



Negative Declaration & Notice Of Determination

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

ENVIRONMENTAL DETERMINATION NO. ED Number 20-175

DATE: August 26, 2020

PROJECT/ENTITLEMENT: Estrella River Farms LLC Minor Use Permit; DRC2019-00189

APPLICANT NAME: Estrella River Farms LLC

Email: billhodson5@gmail.com

ADDRESS: 1600 N Kraemer Blvd

CONTACT PERSON: Matt Antony

Telephone: 415-722-0018

PROPOSED USES/INTENT: A request by **Estrella River Farms LLC** for a Minor Use Permit (DRC2019-00189) to allow for the phased establishment of 3 acres of outdoor cannabis canopy within hoop structures on two parcels, totaling 79 acres. The project includes the use of an existing 2,170-square-foot structure for office and security monitoring uses. The project would result in approximately 130,680 square feet (3 acres) of site disturbance. Proposed earthwork would be limited to the installation of fencing and improvements to the existing driveway approach. The project would require the modification of the fencing standards set forth in LUO Section 22.40.050 to allow for the use of livestock fencing with no-climb mesh wiring and barbed wire to enclose four of the five cultivation areas.

LOCATION: The project site is located within the Agriculture land use designation at 5165 Estrella River Road, approximately 1 mile northwest of the community of Whitley Gardens and 4 miles east of the city of Paso Robles in the El Pomar-Estrella subarea 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 September 27, 2020 4:30 p.m.

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, Senior Planner

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. Estrella River Farms Minor Use Permit ED20-175-PL DRC2019-00189

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


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

DETERMINATION: (To be completed by the Lead Agency)

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

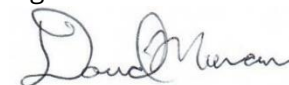
- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have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

Cassidy Williams, SWCA
Environmental Consultants
Prepared by (Print)


Signature

8/14/20
Date

Dave Moran
Reviewed by (Print)


Signature

Steve McMasters, Principal
Environmental Specialist

8/14/20
Date

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 **Estrella River Farms LLC** for a Minor Use Permit (DRC2019-00189) to allow for the phased establishment of 3 acres of outdoor cannabis cultivation area within hoop structures on two parcels, totaling 79 acres. The project includes the use of an existing 2,170-square-foot structure for office and security monitoring uses. The project would result in approximately 130,680 square feet (3 acres) of site disturbance. Proposed earthwork would be limited to the installation of fencing and improvements to the existing driveway approach. The project would require the modification of the fencing standards set forth in LUO Section 22.40.050 to allow for the use of livestock fencing with no-climb mesh wiring and barbed wire to enclose four of the five cultivation areas. The project site is located within the Agriculture land use designation at 5165 Estrella River Road, approximately 1 mile northwest of the community of Whitley Gardens and 4 miles east of the city of Paso Robles in the El Pomar-Estrella subarea of the North County Planning Area.

The project would be located within the center of the 79-acre property with an existing paved access driveway off Estrella Road (see Figures 1 and 2). The property has historically supported cattle, horses, goats, and other animal husbandry uses. Existing structures on-site include a single-family residence; six flood lights; several corrals, stables, and other animal enclosures; and accessory agricultural structures. Surrounding land uses include grazing and agricultural uses to the west, Estrella River and undeveloped grazing land to the north and east, and grazing land, a single-family residence, and the Paso Robles Landfill to the south.

Outdoor cultivation uses would occur within aboveground planter boxes and 8-foot-high hoop structures. Semi-translucent plastic covers would occasionally be placed over the hoop structures for approximately 6 to 8 hours during nighttime hours to protect plants from fog or other inclement weather. The proposed cultivation activities would be implemented in two phases (Table 1). Phase 1 would include establishment of two cultivation areas, 32,670 square feet (Area 1) and 15,246 square feet (Area 2) in size, for a total of 47,916 square feet (1.1 acres). Phase 1 would also include securing the appropriate building permits to utilize the existing 2,170-square-foot structure on-site for offices, an employee breakroom, restrooms, and security monitoring uses. Phase 2 of the project would include establishment of three additional cultivation areas, 10,890 square feet (Area 3), 17,424 square feet (Area 4), and 54,450 square feet (Area 5) in size, for a total of 82,764 square feet (1.9 acres), and a cumulative total of 130,680 square feet of outdoor cultivation on-site (3 acres; Figure 3). Upon completing harvest activities, cannabis grown on-site would be transported off-site by a licensed third party for processing and distribution.

Existing trees located within the project area would remain in place and no tree removal or trimming would occur as a result of the project. Cultivation Areas 1 through 3 are located within areas enclosed by existing 5-foot tall livestock fencing and Area 4 is enclosed by an existing 5-foot tall wooden post fence. The project

would utilize the existing surveillance cameras on-site and would include upgrades to the six existing flood lights on-site including installation of light emitting diode (LED) light bulbs and motion sensor technology.

Table 1. Proposed Project Phases

Phase	Project Components
Phase 1	Establish cultivation Area 1 (32,670 square feet)
	Establish cultivation Area 2 (15,246 square feet)
	Utilization of existing 2,170-square-foot structure for offices, employee breakroom, restroom
	Designation of 12 parking spaces
	Upgrades to Area 1 and Area 2 fencing and upgrades to six existing flood lights
Phase 2	Establish cultivation Area 3 (10,890 square feet)
	Establish cultivation Area 4 (17,424 square feet)
	Establish cultivation Area 5 (54,450 square feet)
	Upgrades to Area 3 and Area 4 fencing, installation of new fencing around Area 5

The project would be accessed via an existing paved driveway off Estrella Road. Based on the referral response letter provided by the County of San Luis Obispo (County) Department of Public Works, the project site driveway approach may need to be reconstructed to meet current County standards to protect Estrella Road from edge of pavement damage and minimize tracking soil and rocks onto the roadway surface. These improvements would include reconstruction of the existing access driveway approaches to meet current County B-1a and A-5 standards.

Project cultivation activities would result in a new water demand of approximately 2.17 acre-feet per year (AFY; Wallace Group 2020). Project water demand would be supplied by an existing on-site groundwater well. The project and existing well are located within an Area of Severe Decline within the Paso Robles Groundwater Basin. The project applicant would be required to offset project water use in accordance with County of San Luis Obispo Land Use Ordinance (LUO) Sections 22.40.050 D. 5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042(4) prior to establishment of cultivation uses.

To prevent nuisance odors from being detected off-site, the proposed outdoor cultivation area would be located a minimum of 300 feet from the property lines of the site and public right-of-way in accordance with LUO Section 22.40.050.D.3.b.

The project's energy demand associated with use of the existing on-site irrigation water pump; an office lighting and heating, ventilation, and air conditioning (HVAC) system; and LED security lights and surveillance system would result in an approximate energy demand of 50,739 kilowatt-hours per year. The project would rely on an existing electricity service connection to Pacific Gas and Electric Company (PG&E) facilities. Project employees would utilize the existing restroom located within the 2,170-square-foot structure, which includes an on-site septic system and leach field. Project plant waste would be composted on-site within a designated area. The project would not include the use of any pesticides on-site.

The project would employ two full-time employees during regular operations and up to four additional seasonal employees during project harvest periods, which would occur annually between August and September and last approximately 1 week. The project would include designation of 12 parking spaces, including one Americans with Disabilities Act (ADA)-compliant space, within an existing paved area on-site, with additional area for product transport and delivery uses. Project operations would occur between 8:00 a.m. and 12:00 p.m., 7 days a week.

Ordinance Modifications

The project includes a request for a modification of the fencing standards set forth in LUO Section

22.40.050.D.6 to allow for the use of livestock fencing approximately 5 feet in height with heavy gauge no-climb V mesh fencing and a minimum 1.5 feet of barbed wire to be placed along the top to enclose outdoor cultivation areas 1, 2, 3, and 5, and the use of an existing wooden post fence approximately 5 feet in height with a minimum of 1.5 feet of barbed wire to be placed along the top to enclose cultivation area 4. The 5-foot steel livestock fencing around cultivation areas 1, 2, and 3 is existing on-site. For the purposes of this document, environmental analysis has been conducted evaluating both the scenario in which the fencing modification request is approved and the scenario in which the fencing modification request is denied. If the request for modification of the fencing standards is denied, the project would require the installation of solid and durable fencing at least 6 feet in height to enclose each cultivation area.

Baseline Conditions

No cannabis cultivation activities have occurred on-site to date. Cultivation Areas 1 through 5 are highly disturbed and covered by ruderal vegetation consisting of weeds, introduced species, and bare dirt areas. The surrounding areas are highly disturbed and developed with several buildings, a driveway, parking areas, and ornamental landscape plants. There are scattered native oak trees within Area 5 and throughout the property. The undeveloped areas of the project parcels consist mostly of annual grassland and scattered oak woodland.

ASSESSOR PARCEL NUMBER(S): 015-021-022, 015-021-023

Latitude: 35° 40' 33" N

Longitude: 120° 31' 51" W

SUPERVISORIAL DISTRICT # 1

Other Public Agencies Whose Approval is Required

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

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

B. Existing Setting

Plan Area: North County

Sub: El Pomar/Estrella

Comm: Rural

Land Use Category: Agriculture

Combining Designation: Flood Hazard

Parcel Size: 39 acres and 40 acres (79 acres total)

Topography: Nearly level to gently rolling

Vegetation: Grasses, ruderal, scattered oak woodland

Existing Uses: Agricultural uses, single-family residence(s)

Surrounding Land Use Categories and Uses:

North: Agriculture; Estrella River, undeveloped grazing

East: Agriculture; Estrella River, undeveloped grazing

land

South: Agriculture; grazing land,
single-family residence(s), Paso Robles Landfill

land

West: Agriculture; grazing land, agricultural uses

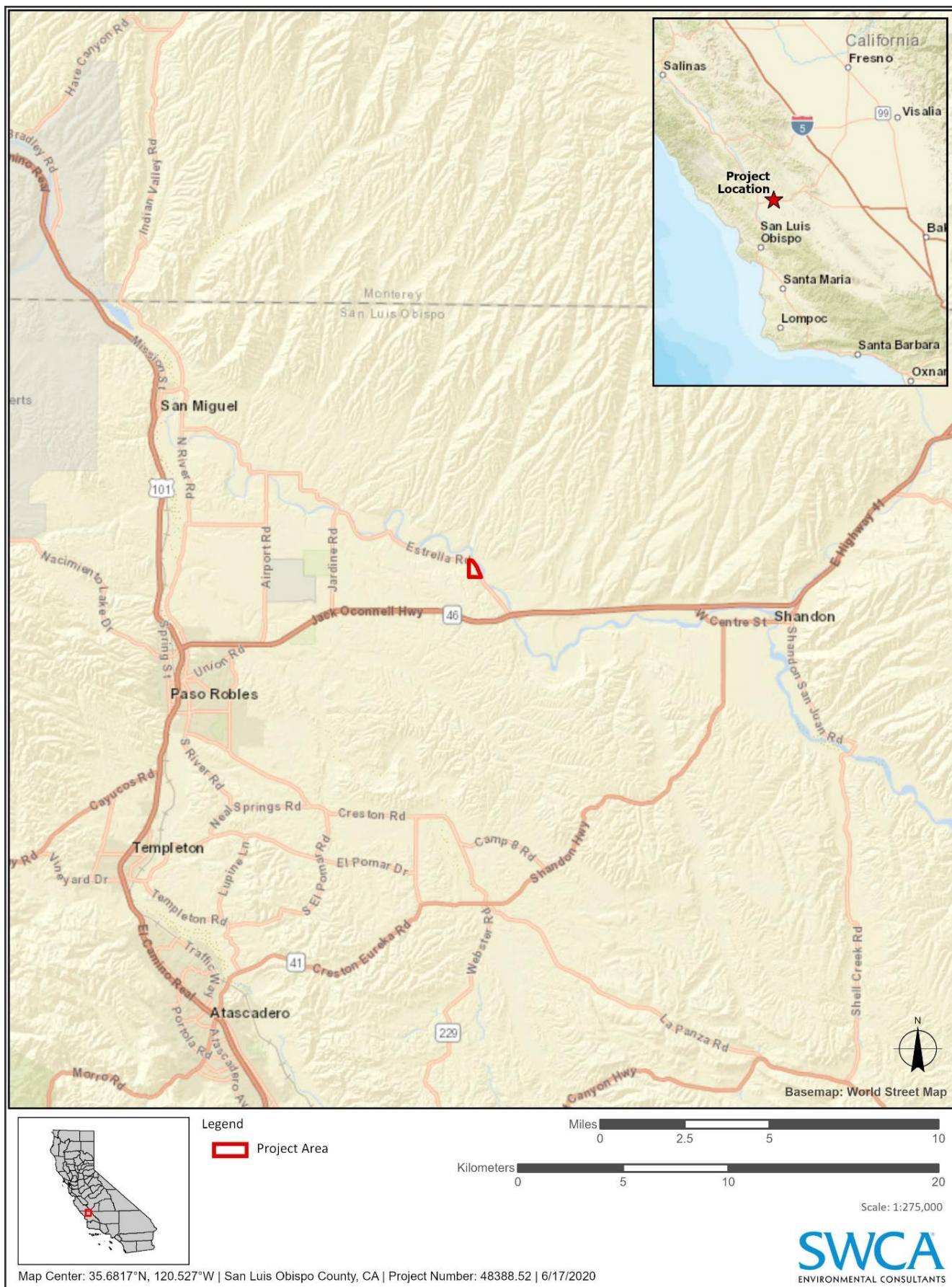


Figure 1. Project vicinity map.



Figure 2. Project location map.



