencing, top off existing avocado trees, and feed chopped avocado trees into a chipper, which may dominate the ambient noise environment for a short time. These construction activities have the potential to generate short-term construction noise and 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, all construction and site preparation noises would considerably attenuate over the distance to the nearest off-site receptor (approximately 1,080 feet to the east). Therefore, impacts related to exposing people to noise levels that exceed local or other agency ordinance standards would be *less than significant*.

- (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. No substantial grading or earthwork is proposed (25 cubic yards or less). Therefore, potential impacts 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 project site is not located within an Airport Review designation or adjacent to a private airstrip; therefore, *no impacts would occur*.

Conclusion

No significant long-term change in noise levels would occur. Short-term construction-related noise would be limited in nature and duration and would only occur during appropriate daytime hours. Therefore, potential noise impacts would be less than significant, and no mitigation measures are necessary.

Mitigation

None necessary.

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XIV. POPULATION AND HOUSING

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

Setting

The Housing Element of the County of San Luis Obispo General Plan recognizes the difficulty for residents to find suitable and affordable housing within San Luis Obispo County. The Housing Element includes an analysis of vacant and underutilized land located in urban areas that is suitable for residential development and considers zoning provisions and development standards to encourage development of these areas. Consistent with state housing element laws, these areas are categorized into potential sites for very low- and low-, moderate-, 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 three full-time employees. The applicant has stated that these employees would consist of employees already employed on the project site tending to the existing agricultural operations. Based on the general scope and scale of the proposed activities, the project 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. Therefore, impacts associated with substantial unplanned population growth would be *less than significant*.

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

The 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:				
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 nearest station is CAL FIRE Station 14, located

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approximately 6 miles southeast of the project site. Based on the referral response letter received from County Fire/CAL FIRE regarding the proposed project, emergency personnel would be able to reach the site within 20 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 Sheriff's Office, and the nearest sheriff station is located approximately 9 miles northeast of the project site, in the community of Paso Robles.

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 Coast Unified School District.

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

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

Discussion

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

Fire protection?

The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and California PRC, which include improvements to the existing access road to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and potential installation of a water storage tank for fire protection (if fire sprinklers are required). The County Fire Department/CAL FIRE has provided a referral response letter for the project that details required items to be completed prior to final inspection/operation of the project. Based on the limited amount of development proposed and number of employees running project operations, the project would not create a significant new demand for fire 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 Sheriff's Office. 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 recommendations or

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requirements provided by the Sheriff's Office. Therefore, impacts related to police services would be *less than significant*.

Schools?

As discussed in Section XIV, Population and Housing, the project would not induce population growth and would not result in the need for additional school services or 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. Therefore, potential impacts related to public services would be less than significant and no mitigation measures are necessary.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The Parks and 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

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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 facilities 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 Parks and 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 three full-time employees. The applicant has indicated that these employees would come from the existing employees working on-site for the existing agricultural operations. If this would not be the case, project workers would likely be sourced from the local labor pool and would not result in increased demand on existing or planned recreational facilities in the County. The project is not proposed in a location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not induce population growth or create a significant need for additional park or recreational facilities; therefore, potential impacts would be *less than significant*.

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

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

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XVII. TRANSPORTATION

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

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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 outdoor cannabis cultivation and use of an existing structure for drying and storage of cannabis grown on-site. The project would generate similar traffic levels as existing agricultural operations on-site and rural residences in the area and would be subject to public facility fees to help offset cumulative demand on transportation infrastructure. Minimal increases in traffic would be adequately accommodated by existing local streets and the project would not result in any long-term changes in traffic or circulation or reduce the Level of Service (LOS) below LOS "C." The project does not propose uses that would interfere or conflict with applicable policies related to circulation, transit, roadway, bicycle, or pedestrian systems or facilities. The project would be consistent with the County Framework for Planning (Inland) and consistent with the projected level of growth and development identified in the 2019 RTP. Therefore, potential impacts would be *less than significant*.

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

The County 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.

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. The project would be subject to standard development impact fees to offset the relative impacts on surrounding roadways. Therefore, potential impacts would be *less than significant*.