Figure 3. Proposed components map.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

The 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:

- **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 identify of rural areas will be preserved.
- **Goal VR 3:** The visual identities of communities will be preserved by maintaining rural separation between them.
- **Goal VR 7:** Views of the night sky and its constellation of stars will be maintained.

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

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

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

It should also be noted that the Inland 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 California Code of Regulations (CCR) Title 3, Division 8, Chapter 1 Article 4 and include general environmental protection measures for cannabis cultivation projects, including standards related to aesthetic resources. Section 8304 (c) states, "all outdoor lighting used for security purposes shall be shielded and downward facing." Section 8304 (g) states, "mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare."

The project property has historically supported cattle, horses, goats, and other animal husbandry uses. Existing structures on-site include a single-family residence; six flood lights; several corrals with either livestock or solid wood fencing, stables, and other animal enclosures; and accessory agricultural structures (Figure 4).

The project is in a rural area characterized by largely undeveloped parcels ranging between 40 and 500 acres in size. Topography of the project area consists of mostly flat areas alternating with rolling hills and vegetation consist of primarily grassland and native oak woodland. Grazing and agricultural uses are prevalent within the project vicinity, with several rural residences and agricultural accessory structures. Fencing within the project vicinity consists of white wooden farm-style fencing and brown metal cattle fencing. The project site is in a rural portion of San Luis Obispo County with minimal development and little light pollution. According to lightpollutionmap.info, the project site is in a moderately light-polluted area of the county, with a Bortle classification of 7 (suburban/urban transition) (Darksitefinder.com 2020).



Figure 4. Portion of Area 1 with existing fencing and lighting facing northwest (June 3, 2020).

Discussion

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

While the project vicinity has high scenic value and an appealing rural and agricultural character, it is not considered a scenic vista as it does not offer expansive views of a highly valued landscape and is not officially or unofficially designated as a scenic vista. The project is not located within an identified scenic vista, a visually sensitive area, a scenic corridor, or an area of high scenic quality that would be seen from key public viewpoints (County of San Luis Obispo 2020). Therefore, the project would not have a substantial adverse effect on a scenic vista and impacts would be *less than significant*.

(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 located approximately 1.3 miles north of State Route 46 (SR 46), the nearest state highway to the project site. SR 46 is not a designated state scenic highway (California Department of Transportation [Caltrans] 2020). The project is not located within the viewshed of a designated or eligible state scenic highway, and implementation of the project would not result in damage to scenic resources within the viewshed of a state scenic highway. Therefore, *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 includes establishment of outdoor cannabis cultivation within aboveground planter boxes and 8-foot-high hoop structures and use of an existing building for office and security monitoring uses. Semi-translucent plastic covers would occasionally be placed over the hoop structures for approximately 6 to 8 hours during nighttime hours to protect plants from fog or other inclement weather (Figure 5).

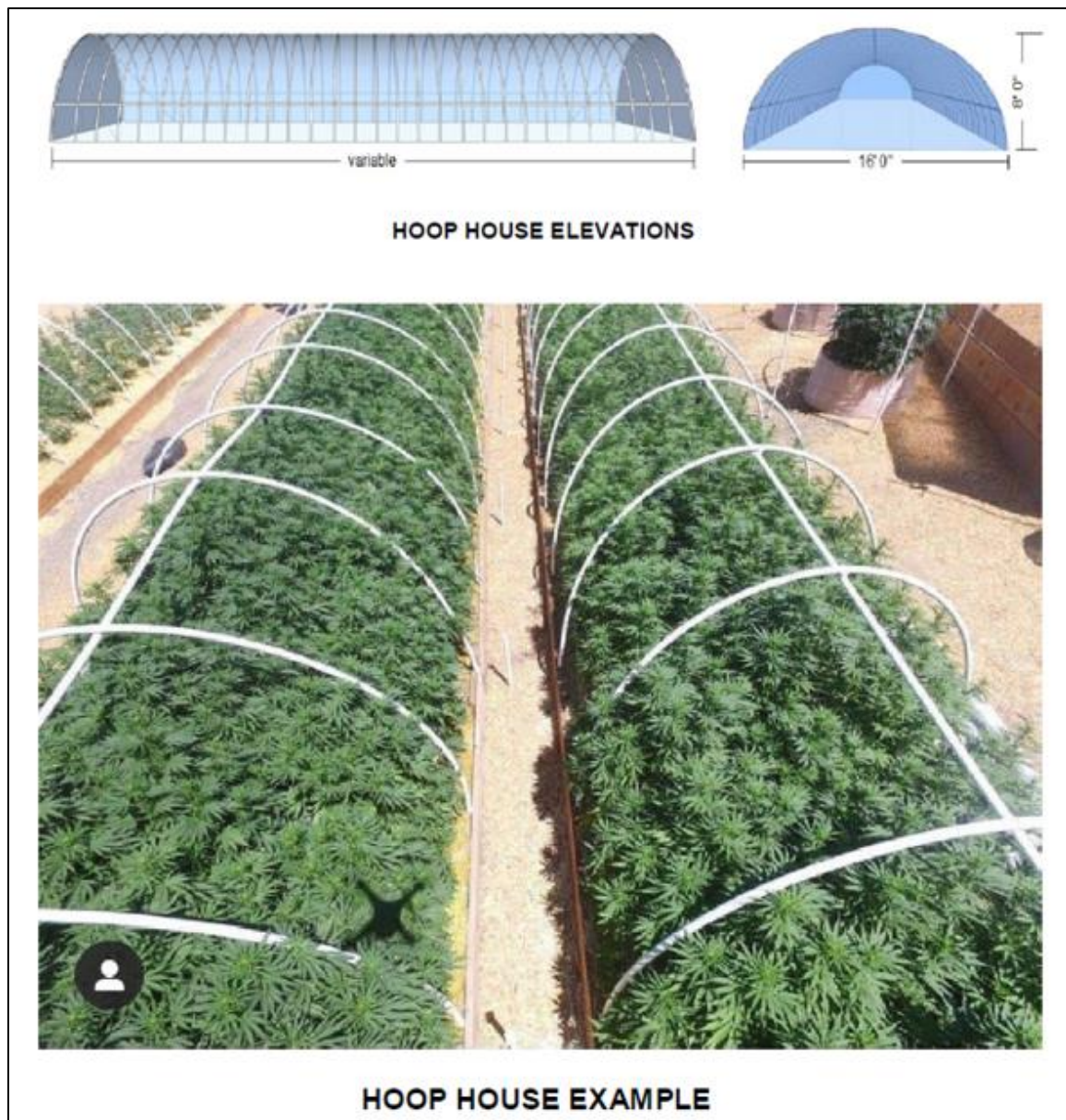


Figure 5. Hoop structure detail and example photo.

The project site is currently developed with several buildings, a driveway, parking areas, and ornamental landscaping. Due to existing topography, none of the proposed project components would be visible to viewers traveling along Estrella Road or other public viewpoints. The project would not result in a substantial degradation of the existing visual character or quality of public views of the site or its surroundings; therefore, potential impacts would be *less than significant*.

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

The project would include upgrading six existing flood lights on-site to include LED light bulbs and motion-sensor technology. Based on the location of the project site in a rural area with low existing levels of light pollution and the proposed security lighting, the project would have the potential to adversely affect nighttime views in the area. Mitigation Measure AES-1 has been identified to require a light pollution prevent plan be prepared and implemented in order to ensure compliance with

County exterior lighting standards and prevent light from spilling over to adjacent properties; therefore, potential impacts would be *less than significant with mitigation*.

Conclusion

The project has the potential to result in visual impacts associated with nighttime views in the area. Mitigation Measure AES-1 has been identified to reduce potentially significant impacts to a less-than-significant level through preparation and implementation of a Light Pollution Prevention Plan to demonstrate compliance with County exterior lighting standards. Upon implementation of this mitigation measure, impacts to aesthetics would be less than significant.

Mitigation

AES-1 Nighttime lighting. Prior to issuance of construction permits, the applicant shall submit a light pollution prevention plan to the County of San Luis Obispo Department of Planning and Building for review and approval that demonstrates all exterior lighting would conform to Land Use Ordinance Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. All exterior lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions.

Sources

See Exhibit A.

II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i>				
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	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 Farmland of Local Importance designation.

Farmland of Local Importance is land of importance to the local economy, as defined by each county's local advisory committee and adopted by its Board of Supervisors. In San Luis Obispo County, Farmland of Local Importance refers to areas of soils that meet all the characteristics of Prime or Statewide, with the exception of irrigation (CDOC 2016).

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

102. Arbuckle-Positas complex, 9–15% slopes. This soil unit is located beneath all of cultivation Areas 1, 2, and 3, and most of Areas 4 and 5. This very deep, well-drained soil has moderately slow permeability, medium surface runoff potential, moderate erodibility, and moderate shrink-swell potential. The major use consists of cultivated crops, rangeland, and urban land. Proper tillage and the use of crop residue help to improve soil tilth, structure, fertility, and water infiltration. Management considerations include paying special attention to sheet and rill erosion hazards that can develop if cultivated. The slow absorption of effluent in septic tank absorption fields can be overcome by increasing the size of the absorption area. This soil is identified as Prime Farmland based on its rating in the California Revised Storie Index and Other Productive Soils under Table SL-2 Important Agricultural Soils of San Luis Obispo County in the COSE.

103. Arbuckle-Positas complex, 15–30% slopes. This soil unit underlies the existing access driveway and a portion of cultivation Area 5. This complex is very deep and well drained, and has very slow to moderately slow permeability, rapid surface runoff potential, high shrink-swell potential, and high

erodibility. The major uses include cultivated crops, rangeland, and urban land. Management considerations include paying special attention to excessive runoff when irrigated, erosion, slope, and low strength. This soil is identified as Other Productive Soils under table SL-2 Important Agricultural Soils of San Luis Obispo County in the COSE.

106. Arbuckle-San Ysidro complex, 2-9% slopes. This soil unit underlays the existing office building and a portion of cultivation Area 4. This complex is very deep and well drained, and has very slow to moderately slow permeability, medium surface runoff potential, moderate erodibility, and high shrink swell potential. The major uses include cultivated crops, rangeland, and urban land. Management considerations include paying special attention to sheet and rill erosion when cultivated and shrink-swell and low strength when building. The slow absorption of effluent in septic tank absorption fields can be overcome by increasing the size of the absorption area. This soil is identified as Prime Farmland based on its rating in the California Revised Storie Index and Farmland of Statewide Importance under 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 on a property currently under a Williamson Act contract.

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

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

The property is classified as Farmland of Local Importance by the FMMP. Farmland of Local Importance is defined in San Luis Obispo County as areas of soils that meet all the characteristics of Prime or Statewide Importance, with the exception of irrigation (CDOC 2016). The proposed outdoor cultivation areas would result in the impermanent conversion of approximately 3 acres of agricultural land that could be relatively easily converted back to agricultural-type uses at the end of the life of the project. The project would not result in the conversion of any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use; therefore, potential impacts would be *less than significant*.

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

The subject property is located within the Agriculture land use designation and cannabis cultivation activities including the proposed outdoor cultivation are allowed uses within this land use designation (LUO Section 22.06.030). The project site is subject to a Williamson Act contract. 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.

Based on County staff evaluation of the existing Williamson Act contract, the landowner statement submitted by the applicant, and observation of existing uses on-site, the project property is currently out of compliance with its Williamson Act contract due to a lack of qualifying uses (i.e., irrigated crops). The proposed cannabis cultivation would not occur in areas historically used to support irrigated

crops, and therefore would not represent a conflict between the project and the property's Williamson Act contract if the property were brought back into compliance. The project would be conditioned to either file for non-renewal of its contract or be brought back into compliance prior to implementation of the project. Therefore, based on cannabis cultivation being a compatible use and no direct conflict between the proposed project and the property Williamson Act contract, the project would not conflict with a Williamson Act contract and impacts would be *less than significant*.

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

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

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

The project parcel contains several native trees adjacent to and within proposed cultivation areas. The density of native trees on-site does not constitute 10% native tree cover. In addition, the project would not result in the removal or trimming of any of these trees. Therefore, potential impacts associated with loss or conversion of forest land 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 includes the establishment of outdoor cannabis cultivation within hoop structures. The project site is bordered by active agricultural operations and undeveloped land. Construction activities would be limited to installation of planter boxes, improvements to existing fencing and/or installation of new fencing, and improvements to the existing driveway approach on-site. Based on the temporary nature and limited scope of construction activities, the project would not result in noise or dust emissions substantial enough to result in the conversion of surrounding agricultural lands to non-agricultural uses.

During operation, the project would result in additional water demand on the local groundwater basin. Based on compliance with existing regulations described in Section X. Hydrology and Water Quality, the project would not result in the depletion of groundwater resources in a manner that would adversely affect surrounding property's wells. Therefore, potential impacts related to other changes in the existing environmental resulting in conversion of forest land to non-forest use or conversion of Farmland to non-agricultural use would be *less than significant*.

Conclusion

No significant impacts to agriculture and forestry resources would occur. No mitigation measures are necessary.

Mitigation

None necessary.

Sources

See Exhibit A.

III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</i>				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input 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) 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term air pollutant emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and particulate matter 10 micrometers or less in diameter (PM₁₀). The 2001 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 2001 CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the 2001 CAP.

SLOAPCD Criteria Pollutant Thresholds

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

Use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NO_x), reactive organic gases (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. In addition to construction emissions screening rates based on earthwork estimates, SLOAPCD guidelines state that any project with a grading area greater than 4 acres of worked area has the potential to exceed the 2.5-ton PM₁₀ quarterly threshold.

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.

The SLOAPCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 pounds per day threshold of significance for the emission of particulate matter (PM₁₀). According to the SLOAPCD estimates, an unpaved roadway of 1 mile in length carrying six round trips would likely exceed the 25 pounds per day PM₁₀ threshold.

Sensitive Receptors

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest sensitive receptor location to the project site is a single-family residence located approximately 1,800 feet (0.3 mile) to the south.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. The project site is not located in an area identified as containing NOA by the SLOAPCD (SLOAPCD 2020).

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 the SLOAPCD based on the size of the project, and issuance of a burn permit by the SLOAPCD and the local fire department authority. As 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 CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the 2001 CAP (SLOAPCD 2001). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public; therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to two full-time regular employees and four

seasonal employees. The project would not result in a significant increase in employees and therefore would not significantly affect the local area's jobs/housing balance.

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

The project would not conflict with or obstruct implementation of the 2001 CAP; therefore, impacts would be *less than significant*.

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

The county is currently designated as non-attainment for ozone and PM₁₀ under state ambient air quality standards. Construction of the project would result in emissions of ozone precursors, including ROGs, NO_x, and fugitive dust emissions (PM₁₀).

Construction Emissions

As proposed, the project will result in approximately 3 acres of ground disturbance associated with placement of aboveground planter boxes, improvements to existing fencing and/or installation of new fencing, and improvements to the existing driveway approaches. Proposed earthwork would be small in scale (less than 40 cubic yards total) and temporary in nature. 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, assuming a maximum of 40 cubic yards of total earthwork.

Table 2. Estimated Project Construction Emissions.

Pollutant	Total Estimated Emissions	SLOAPCD Threshold		Threshold Exceeded?
		Daily	Quarterly (Tier 1)	
ROG + NO _x (combined)	4.54 pounds	137 pounds	2.5 tons	No
Diesel Particulate Matter (DPM)	0.20 pounds	7 pounds	0.13 tons	No
Fugitive Particulate Matter (PM ₁₀)	2.25 tons		2.5 tons	No

Based on the estimated construction emissions provided in Table 2, the project would not exceed SLOAPCD construction emissions thresholds.

Operation-Related Emissions

From an operational standpoint, at buildout, the project would consist of outdoor cultivation of cannabis and use of an existing building for office and security monitoring purposes. The project would not include the use of any heavy machinery or other uses that would constitute a stationary source of air pollutant emissions, and based on the limited number of employees (two full-time employees) and one harvest of cannabis grown on-site per year, the project would not generate a substantial source of vehicle-related emissions. In addition, the project is accessed by an existing paved driveway off Estrella Road, a paved County-maintained roadway. Therefore, project vehicle trips would not generate a substantial amount of fugitive dust emissions on- or off-site.

Therefore, the project would not contribute to a cumulatively considerable increase of any criteria pollutant, and impacts would be *less than significant*.

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

Wind in the project vicinity comes most often from the north (October to May) and from the west (May to October), with the windiest months of the year occurring between the months of February and July (Weatherspark.com 2020). The nearest sensitive receptor location is an off-site residence located approximately 1,800 feet south of the project site. Construction-generated air pollutant emissions would be limited to fence installation and planter box installation, be temporary in nature, and dissipate substantially before reaching the off-site residence. The project would not result in a substantial source of operational air pollutant emissions. Therefore, impacts related to exposure of sensitive receptors to substantial air 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 not located in an area identified as containing NOA by the SLOAPCD. The project does not propose to burn any on-site vegetative materials and would be subject to SLOAPCD restrictions on developmental burning of vegetative material; therefore, the project would not result in substantial air pollutant emissions from such activities.

The project includes outdoor cannabis cultivation. This activity often produces potentially objectionable odors during the flowering and harvest phases of the proposed operations which could disperse through the air and be detected by surrounding receptors. The project is located within a remote area and is generally surrounded by grazing lands, undeveloped land, and the Paso Robles Landfill. The project would include one harvest per year, so any objectional odors would be limited to a relatively short period of time during the flowering and harvest phase annually. Additionally, the proposed outdoor cannabis cultivation area is located approximately 1,800 feet away from the nearest off-site sensitive receptor, a single-family residence located south of the project site. Based on the distance between the uses and open topography, project odor emissions would dissipate substantially before reaching the off-site residence. As a result, the project's other emissions, such as those leading to odors, would not adversely affect a substantial number of people and potential impacts would be *less than significant*.

Conclusion

The project would be consistent with the 2001 CAP and would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Federal and California Endangered Species Acts

The Federal Endangered Species Act (FESA) of 1973 provides legislation to protect federally listed plant and animal species.

The California Endangered Species Act (CESA) of 1984 ensures legal protection for plants listed as rare or endangered and wildlife species formally listed as endangered or threatened, and maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the CDFW has the authority to review projects for their potential to impact special-status species and their habitats. CDFW also maintains a Watch List for species that were previously SSC but no longer merit SSC status, or which do not meet SSC criteria but for which there is concern and a need for additional information to clarify status. The California Native Plant Society (CNPS) maintains a rare plant ranking system that ranges from extinct (California Rare Plant Rank [CRPR] 1A) to watch list (CRPR 4), and ranks can also include a threat level:

California Rare Plant Ranks:

- 1A: Plants presumed extirpated in California and either rare or extinct elsewhere
- 1B: Plants rare, threatened, or endangered in California and elsewhere
- 2A: Plants presumed extirpated in California, but common elsewhere
- 2B: Plants rare, threatened, or endangered in California, but more common elsewhere
- 4: Plants of limited distribution - a watch list

California Rare Plant Threat Ranks:

- 0.1: Seriously threatened in California
- 0.2: Moderately threatened in California
- 0.3: Not very threatened in California

Migratory Bird Treaty Act

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

Oak Woodland Ordinance

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.

General environmental protection measures for cannabis cultivation projects are included in 3 CCR Division 8, Chapter 1 Article 4, which include the following requirements associated with compliance with biological resources:

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

Project Site Setting

The project is located on a 79-acre property approximately 1.5 miles north of SR 46, 4.0 miles east of the city of Paso Robles, and 8.8 miles west of the community of Shandon. Topography of the project parcels is nearly level to gently rolling and has an elevation range of approximately 850 to 900 feet above sea level. Undeveloped portions of the property are composed of a mosaic of annual grassland with a few scattered oak trees, sycamore trees, and foothill woodland habitats on hillsides. No wetland or water features occur within the project area or immediately surrounding areas (Holland 2020).

Project areas proposed for cultivation would occur within an area of the property that has been highly disturbed by construction of several buildings, parking areas, driveways, and landscaping. Cultivation Areas 1 through 5 are highly disturbed and covered by ruderal vegetation consisting of weeds, introduced species, and bare dirt areas. The surrounding areas are highly disturbed as well, and developed with several buildings, a driveway, parking areas, and landscape plants. There are several widely scattered native oak trees within Area 5 and throughout the property. The undeveloped areas of the project parcels consist mostly of annual grassland and scattered oak woodland.

Discussion

The analysis provided below is based on the Biological Resources Survey Report prepared for the project (Holland 2020).

- (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

The California Natural Diversity Database (CNDDDB) and the CNPS Inventory of Rare and Endangered Plants of California database were queried for sensitive plant species within the project quadrangle and surrounding eight quadrangles, and 32 sensitive plant species were identified to have documented occurrences. Most of these species were determined not to have potential to occur on-site due to the site being outside their distribution range, habitat requirements, and/or having never been reported within the Estrella quadrangle or near the site. A total of six special-status plant species were determined to have potential to occur on-site, as listed below:

- Oval-leaved snapdragon (*Antirrhinum ovatum*), CRPR 4.2
- Douglas' spineflower (*Chorizanthe douglasii*), CRPR 4.3
- Small-flowered morning glory (*Convolvulus simulans*), CRPR 4.2
- Santa Lucia dwarf rush (*Juncus luciensis*), CRPR 1B.2
- Jared's pepper-grass (*Lepidium jardii* ssp. *jardii*), CRPR 1B.2
- Shining navarretia (*Navarretia nigelliformis* ssp. *radians*), CRPR 1B.2

Biological resource surveys of each of the outdoor cannabis cultivation sites were conducted on October 16 and November 14, 2019, with the purpose of carefully examining the existing flora, vegetation, wildlife, and biological habitats on and around the project cultivation areas to determine the presence or potential presence of special-status species and habitats. Based on the highly disturbed nature of the project development areas and lack of suitable habitats or signs of special-status plant species, none of the species listed above or other special-status plant species are expected to occur on-site, as described in Table 3. Therefore, the project would not have adverse effects on special-status plant species.

Table 3. Special-Status Plant Species Presence Evaluation

Species Name	Habitat	Presence Analysis
Oval-leaved snapdragon (<i>Antirrhinum ovatum</i>)	Chaparral, cismontane woodland, pinyon and juniper woodland, valley and foothill grassland. Clay or gypsum soils, often alkaline.	Not Present. No plants were found within or near the outdoor cannabis cultivation sites and no suitable habitat occurs within or near the cultivation sites. No appropriate alkaline or clay soils on-site.
Douglas' spineflower (<i>Chorizanthe douglasii</i>)	Chaparral, cismontane woodland, coastal scrub, Lower montane coniferous forest, valley and foothill grassland. Sandy or gravelly soils.	Not Present. No plants were found within or near the outdoor cannabis cultivation sites and no suitable habitat occurs within or near the highly disturbed cultivation sites.
Small-flowered morning glory (<i>Convolvulus simulans</i>)	Chaparral (openings), coastal scrub, valley and foothill grassland. Clay, serpentinite seeps.	Not Present. No plants were found within the outdoor cannabis cultivation site and no suitable habitat occurs near the site. There are no appropriate clay or serpentinite seeps on or near the project site.
Santa Lucia dwarf rush (<i>Juncus luciensis</i>)	Chaparral, Great Basin scrub, lower montane coniferous forest, Meadows and seeps, vernal pools	Not Present. No plants were found within the outdoor cannabis cultivation site and no suitable habitat occurs near the site. No meadows, seeps, or vernal pools occur on-site.
Jared's pepper-grass (<i>Lepidium jaredii</i> ssp. <i>jaredii</i>)	Valley and foothill grassland (alkaline, adobe)	Not Present. No plants were found the outdoor cannabis cultivation site and no suitable habitat occurs near the site. No appropriate alkaline or adobe soils or habitats on this highly disturbed habitat.
Shining navarretia (<i>Navarretia nigelliformis</i> ssp. <i>radians</i>)	Cismontane woodland, valley and foothill grassland, vernal pools. Sometimes clay.	Not Present. No plants were found the outdoor cannabis cultivation site and no suitable habitat occurs near the site. There are no appropriate clay soils or vernal pool habitats on-site.

Special-Status Wildlife

The CNDDDB was queried for sensitive wildlife species within the project quadrangle and surrounding eight quadrangles, and 52 special-status wildlife species were identified to have documented

occurrences. Of these species, a total of 10 were determined to have potential to occur within the project area, based on habitat requirements and distribution range, as detailed below:

- Crotch bumble bee (*Bombus crotchii*), CESA Endangered
- Vernal pool fairy shrimp (*Branchinecta lynchi*), FESA Threatened
- Pajaro/Salinas hitch (*Laninia exilicauda harengus*), CDFW SSC
- Western spadefoot (*Spea hammondi*), CDFW SSC
- Western pond turtle (*Emys marmorata*), CDFW SSC
- Loggerhead shrike (*Lanius ludovicianus*), CDFW SSC
- American badger (*Taxidea taxus*), CDFW SSC
- San Joaquin kit fox (*Vulpes macrotis mutica*), FESA Endangered, CESA Threatened
- Pallid bat (*Antrozous pallidus*), CDFW SSC
- Townsend's big-eared bat (*Corynorhinus townsendii*), CDFW SSC

Based on observations of habitat conditions made during the field surveys, four of the species listed above have potential to occur within proximity of proposed project activities, as described in Table 4 and discussed below.