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

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

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

The project would not result in road closures during short-term construction activities or long-term operations. Individual access to adjacent properties would be maintained during construction activities and throughout the project area. Project implementation would not affect long-term access through the project area and sufficient alternative access exists to accommodate regional trips. In addition, the project would be conditioned to provide evidence to the County Planning and Building Department that on-site circulation and pavement structural sections are in conformance with CAL FIRE standards and specifications back to the nearest public maintained roadway, per the County Public Works Department referral response letter dated May 17, 2019. Therefore, the project would provide for adequate emergency access and impacts would be *less than significant*.

Conclusion

Potential impacts related to transportation and circulation would be less than significant, and no mitigation is necessary.

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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:				
(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

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- 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 in 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.

In accordance with AB 52 Cultural Resources requirements, outreach to four Native American tribes has been conducted: Salinan Tribe of Monterey and San Luis Obispo Counties, Xolon Salinan, yak tiṭu tiṭu yak tiłhini Northern Chumash, and Northern Chumash Tribal Council.

Discussion

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

In accordance with AB 52 Cultural Resources requirements, outreach to four Native American tribes has been conducted: Salinan Tribe of Monterey and San Luis Obispo Counties, Xolon Salinan, yak tiṭu tiṭu yak tiłhini Northern Chumash, and Northern Chumash Tribal Council. Fred Collins of the Northern Chumash Tribal Council, Patti Dunton of the Salinan Tribe of Monterey and San Luis Obispo Counties, and Lorrie Laguna of the yak tiṭu tiṭu yak tiłhini Northern Chumash responded and requested a copy of all archaeological reports prepared for the project site. County staff sent the Phase 1 Archaeological Surface Survey prepared for the project (Heritage Discoveries 2019) to each tribe representative and received no further response from the Northern Chumash Tribal Council or the yak tiṭu tiṭu yak tiłhini Northern Chumash. Patti Dunton of the Salinan Tribe of Monterey and San Luis Obispo Counties responded that they agree with the proposed recommendations outlined within the Phase 1 Archaeological Surface Survey report and requested that the County contact her in the event of an unknown resource being unearthed during project site disturbance activities.

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 PRC Section 5020.1 (Heritage Discoveries 2019). 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 Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may

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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 County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52 and no requests for consultation were received. 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 California 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.

XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 Public Works Department provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater "will serve" letters. The Public Works Department 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 Public Works Department 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.

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 would not result in a substantial increase in demand on water, wastewater, or stormwater collection, treatment, or disposal facilities and would not require the construction of new or expanded water, wastewater, or stormwater facilities. No new utility connections or relocations are proposed. Therefore, *no impacts would occur.*

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

As discussed in Section X, Hydrology and Water Quality, the project cultivation irrigation activities would rely on three existing groundwater wells located on-site and is not located within a groundwater basin designated as Level of Severity III or in an area of severe decline. The proposed cannabis cultivation areas would replace existing irrigated avocado groves and would not result in a net increase in water demand. Therefore, potential impacts associated with sufficient water supplies to serve the project during normal, dry, and multiple dry years would be *less than significant*.

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

The project 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?*

During project operation, all green waste consisting of dead or stripped cannabis plants and soil would be composted on-site in compliance with applicable state and local guidelines.

The nearest landfill to the site is the Chicago Grade Landfill, located approximately 11 miles to the west. The landfill has a remaining capacity of approximately six million cubic yards as of 2019 (California Department of Resources Recycling and Recovery [CalRecycle] 2017). Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. Local landfills have adequate permit capacity to serve the project and the project does not propose to generate solid waste in excess of state or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts would be *less than significant*.

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

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

Conclusion

The project would not result in significant increased demands on water, wastewater, or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. Therefore, no potentially significant impacts would occur and no mitigation is necessary.

Mitigation

None necessary.

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XX. WILDFIRE

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

Setting

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. FHSZs 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 very high FHSZ. Based on County Fire/CAL FIRE's referral response letter, it would take approximately 20 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;

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- Specifies the direction, control, and communications procedures and systems that will be relied upon to alert, notify, recall, and dispatch emergency response personnel; alert the public; protect residents and property; and request aid/support from other jurisdictions and/or the federal government;
- Identifies key continuity of government operations; and
- Describes the overall logistical support process for planned operations.

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

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

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

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

Discussion

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

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

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

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

The project is located within Very High FHSZ and is located on a parcel with steep slopes, dense oak woodland, and limited access. The site is located within a State Responsibility Area and, based on the County's fire response time map, it would take approximately 20 minutes to respond to a call regarding fire or life safety. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and PRC, which includes maintaining a minimum of 10,000 gallons of fire suppression water storage on-site, installation of a Knox box at the entrance to the property, and other components listed in the project Fire Safety Plan.

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Based on required compliance with applicable California Fire Code standards and the limited scope of proposed project activities, potential impacts associated with exacerbation of wildfire risks would be *less than significant*.

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

An existing 10,000-gallon water tank exists on-site for fire suppression purposes. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and PRC. No new infrastructure or infrastructure modification such as installation or movement of powerlines, water sources, or other utilities would be required for compliance with current California Fire Code requirements. Therefore, potential impacts would be *less than significant*.

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

The Geological Characterization report prepared for the project site (Helms 2020) recommended stringent erosion control measures to minimize the potential for any surficial slope sliding. Mitigation Measures BIO-7 and BIO-8 have been identified to limit disturbance activities to the dry season if feasible, implement standard erosion and sedimentation control measures on-site during construction work activities, and implement additional sedimentation and erosion control measures as necessary if activities take place during the rainy season. Mitigation Measure GEO-1 has been identified to require all project as-built grading, drainage, and erosion control plans be reviewed by the project geologist and the preparation of a written review letter verifying conformance with the recommendations of the project Geological Characterization report prior to ground-disturbing activities or establishment of use, whichever occurs first. Therefore, upon implementation of Mitigation Measures BIO-8 and GEO-1, potential impacts associated with significant risks including landslides and post-fire slope instability would be *less than significant with mitigation*.

Conclusion

The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and PRC, which includes maintaining a minimum of 10,000 gallons of fire suppression water storage on-site, installation of a Knox box at the entrance to the property, vegetation clearance around buildings, and other components listed in the project Fire Safety Plan. Mitigation Measure GEO-1 has been identified to require all project as-built grading, drainage, and erosion control plans be reviewed by the project geologist and the preparation of a written review letter verifying conformance with the recommendations of the project Geological Characterization report prior to ground-disturbing activities or establishment of use, whichever occurs first. Therefore, potential impacts associated with wildfire would be less than significant with mitigation.

Mitigation

Implement Mitigation Measures BIO-8 and GEO-1.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

As discussed in each resource section above, upon implementation of identified mitigation measures, the proposed project would not result in significant impacts to biological or cultural resources and would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Mitigation Measures BIO-1 through BIO-13 have been identified to reduce potential impacts to biological resources. No potentially significant impacts were identified to cultural or tribal cultural resources. Therefore, impacts would be *less than significant with mitigation*.

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

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

Existing and Reasonably Foreseeable Cannabis Facilities

In 2016, the County estimated that there were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming 0.5 acre per site, the canopy associated with these activities could be as high as 250 acres. County Code Enforcement officers have successfully abated 82 operations, and there are currently approximately 225 total operations under investigation to date (December 10, 2019). Unpermitted cannabis operations are expected to continue to be abated throughout the county.