Table 4. Special-Status Wildlife Species Presence Evaluation

Species Name	Habitat Requirements	Potential to Occur On-Site
Crotch bumble bee (<i>Bombus crotchii</i>)	Bunch grasses in areas containing food plants <i>Antirrhinum</i> , <i>Clarkia</i> , <i>Dendromecon</i> , <i>Erigonum</i> , and <i>Phacelia</i> .	No Potential. Neither food plants nor suitable habitat areas present within project site.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	Vernal pool habitats including depressions in sandstone, to small swale, earth slump or basalt-flow depressions with a grassy or, occasionally, muddy bottom in grassland. Vernal pool areas (usually less than 0.05 acres) found in unplowed grasslands of the Central Valley and coastal interior mountains.	No Potential. No vernal pools or small depressions found in the grasslands on the proposed project site or subject parcel.
Pajaro/Salinas hitch (<i>Laninia exilicauda harengus</i>)	Deep-bodied cyprinids widely distributed in the Pajaro and Salinas River systems, which are tributaries to Monterey Bay. Occupy a wide variety of habitats, although most abundant in lowland areas with large pools or in small reservoirs with permanent water in summer.	No Potential. No stream or pond habitats on the project site; therefore, this species does not occur on the project site.
Western spadefoot (<i>Spea hammondi</i>)	Occurs primarily in grassland habitats but can be found in oak woodlands, chenopod scrub, alkali sink, and in sandy, gravelly washes and river floodplains. Must have vernal pools for breeding and egg	No Potential. No potential wetland habitats on the proposed project site. Species occurs in ephemeral pools and ponds surrounded by grassland. No natural pools or wetlands occur on the highly

Species Name	Habitat Requirements	Potential to Occur On-Site
	laying.	disturbed project site or within the immediate vicinity.
Western pond turtle (<i>Emys marmorata</i>)	Occurs in quiet waters of ponds, lakes, streams, and marshes with stands of wetland vegetation. Highly aquatic species requiring permanently ponded water. Typically found in deepest parts where there are many basking sites such as partially submerged logs, vegetation mats, or open mud banks.	Very Low Potential. Species can live on land and will often travel overland in search of a source of water or a place to over summer in underground burrows in dry years. However, no suitable nesting sites were identified near the proposed project site. The possibility of this species occurring in or near the project site is very remote.
Loggerhead shrike (<i>Lanius ludovicianus</i>)	Often found in open pastures or grasslands and appear to prefer trees like red cedar and hawthorn trees for nesting, where thorns and pin-like needles protect and conceal species from predators. May also nest in fencerows or hedgerows near open pastures. Require elevated perches as lookout points for hunting, and forage in adjacent open pastures and grasslands with shorter vegetation. More common in large areas of grassland and oak savannas and nests in dense brush.	Low Potential. The grassland habitat on and around the property could potentially provide suitable foraging habitat for this species; however, none were observed on or around the site.
American badger (<i>Taxidea taxus</i>)	Found in grasslands where they often dig burrows and forage for small mammals and reptiles. Visits a variety of habitats, including chaparral, and oak woodland with friable soils and open, uncultivated ground. No signs were observed, and no diggings or burrows were found on subject parcel.	Low Potential. No signs of species or badger burrows within or near the proposed project site were observed. Potential habitat for this species may occur on the property; however, none of these areas will be affected by the proposed project.
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	Occurs in annual grassland or grassland with scattered shrubs. Needs friable sandy soils for burrowing and suitable prey base.	Low Potential. No signs of species or small mammal burrows within or near the proposed project site were observed. Project site is located near Estrella River, a known migratory corridor for this species. Based on existing fencing and highly disturbed nature of the project site and immediate vicinity, potential for species to occur on-site is very low.
Pallid bat (<i>Antrozous pallidus</i>)	Roosts in trees and buildings, prefers to be near a source of water.	Low Potential. No roosts were observed on-site, however, existing buildings and trees located on-site could potentially support roosts.
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>)	Prefers rocky areas, old mines, and sometimes old buildings for roosting.	Low Potential. No roosts were observed on-site, however, existing buildings and trees located on-site

Species Name	Habitat Requirements	Potential to Occur On-Site
		could potentially support roosts.

Western Pond Turtle

The proposed cultivation areas are highly disturbed, and no suitable nesting habitat was observed on-site. However, due to the project site's proximity to the Estrella River and existing site conditions, the project site and immediately surrounding areas have low potential to support foraging habitat for western pond turtle. Therefore, the project has the potential to result in direct or indirect impacts to western pond turtle during site preparation and construction activities, including installation of planter boxes, installation of new fencing, and improvements to the existing driveway approaches. Mitigation Measures BIO-1, BIO-2, and BIO-5 have been identified to require worker environmental awareness training, focused preconstruction surveys, and relocation of individuals found during surveys. These measures would reduce potential impacts to western pond turtle to less than significant.

Loggerhead Shrike and Other Nesting Birds Protected under the Migratory Bird Treaty Act

The project site provides suitable nesting habitat for a variety of bird species that are protected by the MBTA and California Fish and Game Code, including loggerhead shrike. While the project would not result in any direct impacts associated with tree trimming or removal, potential indirect impacts to active nests resulting in nest failure could occur during project site disturbance activities and could conflict with the MBTA. Mitigation Measure BIO-3 has been identified to require site disturbance activities to occur outside of the typical nesting season, if feasible; require preconstruction surveys to be conducted if activities are to take place within the nesting season; and implement no-disturbance buffers for any active nests pursuant to the MBTA. These measures would avoid or reduce potential impacts to loggerhead shrike and other nesting birds protected by the MBTA to less than significant.

American Badger

Based on marginally suitable habitat conditions within the project area, American badger was determined to have a low potential to occur on-site. Proposed construction and grading activities have the potential to impact American badger directly or indirectly, as noise, vibration, and dust generation may cause them to leave burrows. Mitigation Measure BIO-4 has been identified to require focused preconstruction surveys, establishment of a no-work buffer, and coordination with relevant agencies if active badger dens are found. Upon implementation of Mitigation Measures BIO-4 and BIO-5, impacts to American badger would be less than significant.

San Joaquin Kit Fox

San Joaquin kit fox (SJKF) are considered to have low potential to occur on-site based on proximity to the Estrella River, a corridor known to convey SJKF movement, and marginal grassland habitat within proximity to the project site. Construction and implementation of the proposed project would result in disturbance within ruderal habitat within each of the cultivation areas, four of the five of which are located within existing horse arenas or other animal enclosures. Direct impacts to SJKF may occur as a result of construction-related activities, including vehicle strikes, and indirect impacts may occur during long-term project activities, including increased light pollution.

The project site is also located within the County's designated 3:1 SJKF habitat mitigation area. A San Joaquin Kit Fox Habitat Evaluation Form was completed for the project (McGovern 2020) and submitted to CDFW for review in April 2020. Compensatory mitigation, at the ratio determined by CDFW, must be fulfilled by contribution to the preservation of habitat through a conservation easement agreement, compensation to a predetermined mitigation bank, or payment of an in-lieu fee to the San Francisco office of The Nature Conservancy (TNC). Mitigation Measures BIO-5 through BIO-

13 have been identified to avoid impacts to SJKF and compensate for the loss of suitable habitat. Upon implementation of these measures, potential impacts to SJKF would be less than significant.

Pallid Bat and Townsend's Big-Eared Bat

Based on existing buildings and trees located on the project property, both pallid bat and Townsend's big-eared bat have potential to roost within proximity to the proposed project site. The project does not include trimming or removal of existing trees or removal or major alterations to existing buildings on-site, therefore, no direct impacts to roosting bats would occur. However, project construction activities, such as installation of new fencing and improvements to the existing driveway approaches, may have the potential to result in indirect impacts including generation of noise, vibration, and dust and may cause temporary disturbance to these species, if present. Mitigation measure BIO-14 has been identified to avoid and/or reduce impacts to roosting bats through conducting a pre-construction survey for active roosts and implementing appropriate work buffers if found. During operation, project activities would not result in direct or indirect impacts to roosting bats. Therefore, upon implementation of mitigation measure BIO-14, potential impacts to pallid bat and Townsend's big-eared bat would be less than significant.

The project has the potential to result in impacts to special-status wildlife species and/or their habitats. Mitigation Measures BIO-1 through BIO-14 have been identified to avoid and reduce all potential project impacts to these species; therefore, based on the analysis provided above, potential impacts associated with substantial adverse effects on any special-status species would be *less than significance with mitigation*.

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

Based on the Biological Resources Assessment prepared for the project, no special-status plant communities, USFWS-designated critical habitat, or riparian habitat occurs within the project site or the immediate project vicinity (Holland 2020). Project site disturbance activities would be limited to installation of new fencing, installation of planter boxes within all cultivation areas, and required improvements to the existing driveway approach. These activities would occur within highly disturbed ruderal habitats and would not have a substantial adverse effect on any riparian habitat or other sensitive natural community; therefore, potential impacts would be *less than significant*.

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

The nearest surface water feature to the proposed disturbance areas is the Estrella River, located approximately 940 feet to the east. Based on the Biological Resources Assessment prepared for the project, no potentially jurisdictional water features are located within or immediately adjacent to proposed work areas (Holland 2020). Therefore, potential impacts associated with substantial adverse effects on federally or state-protected wetlands 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?*

There are no streams or other water features on-site that could support aquatic life. The project site is located approximately 940 feet west of the Estrella River, a corridor known to convey SJKF movement. The project site is surrounded by open grassland and foothill oak woodland habitats. The project would result in installation of new fencing and/or installation of no-climb mesh fencing to existing livestock fencing. Mitigation measure BIO-10(l) has been identified to require all permanent fencing to allow for SJKF passage through or underneath by providing frequent ground-level openings.

Therefore, potential impacts associated with interference with the movement of native fish or wildlife species would be *less than significant with mitigation*.

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

Scattered mature valley oak trees, which are considered a sensitive resource by the County and are endemic to California, occur within the project property. Based on the current site plans, no oak trees are proposed for removal, and no proposed improvements would require trimming or other impacts to the trees on-site. Therefore, potential impacts associated with a conflict with any local policies or ordinances protecting biological resources would be *less than significant*.

- (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 wildlife and their habitats, potential impacts to biological resources would be less than significant.

Mitigation

- BIO-1 Retention of a Qualified Biologist.** Prior to issuance of construction permits or establishment of the use, whichever occurs first, the applicant shall provide evidence to the County that they have retained a County-approved qualified biologist. The scope of work shall include preconstruction surveys, training, monitoring, and reporting, as detailed in the mitigation measures listed below.
- BIO-2 Preconstruction Survey for Special-Status Reptiles.** A qualified biologist shall conduct a preconstruction survey immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. If any additional ground- or vegetation- disturbing activities occur on the project site, the above surveys and mitigation shall be repeated.
- BIO-3 Preconstruction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance associated with installation of new fencing, planter boxes, etc. 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, as detailed below.
- 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 burrowing owl [*Athene cunicularia*]) 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 2 weeks lapse between different phases of project activities (e.g., fencing and planter installation, driveway improvements, etc.), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-4

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

- d. If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infrared, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
- e. If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

BIO-5

Environmental Awareness Training. Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the

project's discretionary permits; an overview of the FESA, the CESA, and the implications of noncompliance with these regulations; and an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County. If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on-site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BIO-6

San Joaquin Kit Fox Compensatory Mitigation Acreage. Prior to initiation of site disturbance activities (e.g., installation of planter boxes, driveway improvements, etc.), the applicant shall submit evidence to the CDFW and County that satisfactorily demonstrates one or a combination of the following SJKF mitigation measure options has been implemented to offset the project's calculated compensatory impacts:

- a. **Habitat Set Aside:** Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo kit fox habitat area northwest of SR 58), either on- or off-site, and provide for a nonwasting endowment to provide for management and monitoring of the property in perpetuity. Total area of habitat set aside shall be determined by the CDFW. Lands conserved shall be subject to the review and approval by the CDFW and County.

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

- b. **In-Lieu Fee:** Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area located within San Luis Obispo County and provide for a nonwasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) could be completed by providing funds to TNC pursuant to the Voluntary Fee-Based Compensatory Mitigation Program. The program was established in agreement between the CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of required mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after the CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground-disturbing activities. The fee, payable to "The Nature Conservancy," would be determined by CDFW based on \$2,500 per acre (e.g., 3 acres impacted × 3 acres mitigation per acre impacted × \$2,500 per acre = \$22,500).

- c. **Conservation Bank Credit:** Purchase credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a nonwasting endowment for management and monitoring of the property in perpetuity. The number of credits required shall be determined by the CDFW.

Mitigation alternative (c) can be completed by purchasing credits through the CDFW-approved Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative

to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would be calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground-disturbing activities.

BIO-7 San Joaquin Kit Fox Measures on Plans. Prior to initiation of site-disturbance activities, all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

BIO-8 Preconstruction Survey for San Joaquin Kit Fox. A qualified biologist shall complete a preconstruction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 200-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for sign of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF sign, and/or known or potential SJKF dens, if present. If no SJKF sign, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

- a. If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infrared camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- b. If a known den is identified within 200 feet of any proposed project work areas, no work may start in that area.

If 30 days lapse between different phases of project activities, where no or minimal work activity occurs, the SJKF survey shall be updated.

BIO-9 Biological Monitoring. A qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., installation of planter boxes, installation of fencing, driveway improvements, clearing, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

BIO-10 San Joaquin Kit Fox Avoidance and Protection Measures. During all site-disturbance activities, the following measures shall be adhered to and listed on all project plans:

- a. If an SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
- b. A maximum 25-mile-per-hour (mph) speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.

- c. All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
- d. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes, or trenches greater than 2 feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If an SJKF is entrapped, the USFWS, CDFW, and County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
- e. All pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on-site shall be moved if there is an SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
- f. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
- g. No deliberate feeding of wildlife shall be allowed.
- h. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
- i. Trash will be disposed of into containers rather than stockpiling on-site prior to removal.
- j. Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with preconstruction survey requirements) by a qualified biologist before they are moved.
- k. The use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
- l. For any fenced area exceeds 100 yards of linear fencing, permanent fences shall allow for SJFK passage through or underneath by providing frequent openings (8 × 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence every 100 yards. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- m. During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures an SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations of injured or dead SJKF are made, the applicant shall immediately notify the USFWS, CDFW, and County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the

finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.

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

BIO-11 **Lighting.** To minimize the effects of exterior lighting on special-status wildlife species, the applicant shall submit a Light Pollution Prevention Plan to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

- a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn (e.g., use blinds, etc. in office building).
- b. Exterior lighting used for security purposes shall be motion activated and directed downward and to the interior of the site to avoid the light source from being visible off-site and shall be of the lowest lumen necessary to address security issues.

BIO-12 **Site Maintenance and General Operations.** The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- a. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- b. Project plans, drawings, and specifications shall show the boundaries of all work areas on-site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- c. Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on-site).
- d. Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- e. Washing of concrete, paint, and equipment and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- f. Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

BIO-13 **Annual Pre-Activity Survey for San Joaquin Kit Fox.** For the life of the project, if outdoor cultivation areas at any point change from aboveground planter boxes to in-ground planning, the applicant or project proponent shall hire a qualified biologist to complete an annual pre-activity survey for SJKF no more than 14 days prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and other special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within

the grow site areas plus a 50-foot buffer for small mammals and 200-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 200 feet of the disturbance area, then the County must be contacted for further guidance. The County will contact the appropriate resource agencies.