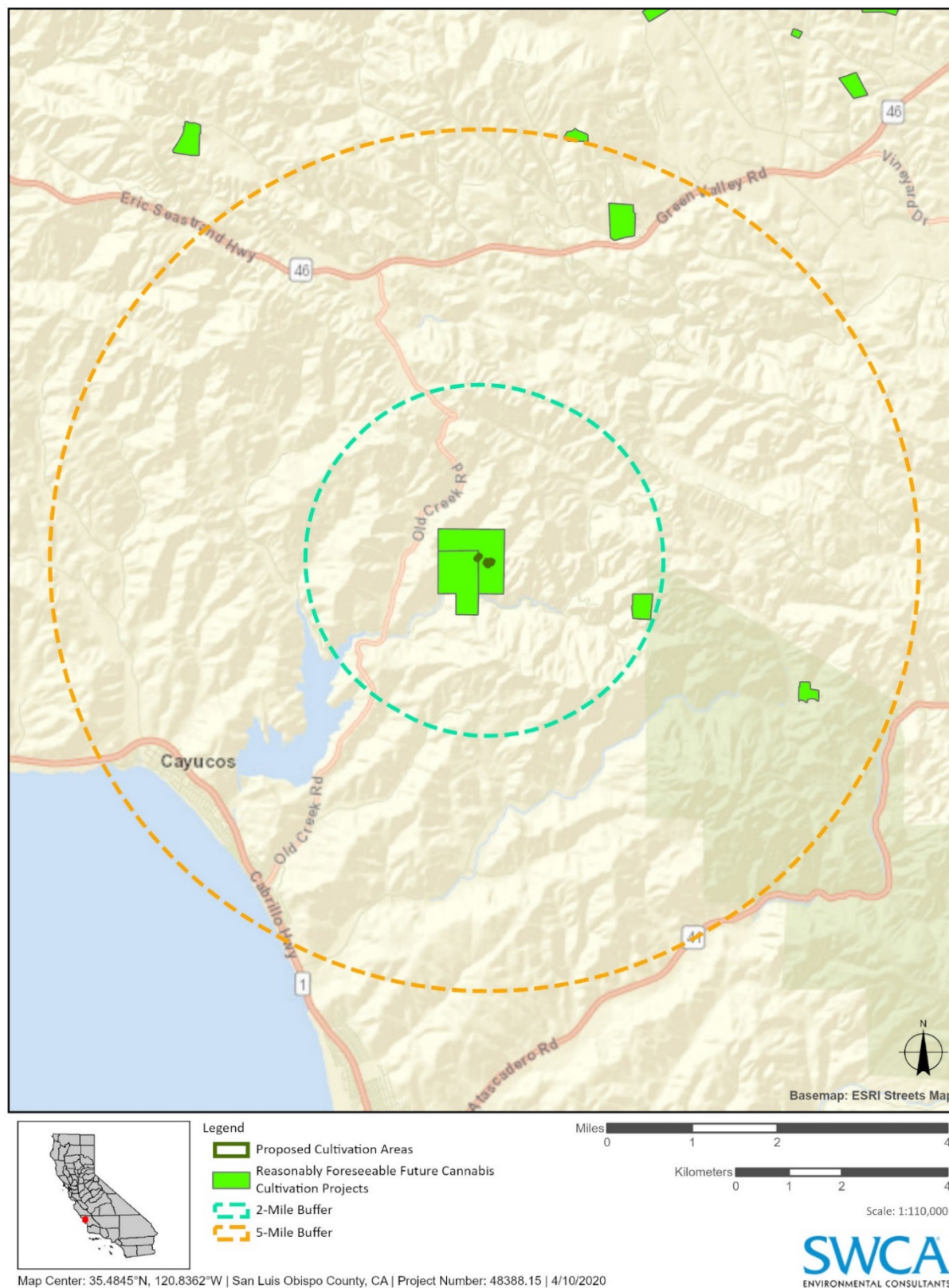
Table 5 below provides a summary of the maximum possible cannabis cultivation activities that could be approved through permit applications that have been received by the County to date (December 9, 2019). Each of these proposed activities is considered a reasonably foreseeable future project for the 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.

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

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

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Figure 4. Reasonably Foreseeable Future Development Scenario



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Table 5. Summary of Cannabis Facility Applications for Unincorporated San Luis Obispo County¹

Proposed Cannabis Activity Type	Total Number of Proposed Cannabis Activities ^{1,2}	Total Proposed Canopy (acres)	Approved Activities
Indoor Cultivation and Indoor Nursery	115	89	10
Outdoor Cultivation		241	10
Processing	9	-	-
Manufacturing	25	-	6
Non-Storefront Dispensary	30	-	6
Total	179	330	32

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.