- BIO-14 Roosting Bat Survey and Avoidance.** Site preparation and construction activities shall be conducted outside of the typical bat maternity roosting and pupping season (February 1 through August 31), if feasible. If construction activities are to occur within this season, the applicant shall retain a County of San Luis Obispo-approved qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-approved qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed and no further mitigation is required.

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.

Planning Area Standards for the El Pomar-Estrella Sub-area (LUO Section 22.94.040) require a preliminary archaeological resources survey of all sites proposed for development within 100 feet of the bank of a creek and within 300 feet of a creek where the slope of the site is less than 10 percent. If the preliminary site survey determines that proposed development may have significant effects on an existing, known or suspected archaeological resource, a Minor Use Permit shall be required and shall include a plan prepared by the archaeologist for mitigation to protect the resource.

Estrella Ranch has a longstanding history, once owned by George Randolph Hearst, the eldest grandson of the late William Randolph Hearst. Based on assessor information available on the County's website, the two residences on-site were constructed in 1941 and 1950, with several horse barns also constructed in 1950. The existing office building proposed to be used for offices and security surveillance was constructed in 1990.

In the event of an accidental discovery or recognition of any human remains, 3 CCR 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 (CHSC). CHSC Section 7050.5 and LUO Section 22.10.040 (Archaeological Resources) require that in the event of accidental discovery or recognition of any human remains, no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California PRC Section 5097.98.

Discussion

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

The project consists of the establishment of 3 acres of outdoor cultivation in aboveground planter boxes and use of an existing office building for offices and security surveillance uses. Based on County records, the existing building to be used for the project was built in 1990 and is therefore not of historic age (e.g., 50 years or older). The project site does not contain any known designated or eligible historic resources and does not contain a site under the Historic Site (H) combining designation. Therefore, potential impacts associated with substantial adverse change in the significance of a historical resource would be *less than significant*.

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

The project does not include any substantial grading or earthwork. Ground-disturbance activities would be limited to installation of new fencing around cultivation Area 5, placement of aboveground planter boxes within each of the proposed cultivation areas, and improvements to the existing paved driveway approaches, as required to meet County roadway standards.

The slope of project site is generally less than 10% and the site is not within 300 feet of a creek. Therefore the requirements of LUO Section 22.94.040 do not apply.

In the event that resources are uncovered during grading activities, implementation of LUO Section 22.10.040 would be required. This section requires that, in the event archaeological resources are encountered during project construction, construction activities shall cease, and the County Department of Planning and Building 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 CHSC Section 7050.5 as well as CDFA requirements regarding accidental discovery of

cultural resources. Therefore, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

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

Based on existing conditions and the limited nature of proposed ground disturbance, project activities would not be expected to have the potential to unearth buried human remains. In the event of an accidental discovery or recognition of any human remains, CHSC Section 7050.5 and LUO Section 22.10.040 require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. With adherence to CHSC Section 7050.5 and the County LUO, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant*.

Conclusion

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

Mitigation

None necessary.

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

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 basis for clean solar power. The fee depends on the type of service, rate plan, and enrollment level. Customers

may choose to have 50% or 100% of their monthly electricity usage to be generated via solar projects. The Regional Renewable Choice program enables customers to subscribe to renewable energy from a specific community-based project within PG&E's service territory. The Regional Renewable Choice program allows a customer to purchase between 25% and 100% of their annual usage from renewable sources.

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

Local Energy Plans and Policies

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

State Building Code Requirements

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the *2019 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and nonresidential 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 U.S. Department of Transportation (USDOT), 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 USDOT Secretary Elaine Chao announced that the USEPA intended 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 2, 2018, notice is not the 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. CARB has also put in place

innovative programs to drive the development of low-carbon, renewable, and alternative fuels, such as their Low Carbon Fuel Standard (LCFS) Program, pursuant to California Assembly Bill (AB) 32 and the Governor's Executive Order (EO) 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% 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 NO_x and particulate matter 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 and 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 indoor or 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?*

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

The project would include upgrading six existing flood lights on-site to have LED bulbs and be motion-sensor activated, use of an existing surveillance system, and use of an existing office building for office and security monitoring purposes. The project's operational electricity needs would be met by an existing connection to PG&E facilities, which currently supplies an 88% GHG-free sourced energy supply.

Because the proposed office is an existing structure, the structure would not be subject to 2019 CBC energy efficiency requirements. However, the existing office building includes existing lighting and HVAC systems that have been used for office uses historically. The project would not result in any building modifications or other changes that would substantially intensify the existing energy demand of the existing building or otherwise result in wasteful, inefficient, or unnecessary energy use.

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 two 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, energy consumption during operation would not result in the wasteful, unnecessary, or inefficient consumption of energy, and impacts would be *less than significant*.

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

Operation of the outdoor cannabis cultivation would not require the use of grow lights or artificial lighting. Project energy demand for on-site surveillance, security lighting, and office lighting and HVAC uses would be supplied by PG&E, which currently supplies an 88% GHG-free sourced energy supply. Therefore, the project's energy consumption would not result in a significant environmental impact and no project components or operations would conflict with CDFA renewable energy standards for cannabis cultivation projects, the County EWP, or any other state or local plan for renewable energy or energy efficiency. Therefore, *impacts would be less than significant*.

Conclusion

The project includes outdoor cannabis cultivation and use of an existing building on-site for offices and security monitoring. Based on the scope of the project and proposed energy source, 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 type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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 County of San Luis Obispo General Plan Safety Element identifies three active faults that traverse through the county and are currently zoned under the Alquist-Priolo Act: the San Andreas Fault, the Hosgri-San Simeon Fault, and the Los Osos Fault.

The Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the county. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The Safety Element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code. The nearest potentially active fault is located approximately 10 miles southwest of the project site.

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

Based on the geologic map of the project area, the project site is underlain by surficial sediments composed of alluvial sand and gravel of valley areas of the Holocene Epoch (Qa) and older surficial sediments composed of terraces of dissected alluvial gravel and sand of the Pleistocene Epoch (Qoa) (Dibblee and Minch 2004). These geologic units have low to high paleontologic resource potential, dependent on depth (Applied Earthworks, Inc. 2014). The COSE identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Where substantial subsurface disturbance is proposed in paleontologically sensitive units, Implementation Strategy CR 4.5.1 (Paleontological Studies) requires a paleontological resource assessment and mitigation plan be prepared, to identify the extent and potential significance of resources that may exist within the proposed development and provide mitigation measures to reduce potential impacts to paleontological resources.

See Section II, Agriculture and Forestry Resources, for a list of soils in the project area.

Discussion

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

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

The project site is not located within an Alquist-Priolo Fault Hazard Zone and the nearest mapped active or potentially active fault is located approximately 10 miles to the southwest of the project. Based on the nearest known fault being located over 10 miles away, *no impacts would occur*.

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

The nearest mapped active or potentially active fault is located approximately 10 miles to the southwest of the project. The project includes use of an existing single-story 2,170-square-foot structure constructed in the 1990s. Based on the size of this structure and distance to the nearest known fault line, the use of this structure would not be particularly susceptible to hazards associated with strong seismic ground shaking.

No construction or use of other structures are proposed. Use of outdoor cultivation areas would not result in any increased risk or adverse effects involving seismic ground shaking; therefore, potential impacts would be *less than significant*.

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

Based on the Safety Element Liquefaction Hazards Map, the proposed cultivation areas and existing building to be used for offices and security surveillance monitoring are located in an area with low potential for liquefaction. The project does not include any new structures or uses that would be particularly vulnerable to or cause adverse substantial adverse effects involving seismic ground failure, including liquefaction; therefore, potential impacts would be *less than significant*.

- (a-iv) *Landslides?*

The project site has relatively flat topography. Based on the Safety Element Liquefaction Hazards Map, the project site is in an area with low potential for landslide. The project does not include substantial amounts of earthwork that would alter the existing topography of the site or otherwise increase potential hazards associated with landslides; therefore, potential impacts would be *less than significant*.

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

The project would result in installation of aboveground planters within each of the proposed outdoor cultivation areas and installation of security fencing around cultivation Area 5. Existing trees located within Area 5 would remain in place and no tree removal or trimming would occur as a result of the project. The project would not result in a substantial amount of earthwork or otherwise result in substantial soil erosion or loss of topsoil; therefore, potential impacts would be *less than significant*.

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

The project site is located in an area with low potential for landslides and low potential for liquefaction, and is approximately 10 miles from the nearest mapped fault line. The project is not located in an area with known historical or current subsidence (U.S. Geological Survey [USGS] 2019); therefore, impacts associated with unstable earth conditions would be *less than significant*.

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

Based on the soil units present within the project area, the project is located on soils with moderate to high shrink-swell potential (see Section II, Agriculture and Forestry Resources, for full soil unit descriptions). The project does not include construction of any new structures for human occupancy. The existing single-story 2,170-square-foot structure proposed for office and security surveillance uses has historically been used as offices and no hazards associated with expansive soils have occurred to date. Continued use of this structure for offices and surveillance would not exacerbate existing risks or create substantial direct or indirect risks associated with expansive soils; therefore, potential impacts would be *less than significant*.

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

Project employees would utilize the existing permanent restroom and associated septic system located within the existing office building on-site. Based on the limited number of full-time employees required to maintain project operations, no new septic systems or expansions would be needed to serve the project. Therefore, *no impacts would occur*.

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

The project site consists of highly disturbed areas covered by ruderal vegetation and no unique geologic features occur on-site. Based on the geologic map of the project area, the project site is underlain by surficial sediments composed of alluvial sand and gravel of valley areas of the Holocene Epoch (Qa) and older surficial sediments composed of terraces of dissected alluvial gravel and sand of the Pleistocene Epoch (Qoa) (Dibblee and Minch 2004). These geologic units have low to high paleontologic resource potential, dependent on depth (Applied Earthworks, Inc. 2014). The project's proposed earthwork would be limited to installation of new fencing around cultivation Area 5, installation of aboveground planter boxes within each of the cultivation areas, and improvements to the existing driveway approaches. The project would not result in any substantial earthwork or grading activities that would have the potential to disturb the underlying geologic unit or bedrock. Therefore, potential impacts associated with directly or indirectly destroying a unique paleontological resource or unique geologic feature would be *less than significant*.

Conclusion

The project site is not within the GSA combining designation or an area of high risk of landslide, liquefaction, subsidence, or other unstable geologic conditions. Potential impacts associated with geology and soils would be less than significant and no mitigation is necessary.

Mitigation

None necessary.

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"/>
(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 metric 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 Bight 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.

It is important to note the Bright-Line Threshold of 1,150 MTCO₂e/year was developed to meet the state goal of reducing GHG emissions to 1990 levels by 2020; however, construction and operation of the project would occur well beyond 2020. Therefore, the project would be subject to the Senate Bill (SB) 32-based targets for 2030, which are 40% below the AB 32-based 2020 targets. The SLOAPCD’s GHG thresholds have not been updated to comply with SB 32 and the more recent, more stringent GHG reduction goals; therefore, the Bright Line Threshold and SLOAPCD screening thresholds are included for informational purposes only.

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 Low Carbon Fuel Standard 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.

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

Discussion

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

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 federal and state 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 2001 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The project would not be located in an

area of known hazardous material contamination and is not on a site listed on the Cortese List (SWRCB 2020; California Department of Toxic Substance Control [DTSC] 2020).

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

The CHSC 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 County of San Luis Obispo General Plan Safety Element 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 (SRA) in a High FHSZ. Based on the referral response letter from the California Department of Forestry and Fire Protection (CAL FIRE), it would take approximately 35 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

The project would be not located within an Airport Review Area and there are no active public or private landing strips within 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 will not include the storage or use of pesticides on-site. Any commonly used hazardous substances within the project site (e.g., fertilizers, cleaners, solvents, oils, paints, etc.) would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of potentially 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 project does not propose the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions. Construction activities would be limited to installation of new fencing materials and installation of planter boxes within each of the cultivation areas. Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws for the handling of hazardous materials, including response and clean-up requirements for any minor spills. There are no public facilities or particularly sensitive habitat features (e.g., riparian habitat, wetlands, etc.) within the immediate vicinity of proposed work areas. Therefore, potential impacts would be *less than significant*.

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

The closest school facility is the Phillips Freedom Community Day School, located approximately 1.8 miles southeast of the project site, which has been closed since 2012. The nearest open school facility is located approximately 4.9 miles to the northeast of the project site. The project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

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

Based on the California DTSC's Envirostor and SWRCB's GeoTracker, the proposed project site is not listed on or located in close proximity to a site listed on the Cortese List, which is a list of hazardous materials sites compiled pursuant to CGC Section 65962.5. The nearest sites with active statuses include three wineries located between 1.3 and 1.8 miles from the project site (SWRCB 2020). Therefore, *no impacts would occur*.

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

The project site is located approximately 4.5 miles east of the Paso Robles Municipal Airport. Based on the currently adopted Airport Land Use Plan, the project is not located within the airport planning area or within the airport noise contours of 55 A-weighted decibels (dBA) or above (City of Paso Robles 2005). Therefore, potential impacts associated with safety hazards or excessive noise due to proximity to airport facilities would *not occur*.

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

The project would be located on an existing parcel and would not alter or prohibit access to the local circulation system. The project does not require any road closures and would be designed to accommodate emergency vehicle access. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, *impacts would be less than significant*.