Agriculture and Forestry Resources

The analysis provided in Section II, Agriculture and Forestry Resources, indicates that with implementation of Mitigation Measure AG-1, the project would not result in the permanent conversion of Prime Farmland, based on the FMMP, and no potential impacts to forest land or timberland would occur. The project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract.

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 agriculture and forestry resources. Projects with the potential to convert Farmland per the FMMP to non-agricultural uses would be subject to mitigation measures to reduce potential impacts, which could include but would not be limited to relocation of proposed structures proposed on Farmland to areas not classified as Farmland, reduction in size of structural components proposed on Farmland, removal of structural components (e.g., footings, fencing, etc.) upon cessation of cultivation activities, etc. Therefore, based on mitigation identified for the project and discretionary review of other cannabis cultivation projects within the county, 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 would be *less than cumulatively considerable with mitigation*.

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related emissions would not exceed SLOAPCD thresholds of significance for construction emissions, and therefore would not result in a potentially cumulatively considerable contribution to the county's non-attainment status under state air quality standards for ozone and fugitive dust. Project construction, operational, and cumulative impacts associated with criteria air pollutant emissions 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

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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 four other reasonably foreseeable future cannabis cultivation facilities within 5 miles (as of January 13, 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. All surrounding proposed cannabis development projects would be required to comply with LUO cannabis odor control requirements, including preparation of an odor control plan, minimum setback distances, and installation of sufficient ventilation controls on all structures to be used for cannabis cultivation activities to prevent odors from being detected off-site.

Therefore, based on the project's projected air pollutant emissions being below SLOAPCD thresholds of significance and compliance of the project and probable future cannabis projects in the vicinity with the established LUO odor control requirements for cannabis cultivation projects, the contribution of the project's potential impacts to air quality would be *less than cumulatively considerable*.

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project would have a less-than-significant impact upon implementation of the identified avoidance and mitigation measures for special-status plants and wildlife species and their habitats, protection of on-site riparian habitat, and avoidance and replacement of potentially impacted native trees. With implementation of Mitigation Measures BIO-1 through BIO-13, potential impacts to biological resources would be less than significant.

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

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

Geology and Soils

The project has potential to result in indirect impacts associated with slope stability during a seismic event and landslides. Mitigation Measure GEO-1 has been identified to require all project as-built grading, drainage, and erosion control plans be reviewed by the project geologist and the preparation of a written review letter verifying conformance with the recommendations of the project Geological Characterization report prior to ground-disturbing activities or establishment of use, whichever occurs first. Mitigation Measure BIO-8 has been identified to limit disturbance activities to the dry season if feasible, implement standard erosion and sedimentation control measures on-site during construction work activities, and implement additional sedimentation and erosion control measures as necessary if activities take place

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during the rainy season. Upon implementation of these measures, project impacts associated with geology and soils would be less than significant.

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

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

Hazards and Hazardous Materials

As discussed in Section IX, Hazards and Hazardous Materials, potentially hazardous substances would potentially be used on-site for equipment during topping off of existing avocado trees and/or security fence construction/installation activities. Mitigation Measures HAZ-1 and HAZ-2 have been recommended to reduce potential impacts associated with upset or accident conditions during project construction. No other potentially significant impacts associated with hazards or hazardous materials have been identified.

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

Hydrology and Water Quality

As discussed in Section X, Hydrology and Water Quality, the project has potential to result in temporary impacts to water quality from erosion and sedimentation. Mitigation Measure BIO-8 has been identified to limit disturbance activities to the dry season if feasible, implement standard erosion and sedimentation control measures on-site during construction work activities, and implement additional sedimentation and erosion control measures as necessary if activities take place during the rainy season. Upon implementation of these measures, impacts to hydrology and water quality would 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 Environmental Health Department 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.

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

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Public Services

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. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential public services impacts would be *less than cumulatively considerable*.

Transportation

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

The County Public Works Department has derived trip generation rates for cannabis cultivation activities through the trip generation rates published by the Institute of Traffic Engineers. Table 6 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 6. 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 square feet	0.27	2,530,000 square feet	690	10.3
Cultivation, Outdoor (includes hoop house)	Acres	2.00	345 acres	683	68.3
Seasonal Employees ¹	Employee	2.00	460 employees	460	460
Total				1,833	538.6

¹ Seasonal trips are adjusted based on the annual frequency.