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

The project is located within the High FHSZ and is located on a parcel with moderately dense native vegetation and limited access. The site is located within an SRA and based on the County Fire/CAL FIRE response time map, it would take approximately 5 to 10 minutes to respond to a call regarding fire or life safety. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and PRC, which includes, but would not be limited to, maintaining the existing access road/driveway to accommodate emergency vehicle access and vegetation clearing or trimming around existing structures if necessary. The project would be subject to review by County Fire/CAL FIRE and the project applicant will be required to comply with the requirements of the California Fire Code for the life of the project; therefore, potential impacts would be *less than significant*.

Conclusion

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

Mitigation

None necessary.

X. HYDROLOGY AND WATER QUALITY

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

Setting

The RWQCB's Water Quality Control Plan for the Central Coast Basin (Basin Plan; RWQCB 2017) describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Basin Plan outlines the beneficial uses of streams, lakes, and

other water bodies for humans and other life. There are 24 categories of beneficial uses, including, but not limited to, municipal water supply, water contact recreation, non-water contact recreation, and cold freshwater habitat. Water quality objectives are then established to protect the beneficial uses of those water resources. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

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

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

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%. 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%, on highly erodible soils, or within 100 feet of any watercourse.

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

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

Discussion

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

The nearest surface water feature to the proposed disturbance areas is the Estrella River, located approximately 940 feet to the east. The project would result in approximately 130,680 square feet (3 acres) of site disturbance. Site disturbance activities include installation of new fencing, installation of aboveground planter boxes in each of the cultivation areas, and improvements to the existing driveway approaches. During operation, the project would not utilize pesticides, and all fertilizers used on-site would be stored in secure containers on-site.

The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. The project would be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a SWPPP that incorporates BMPs during construction. Water quality protection measures would include protection of stockpiles, protection of all disturbed areas, protection of access roads, and perimeter containment measures. Based on the scope and nature of the proposed project, distance from the nearest creek or water feature, and compliance with existing state and County water quality, sedimentation, and erosion control standards, the project would not result in a violation of any water quality standards, discharge into surface waters, or otherwise alter surface water quality. Therefore, impacts related to violation of water quality standards would be *less than significant*.

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

Project water demand would be supplied by an existing groundwater well located on-site. The project is located within the PRGWB, which is categorized as being in a state of critical overdraft per the Sustainable Groundwater Management Act (SGMA) and an LOS III as determined by the County's Resource Management System. A water demand analysis prepared by Wallace Group estimates that the total water demand for the project would be 2.17 AFY (Wallace Group 2020). Based on the project site and well location within an Area of Severe Decline, the project applicant would be required to offset this new water use at a 2:1 ratio prior to establishment of the use, as detailed in Mitigation Measures WQ-1 and WQ-2. This would be accomplished through either implementation of water use reductions on- or off-site, participation in an approved water conservation program, or a combination of the two. Implementation of these mitigation measures would result in a net increase of water resources within the groundwater basin; therefore, impacts related to depletion of groundwater supplies or interference with groundwater recharge would be *less than significant with mitigation*.

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

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

The project would result in approximately 130,680 square feet (3 acres) of site disturbance. No substantial grading would be required. Site disturbance activities would be limited to installation of new fencing around cultivation Area 5, installation of aboveground planter boxes in each of the cultivation areas, and required improvements. During operation, employees would walk between the planter boxes for preparation, planting, monitoring, maintenance, and harvest. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Therefore, based on compliance with County standards and the limited scope of project activities, project impacts associated with substantial erosion or siltation would be *less than significant*.

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

The project includes establishment of 3 acres of outdoor cultivation areas, which would consist of installation of aboveground planter boxes and hoop structures that would be covered during nighttime hours to protect plants from inclement weather, such as cold. Each of the planter boxes would be separated by uncovered walkways. The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could result in flooding on- or off-site. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff resulting in flooding would be *less than significant*.

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

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

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

Based on the County Flood Hazard Map, the eastern edge of the project parcels is located within a 100-year flood zone. No site disturbance or other work activities are proposed in this area. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Therefore, potential impacts would be *less than significant*.

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

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

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

The project is located within the PRGWB, which is categorized as being in a state of critical overdraft, and is within an area that is categorized as being in severe decline (County of San Luis Obispo 2020). Therefore, the project applicant is required to offset project water usage at a 2:1 ratio per LUO requirements. The project applicant would be required to offset this new water use through a reduction in water uses, installation of efficient water systems and fixtures, and/or participation in an approved water conservation program, as detailed in Mitigation Measures WQ-1 and WQ-2. Therefore, potential impacts associated with conflict or obstruction of a water quality control plan or sustainable groundwater management plan would be *less than significant with mitigation*.

Conclusion

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

WQ-1

Prior to issuance of building permits (or prior to occupancy if no building permits are required), all applicants for cannabis-related activities within the PRGWB shall provide to the County Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050 D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042(4). The Water Conservation Plan shall include the following:

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

iii. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.

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

WQ-2

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

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

The County of San Luis Obispo General Plan Land Use Element (LUE) 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 within which they are located. The project parcel and surrounding properties are all within the Agriculture land use designation.

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

unincorporated inland urban and village areas. The project site is located within the El Pomar-Estrella subarea of the North County Planning Area.

Discussion

(a) Physically divide an established community?

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

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

The proposed project components are allowed uses within the property's land use designation and would be generally consistent with the guidelines and policies for development within the applicable area plan, the Inland LUO, and the COSE. The project is consistent with existing surrounding developments and does not contain sensitive on-site resources; therefore, 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, *no impacts would occur*.

Conclusion

The project would be consistent with regional and local 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.

XII. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<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 (SMARA) of 1975 requires that the State Geologist classify land into mineral resource zones (MRZ) according to the known or inferred mineral potential of the land (California PRC Sections 2710–2796).

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

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

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

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

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

Discussion

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

The project is not located within a designated MRZ or within an Extractive Resource Area combining designation (CGS 2015; County of San Luis Obispo 2015). 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 mineral resource zone or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, *no impacts would occur*.

Conclusion

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

Mitigation

None necessary.

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

Setting

The County of San Luis Obispo General Plan Noise Element 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 dBA. A-weighting deemphasizes 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 (Table 5). Exterior noise level standards are applicable when a land use affected by noise is one of the sensitive uses listed in the Noise Element. Exterior noise levels are measured from the property line of the affected noise-sensitive land use.

Table 5. Maximum Allowable Exterior Noise Level Standards¹

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

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

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

Discussion

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

All construction activities would be limited to the daytime hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday and Sunday, in accordance with County construction noise standards (County Code Section 22.10.120.A). Noise generated during construction activities would considerably attenuate over the distance to the nearest off-site sensitive receptor (approximately 0.3 mile to the southwest).

Noise generated during operational activities would be minimal and primarily limited to the approximately two daily vehicle trips. The project proposes outdoor cannabis cultivation and, therefore, no new sources of stationary noises would be installed. Therefore, impacts related to exposing people to noise levels that exceed the Noise Element thresholds 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 any grading/earthmoving activities, pile driving, or other high-impact activities that would generate substantial groundborne noise or groundborne vibration during construction. Construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited in duration and are not likely to be perceptible from adjacent areas. The project does not propose a use that would generate long-term operational groundborne noise or vibration. Therefore, impacts related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels would be *less than significant*.

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

The project site is located approximately 4.5 miles east of the Paso Robles Municipal Airport. Based on the currently adopted Airport Land Use Plan, the project is not located within the airport noise contours of 55 dBA or above (City of Paso Robles 2005). The project site is not located within an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impacts* would occur.

Conclusion

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

Mitigation

None necessary.

XIV. POPULATION AND HOUSING

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

Setting

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

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

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to two full-time employees and four seasonal employees. The general scope and scale of the proposed activities would not directly or indirectly induce substantial population growth in the area and would not result in a need for a significant amount of new housing nor displace any housing in the area. Therefore, impacts to population and housing would be *less than significant*.

- (b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*
- The project would not displace existing housing or necessitate the construction of replacement housing elsewhere; therefore, *no impacts would occur*.

Conclusion

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

Mitigation

None necessary.

XV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
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. The nearest CAL FIRE station to the project site is located approximately 5.5 miles to the southwest and based on the County Land Use View tool, it would take approximately 5-10 minutes for emergency personnel to respond to a call regarding life safety.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county: the Coast Station in Los Osos, the North Station in Templeton, and the South Station in Oceano. The project would be served by the County Sheriff's Office, and the nearest sheriff station is located approximately 16.4 miles southwest of the project site, in the community of Templeton.

San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The project site is located within the Paso Robles Joint 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 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). Based on the limited amount of development proposed, the project would not create a significant new demand for fire services. In addition, the project would be subject to public facility fees to offset the increased cumulative demand on fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is discussed in Section XX, Wildfire.

Police protection?

The applicant has prepared a security plan subject to the review and approval of the County Sheriff's 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 requirements provided by the County Sheriff's Office. In addition, the project would be subject to public facility fees to offset the project's cumulative contribution to demand on law enforcement services. Therefore, impacts related to police services would be *less than significant*.

Schools?

The project would provide full time employment for up to two individuals and seasonal employment opportunities for up to four individuals. As discussed in Section XIV, Population/Housing, the project's

employment opportunities would not be substantial enough to induce notable population growth in the area or result in the need for new housing. In addition, the project would be subject to school impact fees, pursuant to California Education Code Section 17620, to help fund construction or reconstruction of school facilities. Therefore, impacts would be *less than significant*.

Parks?

As discussed in Section XIV, Population and Housing, the project would not induce a substantial increase in population growth and would therefore 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 not result in the need for provision of new or physically altered government facilities and be subject to applicable public facilities fees to offset the incremental increased demand on public facilities; therefore, impacts related to other public facilities would be *less than significant*.

Conclusion

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

Mitigation

None necessary.

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

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

The Shandon to Barney Schwartz and the Salinas River proposed trail corridor overlays a portion of the project site. If the County were to pursue developing a trail along this corridor through the project site, it would require an easement or purchase of the property and project components located in that area would be removed. No current plans to develop this trail corridor are active to date and development of the project would not permanently prevent trail development through this area.

Discussion

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

The project site is not within proximity to any County or City of Paso Robles (City) parks or recreational areas. The nearest public park or recreational facilities are located approximately 6 miles to the west in Paso Robles. The project would provide full-time employment for up to two individuals and seasonal employment opportunities for up to four individuals. As discussed in Section XIV, Population and Housing, the project's employment opportunities would not be substantial enough to induce notable population growth in the area and therefore would not result in a notable increase in existing neighborhood and regional parks or other 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 recreational facilities or require the construction or expansion of recreational facilities; therefore, *no impacts would occur*.

Conclusion

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

Mitigation

None necessary.

XVII. TRANSPORTATION

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

Setting

The San Luis Obispo Council of Governments (SLOCOG) holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA), SLOCOG is responsible for conducting a comprehensive, coordinated transportation program; preparing a Regional Transportation Plan (RTP); programming state funds for transportation projects; and administering and allocating transportation development act funds required by state statutes. The 2019 RTP, adopted June 5, 2019, is a long-term blueprint of San Luis Obispo County's transportation system. The plan identifies and analyzes transportation needs of the region and creates a framework 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 County of San Luis Obispo General Plan Land Use and Circulation Elements. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities within 5 miles of the project site.

Discussion

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

The project includes establishment of outdoor cannabis cultivation and use of an existing building for offices and security surveillance uses. The project would generate similar traffic levels as rural residences and agricultural operations in the area. Therefore, the project would not conflict with an established measure of effectiveness for the performance of a circulation system, conflict with a congestion management program, or conflict with adopted transportation plans or policies, and potential impacts would be *less than significant*.

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

The County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. 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 project would require up to two full-time employees and four seasonal employees and would not be open to the public. Based on County Department of Public Works standard trip generation rates for cannabis activities, the new VMT generated by the proposed project would fall below the suggested screening threshold of 110 trips per day identified in the state guidance (Table 6) (Technical Advisory on Evaluating Transportation Impacts in CEQA; OPR, December 2018), and would therefore be assumed to be less than significant. Therefore, potential impacts would be *less than significant*.

Table 6. Estimated Project Vehicle Trips

Project Component	Unit	Quantity	Trip Rate	Average Daily Trips (ADT)
Outdoor Cultivation	Acres	3	2	6
Seasonal Employees	Employee	4	2	8
Total				14

- (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 be accessed via an existing paved driveway off Estrella Road. Based on the referral response letter provided by the County Department of Public Works, the project site driveway approach may need to be reconstructed to current County standards to protect the County public road from edge of pavement damage and minimize tracking soil and rocks onto the roadway surface. These improvements would include reconstruction of the existing access driveway approaches to meet current A-5 and B-1a standards. The project would be conditioned to secure the appropriate encroachment permits and implement these improvements prior to initiation of cultivation activities. Therefore, based on required compliance with Department of Public Works access driveway standards, potential impacts associated with hazards due to geometric design features would be *less than significant*.

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

The project would be accessed by an existing paved access driveway off Estrella River Road. The project would be subject to review for compliance with all applicable Fire Code requirements, such as addressing, maintenance of the existing driveway, and installation of a Knox box to allow for adequate emergency personnel access in the event of an emergency. A referral package was provided to County Fire/CAL FIRE on August 16, 2019, and no response has been received to date. The project would be

subject to inspection and approval by County Fire/CAL FIRE prior to occupancy to ensure all applicable Fire Code requirements are met. Therefore, based on existing infrastructure and compliance with County and State Fire Code requirements, potential impacts associated with inadequate emergency access would be *less than significant*.

Conclusion

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

Mitigation

None necessary.