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

The most recent estimate of total 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 LOS 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

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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*.

Wildfire

As discussed in Section XX, Wildfire, The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and PRC, which includes maintaining a minimum of 10,000 gallons of fire suppression water storage on-site, installation of a Knox box at the entrance to the property, vegetation clearance around buildings, and other components listed in the project Fire Safety Plan. Mitigation Measures BIO-8 and GEO-1 have been identified to reduce potential impacts associated with soil stability and erosion that could increase risk on-site in a post-wildfire scenario. No other potentially significant impacts associated with wildfire have been identified.

All proposed cannabis cultivation projects located in the county would be subject to review and approval by County Fire/CAL FIRE or the local fire authority and would be required to demonstrate full compliance with all applicable California Fire Code requirements and local fire authority recommendations prior to final inspection. Therefore, based on recommended mitigation measures and compliance with existing policies and programs, and all other reasonably foreseeable cannabis project's review and compliance with the California Fire Code, the project's individual impacts associated with wildfire would be *less than cumulatively considerable with mitigation*.

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:

- Aesthetics;
- Cultural Resources;
- Energy;
- Greenhouse Gas Emissions;
- Land Use Planning;
- Mineral Resources;
- Noise;
- Population and Housing;
- Recreation;
- Tribal Cultural Resources; and
- Utilities and Service Systems.

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

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

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Conclusion

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

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Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Services	None
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File**
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	None
<input checked="" type="checkbox"/>	County Sheriff's Department	None
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	In File**
<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 AB 52 Tribes	In File**
<input checked="" type="checkbox"/>	Other Building Division	In File**

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

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo.

<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 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/Adelaida Sub Area	

Initial Study – Environmental Checklist

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. 2018. Biological Resource Assessment for 675 Farm Management, 12520 Santa Rita Road, Cayucos, San Luis Obispo County.
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- County of San Luis Obispo. 2016. 2015/2016 County Bikeways Plan. July 6, 2016.
- _____. 2020a. Land Use View. Available at: http://gis.slocounty.ca.gov/Html5Viewer/Index.html?configBase=/Geocortex/Essentials/REST/sites/PL_LandUseView/viewers/PL_LandUseView/virtualdirectory/Resources/Config/Default. Accessed April 2020.
- _____. 2020b. Interactive Groundwater Basin Map. Available at: <https://www.slocounty.ca.gov/Departments/Public-Works/Services/Interactive-Groundwater-Basins-Map.aspx>. Accessed April 2020.

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- _____. 2017. Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program. December 2017.
- Helms, J. 2020. Geological Characterization Report for Proposed Agricultural Plot Portion of APN: 046-131-046, Santa Rita Road, Cayucos, San Luis Obispo County, California.
- Heritage Discoveries Inc. 2019. A Phase I Archaeological Surface Survey at 12520 Santa Rita Road, Cayucos, San Luis Obispo County.
- LandSet Engineers, Inc. 2020. Review of Geological Characterization Report.
- 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. Accessed April 17, 2020.
- Regional Water Quality Control Board (RWQCB). 2019. Water Quality Control Plan for the Central Coastal Basin. Available at: https://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/docs/2019_basin_plan_r3_complete.pdf. Accessed April 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, generator use, energy restrictions, lighting requirements, Envirostor database searches requirements, and water supply requirements.

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

Section 8102 – Annual State License Application Requirements

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

Section 8106 – Cultivation Plan Requirements

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

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Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

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

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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Other Potentially Applicable Permitting Requirements:

Federal Endangered Species Act

The 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 (LSAA) is required. An LSAA 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 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 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.

DATE: May 5, 2020

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR BLANCHARD/OLD CREEK RANCH PTP MINOR USE PERMIT
(DRC2018-00081)**

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.