XVIII. TRIBAL CULTURAL RESOURCES

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

Setting

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

1. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the CRHR; or
 - b. Included in a local register of historical resources as defined in PRC Section 5020.1(k).
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 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: Northern Salinan, 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 was conducted in August 2019 to four Native American tribes: Northern Salinan, Xolon Salinan, yak tiṭu tiṭu yak tiłhini Northern Chumash, and Northern Chumash Tribal Council. No responses have been received to date.

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

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

The 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 known 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 CHSC 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

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

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

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. Power is currently provided on-site through an existing PG&E connection and water would be supplied from an existing well on-site. Project employees would utilize the existing restroom and septic system facilities located in the existing office building. No new or expanded facilities would be required to service the project site, and no utility relocations are proposed. Therefore, potential impacts would be *less than significant*.

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

Project water demand would be supplied by an existing groundwater well located on-site. The project is located within the PRGWB, which is categorized as being in a state of critical overdraft per the SGMA and an LOS III as determined by the County’s Resource Management System. A water demand analysis prepared by Wallace Group estimates that the total water demand for the project would be 2.17 AFY (Wallace Group 2020). Based on the project site and well location within an Area of Severe Decline,

the project applicant would be required to offset this new water use at a 2:1 ratio prior to establishment of the use, as detailed in Mitigation Measures WQ-1 and WQ-2. This would be accomplished through either implementation of water use reductions on-site or off-site, participation in an approved water conservation program, or a combination of the two. Implementation of these mitigation measures would result in a net increase of water resources within the groundwater basin; therefore, impacts related to having sufficient water supplies during normal, dry, and multiple dry years would be *less than significant with mitigation*.

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

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

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

Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. All soil within the facility will be composted and reused on-site. 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 wastewater or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. Because the project is in the PRGWB, there is a potential for impacts related to groundwater supply. Mitigation is required to ensure the project offsets its water demand by a 2:1 ratio resulting in a net-positive impact on the basin. Therefore, potential impacts to utilities and service systems would be less than significant with mitigation.

Mitigation

Implement Mitigation Measures WQ-1 and WQ-2.

XX. WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. FHSZs are defined by CAL FIRE 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 SRA in a High FHSZ. Based on CAL FIRE's referral response letter, it would take approximately 10 minutes to respond to a call regarding fire or life safety.

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

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

Topography influences wildland fire to such an extent that slope conditions can often become a critical wildland fire factor. Conditions such as speed and direction of dominant wind patterns, the length and

steepness of slopes, direction of exposure, and/or overall ruggedness of terrain influence the potential intensity and behavior of wildland fires and/or the rates at which they may spread (Barros et al. 2013).

The County of San Luis Obispo General Plan Safety Element 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 would be located on an existing parcel and would not alter or prohibit access to the local circulation system. The project does not require any road closures and would be designed to accommodate emergency vehicle access. The project would not impair implementation or physically interfere with County emergency response or evacuation plans; therefore, *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 does not include any major grading or other major topography changes or removal of natural wind barriers. The project would be subject to review for compliance with all applicable Fire Code requirements, such as addressing, maintenance of the existing driveway, and installation of a Knox box to allow for adequate emergency personnel access in the event of an emergency. A referral package was provided to County Fire/CAL FIRE on August 16, 2019, and no response has been received to date. The project would be subject to inspection and approval by County Fire/CAL FIRE prior to occupancy to ensure all applicable Fire Code requirements are met. Therefore, based on existing infrastructure and compliance with County and State Fire Code requirements, potential impacts associated with exacerbation of fire 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?*

The proposed project would not require establishment of new utility services as all necessary resources are already available on-site. Proposed improvements to the existing driveway approaches would be designed and implemented in compliance with County regulations. The project would be designed to comply with all applicable fire safety rules and regulations, including the California Fire Code and PRC, which would include, but not be limited to, proper addressing of the site, maintenance of the existing driveway, and installation of a Knox box to allow emergency personnel to access the site quickly in the event of an emergency. 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 project is not located near steep slopes and would not result in grading or installation of new impervious surfaces substantial enough to substantially alter on-site drainage patterns. Based on the Safety Element, the project site is located in an area with low landslide risk potential. The project does not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, potential impacts would be *less than significant*.

Conclusion

No significant impacts as a result of wildfire would occur, and no mitigation measures are necessary.

Mitigation

None necessary.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion

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

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

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

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." Section 15355 of the State CEQA Guidelines further states that individual effects can be various changes related to a single project or the change involved in several 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 9, 2019). Unpermitted cannabis operations are expected to continue to be abated throughout the county.

Table 7 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 (July 15, 2020). Each of these proposed activities is considered a reasonably foreseeable future project for the purposes of this cumulative impact analysis. It is important to note, however, that many proposed activities are subject to change during the land use permit process and a portion of these applications may be withdrawn by the applicant or denied by the County approving body. Figure 6 shows the project site along with other approved and proposed cannabis project sites within 5 miles of the proposed project site.

**Table 7. 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	85	42.5	23
Outdoor Cultivation	90	225	22
Total For All Cultivation Projects	114	267.5	30
Manufacturing	24	-	6
Non-Storefront Dispensary	28	-	15
Total	166	267.5	51

¹ As of July 15, 2020.

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

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

- All 114 applications for cultivation sites would be approved and developed;
- Each cultivation site would be developed with the maximum allowed cultivation uses:
 - 38,000 square feet of ancillary nursery;
 - A total of six full-time employees and 7 seasonal employees;
 - A total of 12 average daily motor vehicle trips;
 - All sites would be served by a well and septic leach field;
 - Indoor cultivation would employ mixed-light cultivation practices;
 - Water demand for indoor cultivation is estimated to be approximately 0.1 gallons per square foot of cannabis canopy per year; and
 - Water demand for outdoor cultivation is estimated to be approximately 0.3 gallons per square foot of cannabis canopy per year.

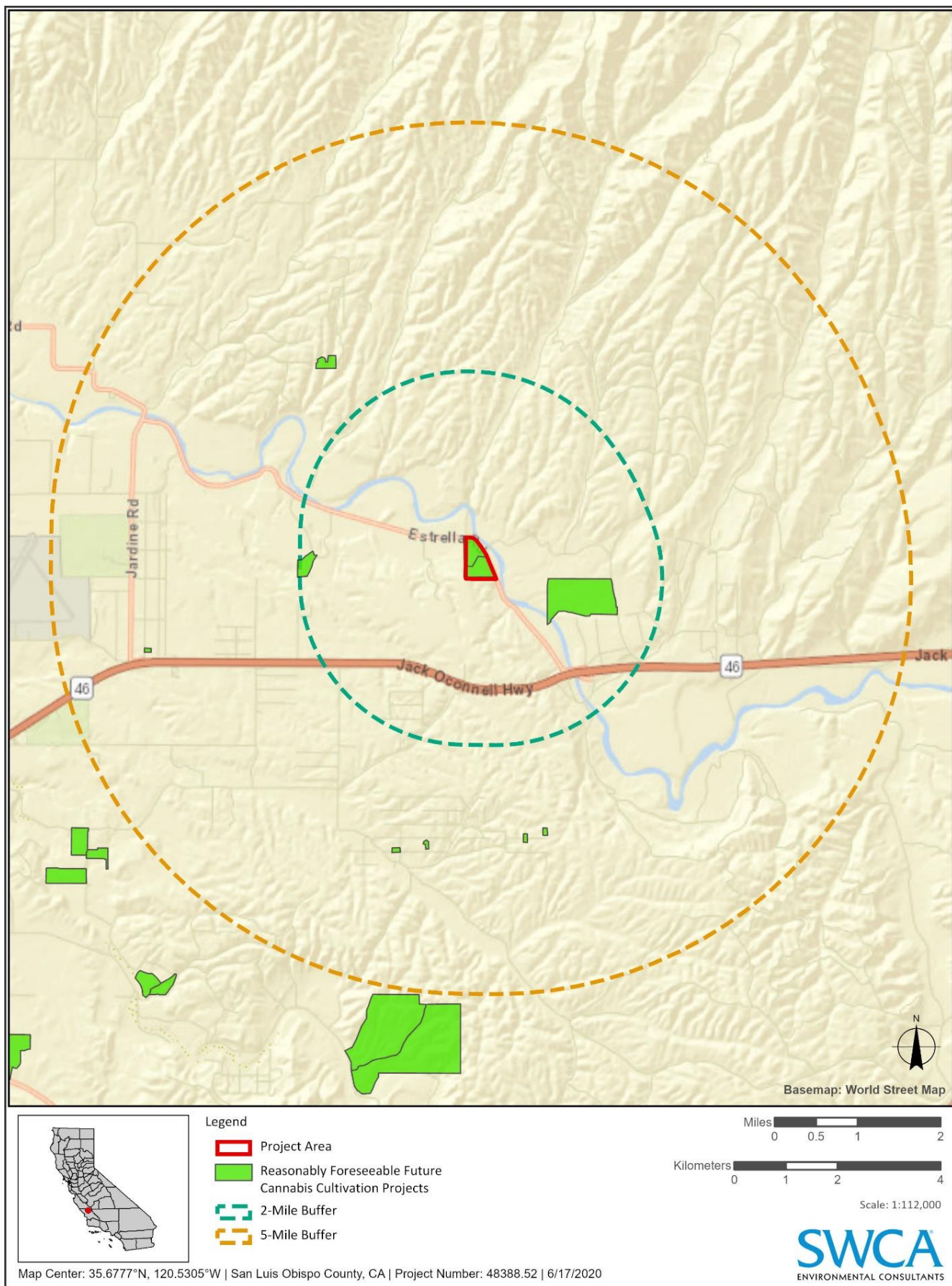


Figure 6. Reasonably Foreseeable Future Development Scenario Map.

Aesthetics

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

Based on the County of San Luis Obispo Land Use View online mapping tool, the project site is in an area with eight other approved or potential future cannabis facilities within 5 miles (as of February 18, 2020). Surrounding proposed cannabis cultivation operations would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts to visual resources. Based on the rural and agricultural visual character of the area, newly proposed structures visible from surrounding public roadways would undergo evaluation for consistency with the surrounding visual character and may be required to implement visual screening and/or other measures if County staff identify potential impacts to visual resources. Proposed cannabis cultivation components such as security lighting and/or use of mixed-light growing techniques would be subject to standard County mitigation measures to eliminate off-site nighttime light overspill.

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

Agriculture and Forestry Resources

As discussed in Section II, Agriculture and Forestry Resources, the project would not result in the conversion of any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use and no potential impacts to forest land or timberland would occur. The project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the project's potential impacts to agriculture and forestry resources is considered less than cumulatively considerable.

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project would be consistent with the 2001 CAP and would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in 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.

Based on the County of San Luis Obispo Land Use View online mapping tool, the project site is in an area with eight other approved or potential future cannabis facilities within 5 miles (as of February 18, 2020). The project is also one of 115 land use permit applications for cannabis cultivation activities located within the county. All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts to air quality. These proposed cannabis cultivation projects would undergo evaluation for their potential to exceed applicable SLOAPCD thresholds and result in potentially cumulatively considerable contribution to the county's non-attainment status for ozone and/or fugitive dust. Proposed projects with the potential to exceed SLOAPCD thresholds would be subject to standard SLOAPCD mitigation measures to reduce potential air pollutant emissions to a less-than-significant level. These measures would also be applied for projects located within close proximity to sensitive receptor locations.

Based on the less-than-significant air quality impacts of the project and discretionary review of surrounding proposed cannabis projects, the impacts related to air quality of this project, when considered with the potential impacts of other reasonably foreseeable development in the area, would be less than cumulatively considerable.

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project's potential impacts to biological resources would be less than significant upon implementation of the identified avoidance and mitigation measures for special-status wildlife species and their habitats. With implementation of Mitigation Measures BIO-1 through BIO-14, potential project 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.

Hydrology and Water Quality

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

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

The project is located within the PRGWB, which is categorized as being in a state of critical overdraft, and is located within the area that is categorized as being in severe decline. A total of 32 applications for cannabis cultivation projects located within the PRGWB have been submitted to date (July 15, 2020) (Table 8).

Table 8. Estimated Water Demand from Reasonably Foreseeable Cannabis Cultivation in PRGWB

Bulletin 118 Groundwater Basin¹	Number of Reasonably Foreseeable Cultivation Projects	Total Estimated Water Demand From Cannabis Cultivation (AF/Year)³	Total Basin Storage Capacity (AF)
Paso Robles Groundwater Basin	32 ²	125.91	Approximately 400,000

¹ Source: California Department of Water Resources Bulletin 118, Interim Update 2016.

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

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

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

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

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.

Surrounding proposed cannabis cultivation operations would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including transportation impacts. 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 County Department of Public Works standard trip generation rates for cannabis activities, proposed cannabis projects would be evaluated on a case-by-case basis to determine if projects have the potential to exceed the 110 trips per day screening threshold recommended in state guidance. Projects that have potential to exceed this threshold or provide evidence of generating substantial VMT would be subject to further review and mitigation.

Moreover, each project will be required to mitigate the project-specific impacts to the transportation network through standardized public facilities fees and other mitigation measures, based on the potential impacts. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to serve the project. Therefore, based on the size and scope of the proposed project, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to roadway impacts would be less than cumulatively considerable.

Other Impact Issue Areas

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

- Cultural Resources;

- Energy;
- Geology and Soils;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Land Use Planning;
- Mineral Resources;
- Noise;
- Population and Housing;
- Public Services;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

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

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

Conclusion

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

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

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

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

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

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

Applied Earthworks, Inc. 2014. Paleontological Resource Assessment for the Master Drainage Plan and Programmatic Environmental Impact Report for the Coachella Valley Water District for the Region I-Oasis Area and Region II-Mecca/North Shore, Riverside and Imperial Counties, California. Available at: <https://www.cvwad.org/ArchiveCenter/ViewFile/Item/604>. Accessed June 2020.

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Exhibit B – Other Agency Approvals That May Be Required

California Department of Food and Agriculture (CDFA), CalCannabis Cultivation Licensing Division

The 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, requirements to conduct Envirostor database searches, and water supply requirements.

California Code of Regulations

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

Section 8102 – Annual State License Application Requirements

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

Section 8106 – Cultivation Plan Requirements

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

Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

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

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) provides legislation to protect federally listed plant and animal species. Impacts to listed species resulting from the implementation of a project would require the responsible agency or individual to formally consult with the US Fish and Wildlife Service (USFWS) to

determine the extent of impact to a particular species. If the USFWS determines that impacts to a federally listed species would likely occur, alternatives and measures to avoid or reduce impacts must be identified.

State Water Resources Control Board (SWRCB)

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

California Department of Fish and Wildlife (CDFW)

Lake or Streambed Alteration

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

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

California Endangered Species Act

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

Exhibit C – Mitigation Summary

The applicant has agreed to incorporate the measures identified in this document 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. These measures are detailed in the Developer's Statement attached below.

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR ESTRELLA RIVER FARMS LLC MINOR USE PERMIT
(DRC2019-00189)**

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

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

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

AESTHETICS (AES)

AES-1 Nighttime lighting. Prior to issuance of construction permits, the applicant shall submit a light pollution prevention plan to the County Department of Planning and Building for review and approval that demonstrates all exterior lighting would conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. All exterior lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions.

Monitoring: Compliance to be verified during quarterly inspections associated with the County Cannabis Monitoring Program.

BIOLOGICAL RESOURCES (BIO)

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

BIO-2 Preconstruction Survey for Special-Status Reptiles. A qualified biologist shall conduct a preconstruction survey immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. If any additional ground- or vegetation- disturbing activities occur on the project site, the above surveys and mitigation shall be repeated.

BIO-3 Preconstruction Survey for Sensitive and Nesting Birds. If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance associated with installation of new fencing, planter boxes, etc. 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, as detailed below.

- 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 burrowing owl [*Athene cunicularia*]) 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 2 weeks lapse between different phases of project activities (e.g., fencing and planter installation, driveway improvements, etc.), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-4 Preconstruction survey for American Badgers. A qualified biologist shall complete a preconstruction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

- a. If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infrared, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
- b. If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

BIO-5 Environmental Awareness Training. Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits; an overview of the FESA, the CESA, and the implications of noncompliance with these regulations; and an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County. If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on-site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BIO-6 San Joaquin Kit Fox Compensatory Mitigation Acreage. Prior to initiation of site disturbance activities (e.g., installation of planter boxes, driveway improvements, etc.), the applicant shall submit evidence to the CDFW and County that satisfactorily demonstrates one or a combination of the following SJKF mitigation measure options has been implemented to offset the project's calculated compensatory impacts:

- a. **Habitat Set Aside:** Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo kit fox habitat area northwest of SR 58), either on- or off-site, and provide for a nonwasting endowment to provide for management and monitoring of the property in perpetuity. Total area of habitat set aside shall be determined by the CDFW. Lands conserved shall be subject to the review and approval by the CDFW and County.

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

- b. **In-Lieu Fee:** Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area located within San Luis Obispo County and provide for a nonwasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) could be completed by providing funds to TNC pursuant to the Voluntary Fee-Based Compensatory Mitigation Program. The program was established in agreement between the CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of required mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after the CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground-disturbing activities. The fee, payable to "The Nature Conservancy," would be determined by CDFW based on \$2,500 per acre (e.g., 3 acres impacted × 3 acres mitigation per acre impacted × \$2,500 per acre = \$22,500).

- c. **Conservation Bank Credit:** Purchase credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit

fox corridor area and provide for a nonwasting endowment for management and monitoring of the property in perpetuity. The number of credits required shall be determined by the CDFW.

Mitigation alternative (c) can be completed by purchasing credits through the CDFW-approved Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would be calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground-disturbing activities.

BIO-7 San Joaquin Kit Fox Measures on Plans. Prior to initiation of site-disturbance activities, all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

BIO-8 Preconstruction Survey for San Joaquin Kit Fox. A qualified biologist shall complete a preconstruction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 200-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for sign of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF sign, and/or known or potential SJKF dens, if present. If no SJKF sign, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

- a. If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infrared camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- b. If a known den is identified within 200 feet of any proposed project work areas, no work may start in that area.

If 30 days lapse between different phases of project activities, where no or minimal work activity occurs, the SJKF survey shall be updated.

BIO-9 Biological Monitoring. A qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., installation of planter boxes, installation of fencing, driveway improvements, clearing, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

BIO-10 San Joaquin Kit Fox Avoidance and Protection Measures. During all site-disturbance activities, the following measures shall be adhered to and listed on all project plans:

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

- b. A maximum 25-mile-per-hour (mph) speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
- c. All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
- d. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes, or trenches greater than 2 feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If an SJKF is entrapped, the USFWS, CDFW, and County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
- e. All pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on-site shall be moved if there is an SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
- f. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
- g. No deliberate feeding of wildlife shall be allowed.
- h. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
- i. Trash will be disposed of into containers rather than stockpiling on-site prior to removal.
- j. Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with preconstruction survey requirements) by a qualified biologist before they are moved.
- k. The use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
- l. For any fenced area exceeds 100 yards of linear fencing, permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8 × 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence every 100 yards. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- m. During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures an SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations of injured or dead SJKF are made, the applicant shall immediately notify the USFWS, CDFW, and County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the

finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.

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

BIO-11 Lighting. To minimize the effects of exterior lighting on special-status wildlife species, the applicant shall submit a Light Pollution Prevention Plan to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

- a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn (e.g., use blinds, etc. in office building).
- b. Exterior lighting used for security purposes shall be motion activated and directed downward and to the interior of the site to avoid the light source from being visible off-site and shall be of the lowest lumen necessary to address security issues.

BIO-12 Site Maintenance and General Operations. The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- a. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- b. Project plans, drawings, and specifications shall show the boundaries of all work areas on-site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- c. Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on-site).
- d. Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- e. Washing of concrete, paint, and equipment and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- f. Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

BIO-13 Annual Pre-Activity Survey for San Joaquin Kit Fox. For the life of the project, if outdoor cultivation areas at any point change from aboveground planter boxes to in-ground planning, the applicant or project proponent shall hire a qualified biologist to complete an annual pre-activity survey for SJKF no more than 14 days prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and other special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 200-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 200 feet of the

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

BIO-14 Roosting Bat Survey and Avoidance. Site preparation and construction activities shall be conducted outside of the typical bat maternity roosting and pupping season (February 1 through August 31), if feasible. If construction activities are to occur within this season, the applicant shall retain a County of San Luis Obispo-approved qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-approved qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed and no further mitigation is required.

Monitoring: 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 through quarterly inspections associated with the County Cannabis Monitoring Program.

HYDROLOGY AND WATER QUALITY (WQ)

WQ-1 Prior to issuance of building permits (or prior to occupancy if no building permits are required), all applicants for cannabis-related activities within the PRGWB shall provide to the County Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050 D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042(4). The Water Conservation Plan shall include the following:

- a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by LUO Sections 22.40.050 C.1 and 22.40.060 C.1.
- b. A program for achieving a water demand offset of the quantified water demand as required by LUO Sections 22.40.050 D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042(4). Such a program may include, but is not limited to, the following:
 - i. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:
 1. Installation of drip irrigation.
 2. Installation of smart controllers, which are irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that

have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.

3. Installation of float valves on water tanks to prevent tanks from overflowing.
4. Conversion from using overhead sprinklers to wind machines for frost protection. (Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.)
5. Installation of rainwater catchment systems to reduce demand on groundwater. (Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.)
6. Participation in an approved water conservation program within the PRGWB that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
7. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.

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

WQ-2

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

Monitoring: Prior to the onset of permitted activities, the applicant shall submit the Water Conservation Plan for County review and approval. Compliance will be verified by the County Department of Planning and Building prior to cultivation activities and for the life of the project through quarterly inspections associated with the County Cannabis Monitoring Program.

Signature of Applicant

Name (Print)

Date

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR ESTRELLA RIVER FARMS LLC MINOR USE PERMIT
(DRC2019-00189)**

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

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

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

AESTHETICS (AES)

AES-1 Nighttime lighting. Prior to issuance of construction permits, the applicant shall submit a light pollution prevention plan (LPPP) to the County Department of Planning and Building for review and approval that demonstrates all exterior lighting would conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. All exterior lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions.

Monitoring: Compliance to be verified during quarterly inspections associated with the County Cannabis Monitoring Program.

BIOLOGICAL RESOURCES (BIO)

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

BIO-2 Pre-construction survey for special-status reptiles. A qualified biologist shall conduct a pre-construction survey immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If

any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. If any additional ground- or vegetation- disturbing activities occur on the project site, the above surveys and mitigation shall be repeated.

BIO-3 Pre-construction Survey for Sensitive and Nesting Birds. 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 associated with installation of new fencing, planter boxes, etc. 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, as detailed below.

- 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) 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., fencing and planter installation, driveway improvements, etc.), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-4 Pre-construction survey for American badgers. A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

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

American badger.

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

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

BIO-5 Environmental Awareness Training. Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BIO-6 San Joaquin Kit Fox Compensatory Mitigation Acreage. Prior to initiation of site disturbance activities (e.g., installation of planter boxes, driveway improvements, etc.), the applicant shall submit evidence to the CDFW and County that satisfactorily demonstrates one or a combination of the following SJKF mitigation measure options has been implemented to offset the project's calculated compensatory impacts:

- a. Habitat Set Aside: Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo kit fox habitat area northwest of SR 58), either on-site or off-site, and provide for a nonwasting endowment to provide for management and monitoring of

the property in perpetuity. Total area of habitat set aside shall be determined by CDFW. Lands conserved shall be subject to the review and approval by the CDFW and County.

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

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

Mitigation alternative (b) could be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program. The program was established in agreement between the CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of required mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy," would be determined by CDFW based on \$2,500 per acre (e.g., 3 acres impacted \times 3 acres mitigation per acre impacted \times \$2,500 per acre = \$22,500).

- c. Conservation Bank Credit: Purchase credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. The number of credits required shall be determined by CDFW.

Mitigation alternative (c) can be completed by purchasing credits through the CDFW approved conservation bank, the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would be calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground-disturbing activities.

August 14, 2020

BIO-7 SJKF Measures on Plans. Prior to initiation of site disturbance activities, all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

BIO-8 Pre-construction survey for SJKF. A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 200-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for sign of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF sign, and/or known or potential SJKF dens, if present. If no SJKF sign, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

- a. If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- b. If a known den is identified within 200-feet of any proposed project work areas, no work may start in that area.

If 30 days lapse between different phases of project activities, where no or minimal work activity occurs, the SJKF survey shall be updated.

BIO-9 Biological Monitoring. A qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., installation of planter boxes, installation of fencing, driveway improvements, clearing, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

BIO-10 San Joaquin Kit Fox Avoidance and Protection Measures. During all site disturbance activities, the following measures shall be adhered to and listed on all project plans:

- a. If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
- b. A maximum of 25 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
- c. All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.

August 14, 2020

- d. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
- e. All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
- f. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
- g. No deliberate feeding of wildlife shall be allowed.
- h. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
- i. Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- j. Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
- k. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
- l. For any fenced area exceeds 100 yards of linear fencing, permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence every 100 yards. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- m. During project activities and/or the operation phase, any contractor or

August 14, 2020

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

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

BIO-11 Lighting. To minimize the effects of exterior lighting on special-status wildlife species, the applicant shall submit a Light Pollution Prevention Plan to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

- a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn (e.g., use blinds, etc. in office building);
- b. Exterior lighting used for security purposes shall be motion activated and be directed downward and to the interior of the site to avoid the light source from being visible off-site and shall be of the lowest lumen necessary to address security issues.

BIO-12 Site Maintenance and General Operations - The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- a. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- b. Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- c. Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
- d. Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.

- e. Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- f. Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

BIO-13 Annual Pre-activity Survey for SJKF. For the life of the project, if outdoor cultivation areas at any point change from above-ground planter boxes to in-ground planning, the applicant or project proponent shall hire a qualified biologist to complete an annual pre-activity survey for SJKF no more than 14 days prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and other special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 200-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 200 feet of the disturbance area, then the County must be contacted for further guidance. The County will contact the appropriate resource agencies.

BIO-14 Roosting Bat Survey and Avoidance. Site preparation and construction activities shall be conducted outside of the typical bat maternity roosting and pupping season (February 1 through August 31), if feasible. If construction activities are to occur within this season, the applicant shall retain a County of San Luis Obispo-approved qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-approved qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed and no further mitigation is required.

Monitoring: 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.

HYDROLOGY AND WATER QUALITY (WQ)

WQ-1 Prior to issuance of building permits (or prior to initiation of permitted activities if no building permits are required), all applicants for cannabis-

related activities within the PRGWB shall provide to the County of San Luis Obispo Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050 D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042(4). The Water Conservation Plan shall include the following:

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

August 14, 2020

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

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

Monitoring: Prior to the onset of permitted activities, the applicant shall submit the Water Conservation Plan for County review and approval. Compliance will be verified by the County Department of Planning and Building prior to cultivation activities and for the life of the project through quarterly inspections associated with the County Cannabis Monitoring Program.



Bill Hodson

August 14, 2020

Signature of Applicant

Name (Print)

Date