AGRICULTURE AND FORESTRY RESOURCES (AG)

- AG-1** **Within 60 days of permanent cessation of cannabis cultivation activities**, the applicant shall remove all fencing installed as part of the project that are located on Unique Farmland per the State Farmland Mapping and Monitoring Program (FMMP), including all concrete footings. Based on current FMMP mapping, this would generally include all fencing enclosing each of the outdoor cannabis cultivation areas.

Monitoring: Required within 60 days of permanent cessation of cannabis cultivation activities on-site. Compliance will be verified by the County Department of Planning and Building.

BIOLOGICAL RESOURCES (BIO)

- BIO-1** **Prior to issuance of business license, establishment of the use, or any site 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 for the retained biologist shall include a seasonal botanical survey, preconstruction surveys, worker awareness training, monitoring, reporting, and agency coordination as detailed in the mitigation measures listed below.
- BIO-2** **Cambria morning glory avoidance and restoration. Prior to initial ground disturbance or initiation of proposed activities**, the following measures must be conducted in order to address potential project impacts to Cambria morning glory:
- a. Seasonally timed survey. Prior to initial ground disturbance and staging activities, seasonally timed surveys shall be completed to determine the presence or absence of Cambria morning glory. The surveys shall be in accordance with the protocols established by the CDFW, USFWS, and County policies. The surveys shall be conducted during the blooming period of Cambria morning glory and

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blooming shall be confirmed with local reference sites at the time surveys are conducted.

- b. If no Cambria morning glory are identified within the project footprint, the qualified biologist shall document their methodology and findings in a botanical survey report and submit it to the County of San Luis Obispo prior to initiation of site disturbance and proposed project activities.
- c. If Cambria morning glory are identified within the project footprint, then a salvage and relocation program to preserve open space areas on-site containing appropriate habitat shall be implemented to ensure the long-term survivability of the species. A Cambria morning glory transplanting plan shall be prepared to identify suitable locations, methods, and success criteria for Cambria morning glory mitigation through transplanting individuals located within the project disturbance area to suitable unoccupied habitat on-site. The plan shall be submitted to the County Department of Planning and Building for approval prior to initiation of site disturbance activities and/or initiation of proposed project activities, whichever occurs first.

BIO-3

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

- a. 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. If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- 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 earthwork), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-4

Worker Awareness Training. Prior to initiation of site preparation, disturbance, or vegetation removal, a County-approved qualified biologist shall conduct on-site environmental training to aid workers in recognizing and avoiding western pond turtles and

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California red-legged frog within the project area, and instruct all construction personnel to conduct work activities within the defined area only.

BIO-5 Clear Delineation of Work Areas. Prior to initiation of site preparation, disturbance, or vegetation removal, the applicant shall clearly mark boundaries of the proposed work area before construction activities (e.g., fence installation, avocado tree removal, etc.) with highly visible flagging or fencing and avoid expanding the work area into any adjacent vegetation.

BIO-6 Special-Status Reptile and Amphibian Preconstruction Survey and Relocation. A qualified biologist shall conduct a preconstruction survey immediately prior to initial ground disturbance (i.e. the morning of the commencement of disturbance). If any special status reptiles or amphibians, such as Western pond turtle, are found in the area of proposed disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. However, if federal or state listed animals, such as California red-legged frog, are observed, all work shall cease, and California Fish and Wildlife and/or U.S. Fish and Wildlife Service shall be consulted as appropriate. Federal or state listed animals shall not be captured, harmed, or relocated without prior approval from the appropriate agency.

BIO-7 California Red-Legged Frog Surveys and Avoidance During Ongoing Operations. For the life of the project, the applicant shall make every effort to schedule work activities when impacts to CRLF and western pond turtles would be minimal. This would include the following:

- a. 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.
- b. 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 Operational 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:

- i. Monitoring that will occur during ground disturbance and related activities (e.g., monitoring duration, time, frequency);
 - ii. Procedures to follow if a California Red Legged Frog (CRLF), western pond turtle, or other sensitive species are encountered during operational related activities;
 - iii. Pre-activity worker training;
 - iv. Scheduling of such activities proposed to minimize impacts to sensitive species (i.e., completing activities closest to potential CRLF habitat first); and
 - v. The filing of a post-activity report "lessons learned" on the effectiveness of the required measures.
- c. 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 western pond turtle would occur based on conditions and the scope of work.

BIO-8 Erosion Control – Avoid Rainy Season. If feasible, project construction and ground-disturbing activities shall be limited to the dry season (April 15 through October 15). If construction activities cannot take place only during the dry season, a qualified biologist,

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retained by the applicant and approved by the County Department of Planning and Building, shall determine what additional erosion and sedimentation control measures are required to protect the downslope riparian habitat and drainages that occur within proximity to proposed disturbance areas.

- BIO-9 Surface Water Protection.** Prior to initiation of ground-disturbing activities, to minimize potential sedimentation within the ephemeral tributaries to Old Creek located downslope of the project site, a sedimentation and erosion control plan shall be prepared that minimizes project sediment from reaching the creek. Best management practices shall be used to minimize sediment from reaching the closest waterway(s). At a minimum, straw wattles (or comparably effective devices [as determined by the qualified biologist]) shall be placed on the downslope sides of the proposed work which would direct flows into temporary sedimentation basins. This shall be checked and maintained regularly and after all larger storm events. All remedial work shall be done immediately after discovery so sedimentation control devices remain in good working order.
- BIO-10 Native Tree Impacts.** Prior to any project site disturbance or vegetation removal, 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-11 Native Tree Protection.** Throughout the project site disturbance and construction activities, native oak trees located within 20 feet of proposed grading, trenching, building construction, road improvements, tilling, year-round irrigation, or other impactful activities shall be protected by placement of protective fencing until site disturbance activities are complete.
- BIO-12 Oak Tree Replacement Plan.** If the finalized site plans (as described in BIO-10) indicate that native trees on-site would be removed or impacted by project activities, prior to site disturbance activities, the qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement native oak trees on the project parcel and surrounding parcels owned by the Applicant and shall be reviewed and approved by the County Department of Planning and Building. Mitigation replacement plantings for each oak tree removed shall be at a 4:1 ratio and at a 2:1 ratio for each oak tree impacted (e.g., if nine trees are impacted, 18 trees shall be planted). The Oak Tree Replacement Plan shall include the following components:
- a. A brief narrative of the project location, description, and purpose;
 - b. Clearly identified parties responsible for the mitigation program and their contact information;
 - c. A landscape map showing and quantifying all oak tree planting areas;
 - d. A requirement that all replacement oak trees be located at least 50 feet from the proposed aboveground power connection and from existing powerlines.
 - e. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
 - f. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;

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- g. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.
- h. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
- i. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and
- j. Methods for removing nonnative species from the replanting areas.

BIO-13 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).

Monitoring: Prior to the onset of site disturbance activities, project plans shall be checked for inclusion of the general measures for site maintenance and general operations. All survey reports shall be submitted to the County Department of Planning and Building prior to onset of site disturbance activities. Compliance will be verified by the County Department of Planning and Building prior to and during construction and for the life of the project.

GEOLOGY AND SOILS (GEO)

GEO-1 Prior to ground disturbance or establishment of uses, a qualified engineering geologist shall review the project as-built grading, drainage and erosion control plans and prepare a written review letter. The review letter shall verify conformance with recommendations of the project geological characterization report and shall be submitted to the County Planning and Building Department.

Monitoring: Prior to the onset of site disturbance activities, the applicant shall submit the review letter prepared by the qualified engineering geologist. Compliance will be verified by the County Department of Planning and Building prior to and during construction and site disturbance activities.

HAZARDS AND HAZARDOUS MATERIALS


HAZ-1 Equipment Maintenance and Refueling. During all site preparation activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. The project applicant shall consult with the local Resources Conservation District to identify suitable staging areas and Best Management Practices that shall be implemented on-site to minimize

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potential for stormwater runoff and release of hazardous contaminants. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

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

Monitoring: Prior to the onset of site disturbance activities, project plans shall be checked for inclusion of the general measures for site maintenance and general operations. Compliance will be verified by the County Department of Planning and Building prior to and during construction and site disturbance activities.

	Terez-Maria Blanchard	
Signature of Applicant	Name (Print)	Date
		5/6/20